



City of Yamhill's **ACTIVE** Municipal Code

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10.04.010 Zones Established. In order to designate and regulate the size and use of structures and lands within the City of Yamhill, the City is hereby divided into five zones as follows:

- (A) R-1 Single-family Residential
- (B) R-2 Single-family Residential
- (C) R-3 Two family Residential
- (D) RLC Residential Limited Commercial
- (E) C-3 General Commercial Zone

The City shall also contain three Overlay zones as follows:

- (A) PFO Public Facilities Overlay Zone
- (B) FHO Flood Hazard Overlay Zone
- (C) LUO Limited Use Overlay Zone

These zones and their boundaries are shown upon a map made a part of this Title, which map is designated as the official ZONING MAP of the City. Such map shall constitute the official record of the zones within the City as of the effective date of this Title. (Ord. 350, §(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.04.020 Zoning Map. The Zoning Map shall be dated with the effective date of the Title which adopts the map. A print of the map with any subsequent changes which may thereafter be adopted shall be maintained in the office of the City Recorder as long as this Title remains in effect. (Ord. 350, §(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.04.030 All Use Shall Be Consistent With Regulations. All use of the land and those actions which have impacts upon land use shall be reviewed in accordance with and be consistent with the Comprehensive Plan of the City. (Ord. 350, §(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.04.040 Future Annexations Shall Comply With Regulations. All lands which may be hereafter annexed to the City shall be annexed in accordance with the Comprehensive Plan and Zoning Title, or shall be zoned in compliance with the regulations in effect at the time an area is annexed to the City and shall continue to apply and be enforced by the City until otherwise changed pursuant to this Title. (Ord. 350, §(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.04.050 Zoning Of Future Street Vacations. Whenever any street, alley or public way is vacated, the zone on each side of such street, alley or public way shall be automatically extended to the center of such vacated area. (Ord. 350, §(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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Chapter 10.08 GENERAL DEFINITIONS

Sections:

10.08.010 Definitions

10.08.010 Definitions. As used in this Title, the word "City" shall mean the City of Yamhill, Oregon, including their officers, agents and employees. (Ord. 350, §7(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

"Access". The way or means by which pedestrians and vehicles shall have ingress and egress to property.

"Access Management". Measures regulating access to streets, roads, and highways from public roads and private driveways.

"Access Way". A walkway that provides pedestrian and/or bicycle passage either between streets or from a street to a building or other destination such as a school or park. They include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way and adjacent uses.

"Bicycle Facilities". Facilities which provide for the needs of bicyclists, including bikeways and parking.

"Bike Lane". A portion of a roadway which has been designated by striping and pavement markings for the preferential or exclusive use of bicyclists.

"Bikeway". A bikeway is created when a street has the approximate design treatment for bicyclist, based on motor vehicle traffic volumes and speed; shared roadway, shoulder bikeway, bike lane or bicycle boulevard.

"General Definitions". For the purpose of this Title, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory and directory, the word "building" includes a structure.

"Accessory Structure". A detached, subordinate building or portion of a main building, the use of which is incidental to that of the main building or to the use of the land.

"Accessory Use". A use incidental, appropriate, and subordinate to the main use of a lot or

building.

"Alley". A public space or thoroughfare not more than 20 feet, but not less than 10 feet in width which has been dedicated or deeded to the public for public use providing a secondary means of access.

"Alteration, Structural". Any change or repair which would affect or materially change a supporting member of a building, such as a bearing wall, column, beam, or girder.

"Apartment". An apartment shall mean a dwelling unit or units as defined in this Title.

"Automobile or Trailer Sales Area". A lot used for display, sale or rental of new or used automobiles or trailers, where no repair work is done except minor, incidental, repairs of automobiles or trailers to be displayed, sold or rented on the premises.

"Automobile Service Station". A building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul.

"Boarding, Lodging or Rooming House". 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 buildings.

"Basement". That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, then it shall be considered a story.

"Boarding House". A building or portion thereof used for the purpose of providing meals, or meals and lodging, for pay or compensation of any kind to persons other than members of the family occupying such dwelling.

"Building". A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

"Camp Grounds". A premise under one ownership where persons camp or live in a manner other than in a permanent building constructed entirely of wood or more lasting materials, excepting mobile home parks, and trailer parks.

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

"Clear Vision Area". A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot 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 lot lines at intersections have rounded corners, the lot-lines will be extended in a straight line to a point of intersection.

"Clinic". A facility for treating human ailments conducted by a group of physicians, dentists, or other licensed practitioner(s) for the treatment and examination of outpatients.

"Cemetery". Land used or intended to be used for including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery.

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

"Commission". The City Planning Commission of Yamhill.

"Community Building". A publicly owned and operated facility used for meetings, recreation or education.

"Council". The City Council of Yamhill, Oregon.

"Day Nursery (Kindergarten)". An institution, establishment, or place, not part of the public school system, in which are commonly received at one time 3 or more children, not of common parentage, under the age of 14 years, for a period or periods not exceeding 12 hours per day for the purpose of being given board, care, or training, apart from their parents or guardians for compensation or reward.

"Domestic Animals". Domestic animals are defined as those customarily kept in a single family dwelling, similar to dogs, cats, parakeets, parrots, hamsters, and mice, of 4 or less in combined total but does not include those animals customarily defined as being brought from the wilderness into a domesticated state, such as lions, panthers, bobcats, coyotes, bears, snakes, and other animals which, in the sole opinion of the Planning Commission, may represent a danger to the public health, safety or welfare.

"Dwelling". Any building or any portion thereof, which is not an "apartment house" or a "hotel" as defined in this code, which contains one or more "apartments" or "guest rooms", used, intended or designed to be built, used, rented, leased, let or hired out to be occupied, or

which is occupied for living purposes, but excluding hotels, motels, boarding or rooming houses, mobile homes, travel trailers and campers.

"Dwelling -- Multi-Family". A building containing three or more dwelling units designed for occupancy by 3 or more families, living independently of each other.

"Dwelling -- Single-Family". A detached building containing one dwelling unit designed exclusively for occupancy by one family.

"Dwelling, 2 Family (Duplex)". A detached building containing 2 dwelling units designed exclusively for occupancy by 2 families living independently of each other.

"Dwelling Unit". One or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

"Family". 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 meals or lodging to not more than two additional persons, excluding servants, living together as one housekeeping unit using one kitchen.

"Fence". An unroofed barrier or an unroofed enclosing structure or 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, light, air or passage.

"Floor Area". 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:

- Attic space providing headroom of less than seven feet;
- Basement, if the floor above is less than six feet above;
- Uncovered steps or fire escapes;
- Private garages, carports, or porches;
- Accessory water towers or cooling towers;
- Accessory off-street parking or loading spaces.

"Frontage". All the property on one side of a street between two street intersections, crossing or terminating, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between a street intersection and the dead-end of the street.

"Garage, Private". A detached accessory building or a portion of a main building for the

parking or temporary storage of automobiles in which no business, occupation, or service is provided for or is in any way conducted.

"Garage, Public". A building, other than private garage, used for the care, repair, or equipping of motor vehicles, or where such vehicles are parked or stored for compensation, hire, or sale.

"Grade". The average elevation of the natural ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation opposite the center of the wall shall constitute grade or natural ground elevation.

"Group Care Home". A home or private institution maintained and operated for the care, boarding and/or training of one or more but does not include foster homes, correctional homes, or detention facilities.

"Height of Building". The vertical distance from the "grade" to the highest point of the coping of a flat roof or the highest point of a mansard roof or to the highest gable of a pitch or hip roof.

"Home Occupation". An occupation carried on solely by the resident of a dwelling house of a secondary use, connection with which no assistants are employed, no commodities are sold other than services, no sounds are heard beyond the premises, and there is no display, advertisement, or sign board except such signs as by this Title may be permitted in the zone where the home or occupations as dressmaking, lawyer, notary public, public accountant, artists, writer, teacher, musician, home office of a physician, dentist, or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobtrusively, and inoffensively pursued in a family dwelling, provided no structural alterations are made to accommodate such occupations and the residential character of the building remains unchanged, and not more than one-half of the floor area of 1 story is devoted to such use.

"Hotel". Any building which is designed to be used, or which is used, rented, or hired out to be occupied, or which is occupied for sleeping purposes by guests, in which no provision is made for cooking in individual rooms or suites of rooms.

"Kennel". Any lot or premises on which 4 or more dogs and/or cats over the age of 4 months are kept for sale, breeding, lease, boarding or racing.

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

"Kindergarten". See Day Nursery.

"Lot". A parcel or tract of land occupied, or to be occupied, by a building or unit group of buildings, and its accessory buildings, together with such yards or open spaces as are required by this Title and having a frontage upon a street.

"Lot Area". The total area measured in a horizontal plane within the lot boundary lines exclusive of public and private roads, and easements for access to other property.

"Lot, Corner". A lot abutting on two or more streets, other than an alley, at their intersection.

"Lot Depth". The average horizontal distance between the front lot line and the rear lot line.

"Lot Interior". A lot other than a corner lot.

"Lot Line". The property line bounding a lot as defined herein.

"Lot Line, Front". In the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the lot from the street on which the improvement or contemplated improvement will face.

"Lot Line, Rear". A lot line which is opposite and most distant from the front line. In the case of a triangular shaped lot, the rear lot line, for building purposes, shall be assumed to be a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.

"Lot Line Side". Any lot line which is not a front or rear lot line.

"Lot Through". An interior lot having frontage on two streets.

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

"Lot Width". The horizontal distance between the side lot lines, measure at right angles to the lot depth at a point midway between the front and rear lot lines.

"Mobile Home". A detached residential dwelling unit designed after fabrication for transportation on streets on its own wheels and axles or on a flatbed truck or other trailer; and arriving at a lot or site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, locations on

jacks or other temporary or permanent foundations, connecting to utilities and the like. A travel trailer is not to be considered a mobile home.

"Manufactured or Prefabricated Home". A prefabricated or manufactured home is a dwelling unit whose components are assembled and brought to site and erected. The manufactured or prefabricated home is intended to be placed upon a permanent foundation and substantial construction is needed until it is complete and ready for permanent occupancy.

"Mobile Home Park". A privately owned place where 2 or more mobile homes are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership and are used for human occupancy.

"Motel". A building or group of buildings on the same lot containing guest units, which building or group is intended or used primarily for the accommodation of transient automobile travelers.

"Nonconforming Structure or Use". A lawful existing structure or use, at the time this Title or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

"Owner". The owner of record of real property as shown on the latest tax rolls or deed records of the County, or a person who is purchasing a parcel of property under written contract, or an authorized agent of the owner or contract purchaser.

"Parking Area, Private". An open area, other than a street or alley, used for the parking of the automobiles of residents and guests of a building.

"Parking Area, Public". An open area, building or structure, other than a Private parking area, street, or alley used for the parking of automobiles and other motor vehicles, but not to include trucks, and available for use by the public or by person patronizing a particular building or establishment.

"Parking Space". An enclosed or unenclosed surface 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. The following are not considered parking spaces for the purposes of OAR 660-12-045(5)c: park and ride lots, handicapped parking, and parking for car pools and van pools.

"Patio". An unenclosed, covered, recreation area adjoining a dwelling or other building and adapted especially to outdoor dining and living.

"Pedestrian Circulation System". Pedestrian connection(s) between building entrance

(s) or the proposed development and adjacent street(s), the parking area, and the existing or future development on adjacent properties.

"Pedestrian Connection". A continuous, unobstructed, reasonable direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, access ways, stairways, and pedestrian bridges.

"Pedestrian Plaza". A small semi-enclosed area usually adjoining a sidewalk, or a transit stop which provides a place for pedestrians to sit, stand, or rest.

"Person". Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

"Pergola". An arbor or passageway with a roof of trellis-work on which climbing plants are trained to grow.

"Professional Office". Office occupied by a professional such as 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.

"Residential Home". Means a residence for five or fewer unrelated physically or mentally handicapped persons and for staff persons who need not be related to each other or any other home resident. For the purposes of this Title, a "Residential Home" shall be considered a "Dwelling, Single Family".

"Sign". An identification description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution or business.

"Sign, Advertising". 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.

"Sign, Business". A sign which directs attention to a business, profession, service, product, activity, or entertainment, sold or offered upon the premises where such a sign is located.

"School, Elementary, Junior High or High". An institution, public, semi-public, parochial, or private, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.

"Story". 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, cellar or unused under-floor space is more than 6 feet as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement cellar or unused under-floor space shall be considered a story.

"Half-Story". A story under a gable, hip or gambrel roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2 feet above the floor of such story.

"Street". The entire width between the boundary lines of a way of travel which has been dedicated or deeded to the public for public use for the purpose of vehicular and/or pedestrian traffic and the placement of utilities and including the terms: Road, highway, drive, lane, place, avenue, alley or other similar designation.

"Structural Alteration". 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.

"Summer House". A small, roofed structure, not enclosed, located in a park or garden affording shade and rest.

"Sun Exposure Plane". An imaginary, inclined plane:

Northerly exposures: Beginning on a line parallel to a front, side or rear property line and 10 feet within the abutting property or properties northerly line or lines of the development site to which the sun exposure plane applies and projecting thence due south at a 30-degree slope over the applicable development site.

Easterly, westerly and southerly exposure: Beginning on lines parallel to front, side or rear property lines, and five feet within the abutting property or properties easterly, westerly and southerly from the easterly, westerly, and southerly lines of the development site to which the sun exposure plane applies and projecting thence due west from the easterly line, due east from the westerly line, and due north from the southerly line, at a 60-degree slope over the applicable development site to a maximum distance of 30 feet measured horizontally from each development site line. (Ord. 350, §7.77, 1984)

"Structure". That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, regardless of whether it is wholly or partly above or below ground.

"Trailer (Travel or Vacation)". A vehicle or structure equipped with wheels for highway-use that is intended for human occupancy, which is not being used for residential purposes and is being used for vacation and recreational purposes.

"Travel Trailer Parks". An area containing one or more spaces designed for the temporary parking and convenience of travel trailers and similar recreational vehicles.

"Wrecking Yard: Junk Yard". A premises used for the storage or sale of used automobile parts or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, machinery, or parts thereof.

"Use". The purpose of which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

"Utility Structure". A building or structure used for the generation, storage, conversion or transfer of energy or for communication facilities such as, telephone, telegraph, radio or television. A utility structure, however, shall not include a radio tower, a television tower, a receiving or transmitting satellite dish larger than 6 feet in diameter, or such other similar facilities.

"Yard". A space other than a court on the same lot with a building open from the ground upward except as otherwise provided herein.

"Yard, Front". A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto the nearest point of the foundation of the main building.

"Yard, Rear". A yard extending across the full width of the lot between the most rear main building and the rear lot line, but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the centerline of the alley, toward the nearest part of the foundation of the main building.

"Yard, Side". A yard between the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard; the width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of the main building.

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Chapter 10.12 R-1 SINGLE FAMILY RESIDENTIAL ZONE

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10.12.010 Purpose. It is the purpose of the R-1 zone to permit single-family residential uses and their accessory structures and to permit with Planning commission approval certain other uses which are necessary and compatible to single-family residential living. (Ord. 350, §1 (part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.12.020 Use. Within a R-1 Single Family Residential Zone, no building, structure, or premises shall be used, arranged, or designed to be used, erected, structurally altered, or enlarged except for 1 or more of the following uses:

- (A) Single-family dwelling, including mobile homes, manufactured homes or prefabricated homes meeting all lot size requirements of the zone and subject to provisions of Chapter 10.80, (Design Standards for Mobile Homes, Manufactured Homes or Prefabricated Homes on Individual Lots);
- (B) Playgrounds, parks;
- (C) Gardens, orchards and crop cultivation, provided no stable or barn, cattle or other livestock or poultry is maintained in connection therewith, except as provided in the Conditional Use Section of this zone, and provided no sales area of retail business is, operated in connection therewith, and provided that all other applicable regulations are complied with and provided further, in no instance, shall goats or pigs be maintained on any lot within the City limits;

- (D) Accessory uses and structures (subject to the requirements of Chapter 10.72.)
 - (1) Customary residential accessory building for private use, such as pergola, greenhouse, hot house, hobby shop, or summer house, above ground pool, patio, enclosed or covered patio, woodshed, quarters for domestic animals maintained as pets of the residents. This shall not include livestock of any kind including cattle, or other livestock or poultry, except as provided in the Conditional Use Section of this zone. In no instances shall goats or pigs be maintained on any lot within the City limits;
 - (2) Fallout shelters;
 - (3) Fences;
 - (4) A private garage for not more than 3 motor vehicle for each single-family dwelling on the same lot with or within the dwelling to which it is accessory and in which no garage business or industry is conducted;
 - (5) Storage for a commercial vehicle with a maximum of 1 commercial vehicle per dwelling. No garage business or industry shall be conducted on the property;
 - (6) Guest houses and guest quarters not in the main building, provided such houses and quarters are and remain dependent upon the main building for the bathroom facilities, that the facilities do not provide kitchens, and that the guest facilities are not used for residential purposes;
 - (7) Swimming pools for private use that are built below grade requiring a building permit and subject to the requirements of Chapter 10.72.
- (E) The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed 2 in any single-family dwelling, nor more than 4 in any legally established 2-family dwelling.
- (F) Home Occupation, subject to the provisions of Chapters 10.96. (Ord. 350, §1.1, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.12.030 Conditional Uses. When authorized under the procedure provided for Conditional Uses in this Title, the following uses will be permitted in an R-1 zone:

- (A) Miscellaneous uses:
 - (1) Public, semi-public, parochial and privately owned kindergartens or day nurseries, provided the residential character of the building is unchanged;
 - (2) Beauty shop, where no assistants are employed;
- (B) Boat, camper, trailer and equipment storage area on lot: Subject to the provisions of Chapters 10.104 and 10.108;
- (C) Livestock maintained on lots: Subject to the provisions of Chapters 10.104 and 10.108.

- (D) Other uses which can meet the provisions of Section 10.104.030, Circumstances for Granting Conditional Uses. (Ord. 350, §1.2(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.12.040 Uses Requiring Development Permits. When authorized under the procedure provided for development permits in this Title, the following uses will be permitted in an R-1 zone:

- (A) Semi-public, parochial and private buildings and structures:
 - (1) Churches;
 - (2) Community or neighborhood club buildings, swimming pools and other allied facilities when erected by a non-profit community club for the improvement of the zone or social recreation of the members;
- (B) Dwellings: Two family duplex meeting all lot size and set-back requirements of the zone. Subject to the provisions of Chapters 10.112 and 10.116;
- (C) Planned Development: Subject to the provisions of Chapters 10.112 and 10.124;
- (D) Public Facility Zone, including educational, municipal and public facilities;
- (E) Right-of-way for: (Subject to provisions of Section 10.48.080, Underground Utility Installation)
 - (1) Electric service lines
 - (2) Gas mains
 - (3) Communications lines
 - (4) Water lines
 - (5) Sewer lines; and
 - (6) TV Cable lines
- (F) Public Utility structures when they comply with all yard and setback requirements.
- (G) Other structures/facilities which can meet the provisions of Section 10.112.030, Circumstances for Granting Development Permits. (Ord. 350, §1.2(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.12.050 Height. In any residential zone, no building or structure shall exceed 35' at its highest point from natural ground level or 2½ stories in height from natural ground level. (Ord. 350, §1.3, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.12.060 Yard Requirements. In an R-1 zone, each lot shall have yards of the following size unless otherwise provided for in Chapter 10.76 (General Exceptions to Yard Requirements):

- (A) Rear Yards. There shall be a rear yard on every lot in any R-1 zone, which rear yards shall have a minimum depth of 20 feet. In the case of a corner lot, the minimum depth shall be 14 feet for a 1-story building, 20 feet for a 2-story building and 26 feet for a 2½ story building; provided however, any side yard provided adjacent to a street shall conform to the setback requirements set forth below;
- (B) Side Yards. There shall be a side yard on each side of the main building on every lot in a R-1 zone in width of 7½ feet. A side yard on the street side of a corner shall be not less than 20 feet;
- (C) Front Yards. Every building erected, constructed, or altered in a zone shall have a front yard of not less than 20 feet. When by this Title or any other regulations a greater setback or a front yard of greater depth is required than specified in this Chapter, then such great setback line or front yard depth shall apply. (Ord. 350, §1.4, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.12.070 Lot Size and Width. In an R-1 zone, the minimum requirements for lot area shall be 8000 square feet for each dwelling, including a legally-established 2-family dwelling. The width of the lot at the building line shall be not less than 60 feet. The depth of the lot shall not be less than 90 feet. (Ord. 350, §1.5, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.12.080 Development Regulations.

- (A) All development shall be subject to the provisions of Chapter 10.48, General Provisions.
- (B) All accessory structures shall be subject to the provisions of Chapter 10.72, Accessory Structures. (Ord. 454, §2, 2000)

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10.12.090 Parking Requirements. All new development shall require off-street parking, which shall be provided in accordance with Chapter 10.52, Off-Street Parking and Loading. (Ord. 454, §2, 2000)

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10.12.100 Fence Regulations. All new development shall adhere to the fence regulations, which shall be provided in accordance with Chapter 10.60, Fence Regulations. (Ord. 454, §2, 2000)

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10.12.110 Clear Vision Area. All new development shall adhere to the clear vision requirements which shall be provided in accordance with Chapter 10.68, Clear Vision Area. (Ord. 454, §2, 2000)

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10.12.120 Sign Regulations. All signs shall be subject to the provisions of Chapter 10.64, Sign Regulations. (Ord. 454, §2, 2000)

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Chapter 10.16 R-2 SINGLE FAMILY RESIDENTIAL ZONE

Sections:

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[10.16.020 Use](#)

[10.16.030 Conditional Uses](#)

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[10.16.090 Parking Regulations](#)

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[10.16.110 Clear Vision Area](#)

[10.16.120 Sign Regulations](#)

10.16.010 Purpose. The purpose of the R-2 zone is to permit single-family residential uses and their accessory structures; to permit for 2 family duplex units and their accessory structures to be located on corner lots; and to permit with planning commission approval, certain other uses which are necessary and compatible to single-family living. (Ord. 350, §2 (part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.16.020 Use. Within the R-2 Zone, no building, structure, or premises shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for one or more of the following uses:

- (A) One-family dwelling, including a mobile home, manufactured home or pre-fabricated home meeting all lot size requirements, of the zone and subject to provisions of Chapter 10.80, (Design Standards for Mobile Homes, Manufactured Homes, or Pre-fabricated Homes on Individual Lots);
- (B) Two-family duplex units on corner lots;
- (C) Playgrounds, parks;
- (D) Gardens, orchards
- (E) Playgrounds, parks;
- (F) Gardens, orchards, and crop cultivation, provided no stables or barn, cattle or other livestock or poultry is maintained in connection therewith, except as provided in the

Conditional Use Section of this zone, and provided no sales area or retail business is operated in connection therewith, and provided that all other applicable regulations are complied with, and provided further, in no instance shall goats or pigs be maintained on any lot within the City limits;

- (G) Accessory uses and structures (Subject to the requirements of Chapter 10.72):
 - (1) Customary residential accessory building for private use, such as pergola, greenhouse, hot house, hobby shop, or summer house, above ground pool, patio, enclosed or covered patio, woodshed, quarters for domestic animals maintained as pets by the residents. This shall not include livestock of any kind including cattle, or other livestock or poultry, except as provided in the Conditional Use Section of this zone. In no instance shall goats or pigs be maintained on any lot within the City limits;
 - (2) Fallout shelters;
 - (3) Fences;
 - (4) A private garage for not more than 3 motor vehicles for each single family dwelling on the same lot with or within the dwelling to which it is accessory and in which no garage business or industry is conducted;
 - (5) Storage for a commercial vehicle with a maximum of 1 commercial vehicle per dwelling. No garage business or industry shall be conducted on the property;
 - (6) Guest houses and guest quarters not in the main building, provided such houses and quarters are and remain dependent upon the main building for the bathroom facilities, that the facilities do not provide kitchens, and that the guest facilities are not used for residential purposes;
 - (7) Swimming pools for private use below grade requiring a building permit and subject to the requirements of Chapter 10.72.

- (H) The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed 2 in any single family dwelling, nor more than 4 in any legally established 2-family dwelling.
- (I) Home Occupations, subject to the provisions of Chapters 10.96. (Ord. 350, §2.1, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.16.030 Conditional Uses. When authorized under the procedure provided for Conditional Uses in this Title, the following uses will be permitted in an R-2 zone:

- (A) Miscellaneous uses:
 - (1) Public, semi-public, parochial and privately owned kindergartens or day nurseries, provided the residential character of the building is unchanged;
 - (2) Beauty shop, where no assistants are employed;

- (B) Boat, camper, equipment and trailer storage areas on a lot: Subject to the provisions of Chapters 10.104 and 10.108.
- (C) Livestock maintained on lots: Subject to the provisions of Chapters 10.104 and 10.108.
- (D) Boarding, lodging or rooming house and/or group care home: Subject to the provisions of Chapters 10.104 and 10.108.
- (E) Other uses which can meet the provisions of Section 10.104.030, Circumstances for Granting Conditional Uses. (Ord. 350, §2.2(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.16.040 Uses Requiring Development Permits. When authorized under the procedure provided for development permits in this Title, the following uses will be permitted in an R-2 zone:

- (A) Semi-public, parochial and private buildings and structures:
 - (1) Churches;
 - (2) Community or neighborhood club buildings, swimming pools and other allied facilities when erected by a non-profit community club for the improvement of the zone or social recreation of the members.
- (B) Planned Development: Subject to the provisions of Chapters 10.112 and 10.124.
- (C) Mobile Home Parks: Subject to the provisions of Chapters 10.112 and 10.120.
- (D) Public Facility Zone, including educational, municipal and public facilities.
- (E) Right-of-way for: (Subject to the provisions of Section 10.48.080, Underground Utility Installation):
 - (1) Electric service lines;
 - (2) Gas mains;
 - (3) Communications lines;
 - (4) Water lines;
 - (5) Sewer lines; and
 - (6) TV cable lines.
- (F) Public Utility structures when they comply with all yard and setback requirements.
- (G) Other structures/facilities which can meet the provisions of Section 10.112.030, Circumstances for Granting Development Permits. (Ord. 350, §2.2(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.16.050 Height. In an R-2 zone, no building or structure shall exceed 35' at its highest

point from natural ground level or 2½ stories in height from natural ground level. (Ord. 350, §2.3, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.16.060 Yard Requirements. In an R-2 zone, each lot shall have yards of the following size unless provided for in Chapter 10.76:

- (A) Rear Yards. There shall be a rear yard on every lot in an R-2 zone, which rear yard shall have a minimum depth of 20 feet. In the case of a corner lot, the minimum depth shall be 14 feet for a 1 story building and 26 feet for a 2½ story building.
- (B) Side Yards. There shall be a side yard on each side of the main building on every lot in an R-2 zone in width of 7½ feet. A side yard on the street side of a corner shall be not less than 20 feet.
- (C) Front Yard. Every building erected, constructed, or altered in an R-2 zone shall have a front yard of not less than 20 feet. When by this Title or any other regulations a greater setback or a front yard of greater depth is required than specified in this Chapter, then such greater setback line or front yard depth shall apply. (Ord. 350, §2.4, 1984; Reso. 240, §(part), 1995; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.16.070 Lot Size and Width. In an R-2 zone the minimum requirements for lot area shall be 7,000 square feet for each dwelling and 8,000 square feet for legally established 2-family dwelling. The width of a lot at the building line shall be not less than 60 feet, and the depth shall not be less than 90 feet. (Ord. 350, §2.5, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.16.080 Development Regulations.

- (A) All development shall be subject to the provisions of Chapter 10.48, General Provisions.
- (B) All accessory structures shall be subject to the provisions of Chapter 10.72, Accessory Structures. (Ord. 454, §2, 2000)

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10.16.090 Parking Requirements. All new development shall require off-street parking, which shall be provided in accordance with Chapter 10.52, Off-Street Parking and Loading.

(Ord. 454, §2, 2000)

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10.16.100 Fence Regulations. All new development shall adhere to the fence regulations, which shall be provided in accordance with Chapter 10.60, Fence Regulations. (Ord. 454, §2, 2000)

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10.16.110 Clear Vision Area. All new development shall adhere to the clear vision requirements which shall be provided in accordance with Chapter 10.68, Clear Vision Area. (Ord. 454, §2, 2000)

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10.16.120 Sign Regulations. All signs shall be subject to the provisions of Chapter 10.64, Sign Regulations. (Ord. 454, §2, 2000)

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Chapter 10.20 R-3 TWO-FAMILY RESIDENTIAL ZONE

Sections:

10.20.010 Purpose

10.20.020 Use

10.20.030 Conditional Uses

10.20.040 Uses Requiring Development Permits

10.20.050 Height

10.20.060 Yard Requirements

10.20.070 Lot size and width

10.20.080 Development Regulations

10.20.090 Parking Requirements

10.20.100 Bicycle Requirements

10.20.110 Fence Regulations

10.20.120 Clear Vision Area

10.20.130 Sign Regulations

10.20.010 Purpose. The purpose of the R-3 zone is to permit the integration of multi-family dwellings through the conditional use process within and adjacent to single family and two family residential areas. (Ord. 350, §3(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.20.020 Use. Within an R-3 zone, no building, structure or premises shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for 1 or more of the following uses:

- (A) Single-family dwelling including mobile homes, manufactured homes or pre-fabricated homes meeting all lot size requirements of the zone and subject to the provisions of Chapter 10.80, (Design Standards for Mobile Homes, Manufactured Homes or Pre-fabricated Homes on Individual Lots).
- (B) Two-family dwellings.
- (C) Multi-family dwellings (with Development Permit as per Section 10.20.040).
- (D) Playgrounds, parks.
- (E) Gardens, orchards and crop cultivation, provided no stable or barn, cattle or other livestock or poultry is maintained in connection therewith, except as provided in the Conditional Use Section of this zone, and provided no sales area or retail business is

operated in connection therewith, and provided that all other applicable regulations are complied with, and provided further, in no instance, shall goats or pigs be maintained on any lot within the City limits.

- (F) Accessory uses and structures (Subject to the requirements of Chapter 10.72):
 - (1) Customary residential accessory building for private use, such as pergola, greenhouse, hot house, hobby shop, or summer house, above ground pool, patio, enclosed or covered patio, woodshed, quarters for domestic animals maintained as pets of the residents. This shall not include livestock of any kind including cattle, or other livestock or poultry, except as provided in the Conditional Use Section of this zone. In no instance shall goats or pigs be maintained on any lot within the City limits;
 - (2) Fallout shelters;
 - (3) Fences;
 - (4) A private garage for not more than 3 motor vehicles for each single-family dwelling on the same lot with or within the dwelling to which it is accessory and in which no garage business or industry is conducted;
 - (5) Storage for a commercial vehicle with a maximum of 1 commercial vehicle per dwelling. No garage business or industry shall be conducted on the property;
 - (6) Guest houses and guest quarters not in the main building, provided such houses and quarters are and remain dependent upon the main building for the bathroom facilities, that the facilities do not provide kitchens, and that the guest facilities are not used for residential purposes;
 - (7) Swimming pools for private use that are built below grade requiring a building permit and subject to the requirements of Chapter 10.72.
- (G) The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed 2 in any single-family dwelling, nor more than 4 in any legally established 2-family dwelling.
- (H) Home Occupation, subject to the provisions of Chapters 10.96. (Ord. 350, §3.1, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.20.030 Conditional Uses. When authorized under the procedure provided for Conditional Uses in this Title, the following uses will be permitted in an R-3 zone:

- (A) Miscellaneous uses:
 - (1) Public, semi-public, parochial and privately operated kindergartens or day nurseries, provided the residential character of the building is unchanged;
 - (2) Beauty shop where no assistants are employed;
- (B) Boarding, lodging or rooming house and/or group care home: Subject to the

provisions of Chapters 10.104 and 10.108.

- (C) Boat, camper, equipment and trailer storage area on a lot: Subject to the provisions of Chapters 10.104 and 10.108.
- (D) Livestock maintained on lots: Subject to the provisions of Chapters 10.104 and 10.108.
- (E) Other uses which can meet the provisions of Section 10.104.030, Circumstances for Granting Conditional Uses. (Ord. 350, §3.2(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.20.040 Uses Requiring Development Permits. When authorized under the procedure provided for development permits in this Title, the following uses will be permitted in an R-3 zone:

- (A) Semi-public, parochial and private buildings and structures:
 - (1) Churches;
 - (2) Community or neighborhood club buildings, swimming pools and other allied facilities when erected by a non-profit community club for the improvement of the zone or social recreation of the members.
- (B) Planned Development: Subject to the provisions of Chapters 10.112 and 10.124.
- (C) For Multi-family dwellings a Development Plan shall be submitted to the Planning Commission for their approval. Such Plan shall show the location of all existing and proposed buildings and structures, parking areas, drainage facilities, utility services, access points, lighting, signs, landscaping and other such data as may have a bearing on the adjacent properties.
- (D) Mobile Home Parks: Subject to the provisions of Chapters 10.112 and 10.120.
- (E) Public Facilities Zone including educational, municipal and public facilities.
- (F) Right of way for (Subject to provisions of Section 10.48.080, Underground Utility Installation):
 - (1) Electric service lines;
 - (2) Gas mains;
 - (3) Communications lines;
 - (4) Water lines;
 - (5) Sewer lines; and
 - (6) TV cable lines.
- (G) Public utility structures when they comply with all yard and setback requirements.
- (H) The governing body may impose conditions relating to site amenities such as, but not limited to children's playgrounds, fencing/screening, additional landscaping, garbage area screening and provisions for rubbish control, and adjacent street improvements if

the scale of the project warrants the additional amenities for general livability of the community and of the proposed project.

- (I) Other structures/facilities which can meet the provisions of Section 10.112.030, Circumstances for Granting Development Permits. (Ord. 350, §3.2(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.20.050 Height. In an R-3 zone, no building or structure shall exceed 35' feet at its highest point from natural ground level or 2½ stories in height from natural ground level. (Ord. 350, §3.3, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.20.060 Yard Requirements. In an R-3 zone, each lot shall have yards of the following size unless provided for in Chapter 10.76 (General Exceptions to Yard Requirements):

- (A) Rear yards. There shall be a rear yard on every lot in an R-3 zone, which rear yards shall have a minimum depth of 20 feet. In the case of a corner lot, the minimum depth shall be 20 feet for a 1 story building, 26 feet for a 2 or 2½ story building.
- (B) Side yards. There shall be a side yard on each side of the main building on every lot in an R-3 zone in width of 7½ feet; however, any side yard provided adjacent to a street shall not be less than 20 feet.
- (C) Front yard. Every building erected, constructed or altered in a zone shall have a front yard of not less than 20 feet. When by this Title or any other regulations a greater setback or a front yard of greater depth is required than specified in this chapter, then such greater setback line or front yard depth shall apply.
- (D) The yard width between two or more main buildings on the same lot shall not be less than 15 feet.
- (E) Landscaped Yards. Multi-family dwellings shall include landscaped yards provided according to or in excess of the following:
 - (1) For each Multi-family dwelling unit, 500 square feet of landscaped yard shall be provided for each unit plus 100 square feet per each additional bedroom over three (3) in each unit.
 - (2) All required yards adjacent to a street shall be landscaped, save that portion devoted to accessing off-street parking. Such landscaping may be counted in fulfilling the requirements of the preceding section. (Ord. 350, §3.4, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.20.070 Lot Size, Width, and Depth.

- (A) In an R-3 zone, the minimum requirements for lot area shall be 6,000 square feet. The width of a lot at the building line shall be not less than 60 feet, and the depth of a lot shall be not less than 90 feet.
- (B) Each additional dwelling unit shall require 2,000 square feet of lot area (See Table). No main building or group of main buildings shall occupy more than 40% of the lot area, and no detached accessory structure may occupy more than 25% of any side or rear yard.

MULTI-FAMILY DWELLING

Lot Area Requirements

No. of Dwelling Units	Lot Area (Sq. Ft.)
1	6,000
2	8,000
3	10,000
4	12,000
5	14,000
6	16,000
7	18,000
8	20,000
9	22,000
10	24,000
15	34,000
20	44,000

(Ord. 350, §3.5, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.20.080 Development Regulations.

- (A) All development shall be subject to the provisions of Chapter 10.48, General Provisions.
- (B) All accessory structures shall be subject to the provisions of Chapter 10.72, Accessory Structures. (Ord. 454, §2, 2000)

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10.20.090 Parking Requirements. All new development shall require off-street parking, which shall be in accordance with Chapter 10.52, Off-Street Parking and Loading. (Ord. 454, §2, 2000)

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10.20.100 Bicycle Requirements. All new development shall require bicycle parking, which shall be provided in accordance with Chapter 10.56, Bicycle Parking. (Ord. 454, §2, 2000)

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10.20.110 Fence Regulations. All new development shall adhere to the fence regulations, which shall be provided in accordance with Chapter 10.60, Fence Regulations. (Ord. 454, §2, 2000)

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10.20.120 Clear Vision Area. All new development shall adhere to the clear vision requirements which shall be provided in accordance with Chapter 10.68, Clear Vision Area. (Ord. 454, §2, 2000)

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10.20.130 Sign Regulations. All signs shall be subject to the provisions of Chapter 10.64, Sign Regulations. (Ord. 454, §2, 2000)

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Chapter 10.24 RLC RESIDENTIAL LIMITED COMMERCIAL ZONE

Sections:

10.24.010 Purpose

10.24.020 Use

10.24.030 Conditional Uses

10.24.040 Uses Requiring Development Permits

10.24.050 Limitations on Use

10.24.060 Height

10.24.070 Yard Requirements

10.24.080 Lot Size, Width, and Depth

10.24.090 Sign Regulations

10.24.100 Parking Requirements

10.24.110 Bicycle Requirements

10.24.120 Fence Regulations

10.24.130 Clear Vision Area

10.24.010 Purpose. The purpose of the RLC Zone is to permit the integration of limited commercial activities and multi-family dwellings through the Conditional Use process within and adjacent to single family and two-family residential areas. (Ord. 10-8, §(part), 1992; Ord. O-425, §1(part), 1997; Ord. 454, §2, 2000)

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10.24.020 Use. Within an RLC Zone, no building, structure, or premises shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for one (1) or more of the following uses:

- (A) Single-family dwelling including mobile homes, manufactures homes, or pre-fabricated homes meeting all lot size requirements of the zone and subject to the provisions of Chapter 10.80, (Design Standards for Mobile Homes, Manufactured Homes, or Pre-fabricated Homes on Individual Lots).
- (B) Two-family dwellings.
- (C) Playgrounds, parks.
- (D) Gardens, orchards and crop cultivation, provided no stable or barn, cattle or other livestock or poultry is maintained in connection therewith, except as provided in the Conditional Use Section of this code, and provided no sales area or retail business is

operated in connection therewith, and provided that all other applicable regulations are complied with, and provided further, in no instance shall goats or pigs be maintained on any lot within the City limit.

- (E) Accessory uses and structures, subject to the requirements of Chapter 10.72:
 - (1) Customary residential accessory building for private use, such as pergola, greenhouse, hot house, hobby shop, or hobby house, summer house, above ground pool, patio, enclosed or covered patio, woodshed, quarters for domestic animals maintained as pets of the residents. This shall not include livestock or poultry, except as provided in the Conditional Use Section of this code. In no instance shall goats or pigs be maintained on any lot within the City limits.
 - (2) Fall-out shelters.
 - (3) Fences.
 - (4) A private garage for not more than 3 motor vehicles for each single-family dwelling on the same lot with or within the dwelling to which it is accessory and in which no garage, business, or industry is conducted.
 - (5) Storage for a commercial vehicle with a maximum of one (1) commercial vehicle per dwelling. No garage business, or industry shall be conducted on the property.
 - (6) Guest house and guest quarters not in the main building provided such houses and quarters are and remain dependent upon the main building for either or both the kitchen and bathroom facilities and guest facilities are not used for residential purposes.
 - (7) Swimming pools for private use that are built below grade requiring a building permit and subject to the requirements of Chapter 10.72.
- (F) The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two (2) in any single-family dwelling, not more than four (4) in any legally established two-family dwelling.
- (G) Home Occupation, subject to the provisions of Chapter 10.96. (Ord. 10-8, §(part), 1992; Ord. O-425, §1(part), 1997; Ord. 454, §2, 2000)

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10.24.030 Conditional Uses. When authorized under the procedure provided for Conditional Uses in this Title, the following uses will be permitted in an RLC zone:

- (A) Miscellaneous uses:
 - (1) Public, semi-public, parochial and privately operated kindergartens or day nurseries, provided the residential character of the building is unchanged.
- (B) Boarding, lodging or rooming house and/or group care home, subject to the provisions of Chapter 10.104, and 10.108.

- (C) Boat, camper, equipment, and trailer storage area on a lot, subject to the provisions of Chapter 10.104, and 10.108.
- (D) Livestock maintained on lots, subject to the provisions of Chapter 10.104, and 10.108.
- (E) Commercial uses, excluding the manufacturing, processing, or compounding of products:
 - (1) Non-profit membership organizations.
 - (2) Office uses.
 - (3) Professional Office or clinic.
 - (4) Beauty shop.
 - (5) Restaurants, excluding drive-in's.
 - (6) Retail uses (storage and sales inside).
- (F) Other uses which can meet the provisions of Section 10.104.030, Circumstances for Granting Conditional Uses. (Ord. 10-8, §(part), 1992; Ord. O-425, §1(part), 1997; Ord. 454, §2, 2000)

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10.24.040 Uses Requiring Development Permits. When authorized under the procedure provided for development permits in this Title, the following uses will be permitted in an RLC zone:

- (A) Semi-public, parochial and private buildings and structures:
 - (1) Churches.
 - (2) Community or neighborhood club buildings, swimming pools and other allied facilities when erected by a non-profit community club for the improvement of the zone or social recreation of the members.
- (B) Planned Development, subject to the provisions of Chapter 10.112 and 10.124.
- (C) Multi-family units, subject to the provisions of Chapter 10.112 and 10.116.
- (D) Mobile home parks, subject to the provisions of Chapter 10.112, and 10.120.
- (E) Public Facilities Zone including educational, municipal and public facilities.
- (F) Right-of-way for: (Subject to provisions of Section 10.48.080, Underground Utility Installation)
 - (1) Electric service lines
 - (2) Gas mains
 - (3) Communications lines
 - (4) Water lines
 - (5) Sewer lines; and
 - (6) TV Cable lines

- (G) Public Utility structures when they comply with all yard and setback requirements.
- (H) Other structures/facilities which can meet the provisions of Section 10.112.030, Circumstances for Granting Development Permits. (Ord. 10-8, §(part), 1992; Ord. O-425, §1(part), 1997; Ord. 454, §2, 2000)

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10.24.050 Limitations on Use. In an RLC Zone, the following conditions shall apply for Commercial uses:

- (A) For expansion of existing buildings and for new construction, a development plan shall be submitted to the Planning Commission for their approval. Such plan shall show the location of all existing and proposed buildings and structures, parking areas, drainage facilities, utility services, access points, lighting, signs, landscaping, and other such data as may have a bearing on the adjacent properties. In approving a development plan, the governing body may impose conditions relating to:
 - (1) Size and location of signs;
 - (2) Size, type, and location of outdoor lighting;
 - (3) Landscaped area;
 - (4) Screening;
 - (5) Building setbacks;
 - (6) Ingress, parking, vehicle storage, and egress for commercial uses;
 - (7) Drainage and utility service.
 - Construction shall be in conformance to the plan approved by the Planning Commission to assure compatibility with adjacent residential properties.
- (B) The uses shall not be objectionable in relationship to surrounding properties because of odor, dusty, smoke, cinders, fumes, noise, glare, heat, or vibrations or similar causes.
- (C) Use of activity shall be conducted wholly within an enclosed structure.
- (D) Structure shall not exceed 5,000 square feet gross floor area.
- (E) Use of activity shall not be conducted before 6:00 a.m. or after 10:00 p.m.
- (F) Compliance with requirements of Chapter 10.52, Off-Street Parking and Loading, shall be the minimum required for the plan approval, the Planning Commission may impose more stringent requirements to preserve compatibility with adjacent residential properties. (Ord. 10-8, §(part), 1992; Ord. O-425, §1(part), 1997; Ord. 454, §2, 2000)

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10.24.060 Height. In an RLC Zone, no building or structure shall exceed 35 feet at its highest point from natural ground level or 2½ stories in height from natural ground level. (Ord. 10-8, §(part), 1992; Ord. O-425, §1(part), 1997; Ord. 454, §2, 2000)

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10.24.070 Yard Requirements. In an RLC Zone, each lot shall have yards of the following size unless provided in Section 10.76.050, General Exceptions to Yard Requirements:

- (A) Rear Yards. There shall be a rear yard on every lot in an RLC Zone, which rear yard shall have a minimum depth of 20 feet. In the case of a corner lot, the minimum depth shall be 20 feet for a one (1) story building, 26 feet for a 2 or 2½ story building.
- (B) Side yard. There shall be a side yard on each side of the main building on every lot in an RLC Zone in width of 7½ feet; however, any side yard provided adjacent to a street shall not be less than 20 feet.
- (C) Front yard. Every building erected, constructed or altered in an RLC Zone shall have a front yard of not less than 20 feet. When by this Title or any other regulations a greater setback or a front yard of greater depth is required than specified in this section, then such greater setback line or front yard depth shall apply. (Ord. 10-8, §(part), 1992; Ord. O-425, §1(part), 1997; Ord. 454, §2, 2000)

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10.24.080 Lot Size, Width, and Depth. In an RLC Zone, the minimum requirements for lot area shall be 6,000 square feet for each single family dwelling and/or commercial building and 8,000 square feet for each two-family dwelling. The width of a lot at the building line shall be not less than 50 feet, and the depth of a lot shall be not less than 90 feet. The width of a lot at the building line shall be not less than 60 feet for each two-family dwelling. (Ord. 10-8, §(part), 1992; Ord. O-425, §1(part), 1997; Ord. 454, §2, 2000)

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10.24.090 Sign Regulations. All signs shall be subject to the provisions of Chapter 10.64, Sign Regulations. (Ord. 454, §2, 2000)

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10.24.100 Parking Requirements. All new development shall require off-street parking, which shall be provided in accordance with Chapter 10.52, Off-Street Parking and Loading. (Ord. 454, §2, 2000)

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10.24.110 Bicycle Requirements. All new development shall require bicycle parking,

which shall be provided in accordance with Chapter 10.56, Bicycle Parking. (Ord. 454, §2, 2000)

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10.24.120 Fence Regulations. All new development shall adhere to the fence regulations, which shall be provided in accordance with Chapter 10.60, Fence Regulations. (Ord. 454, §2, 2000)

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10.24.130 Clear Vision Area. All new development shall adhere to the clear vision requirements which shall be provided in accordance with Chapter 10.68, Clear Vision Area. (Ord. 454, §2, 2000)

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Chapter 10.28 C-3 GENERAL COMMERCIAL ZONE

Sections:

[10.28.010 Purpose](#)

[10.28.020 Use](#)

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[10.28.150 C-3 Zone Abuts Residential Zone](#)

10.28.010 Purpose. The General Commercial Zone is intended to provide for the broad range of commercial operations and services required for the proper and convenient functioning of the commercial center serving the City and its immediate environs. Uses permitted are intended to include all retail and service operations that may be appropriately located within a shopping district, and that are normally required to sustain a community. (Ord. 350 §4(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.28.020 Use. In a C-3 General Commercial Zone, the following uses and their accessory uses are permitted:

- (A) Any retail or service commercial use not involving the manufacturing, processing, or compounding of products other than what is clearly incidental to the business on the premise and which does not occupy more than 50 percent of the floor area of the building; such as, but not limited to:
 - (1) Non-profit membership organizations;
 - (2) Parking lots when developed as prescribed in Chapter 10.52;

- (3) Office uses;
- (4) Professional Office or Clinic;
- (5) Veterinary Clinic (Excluding housing and holding of animals outside the structure.);
- (6) Banks;
- (7) Hotel or Motel;
- (8) Mortuary;
- (9) Greenhouse;
- (10) Restaurants, including drive-in's.;
- (11) Retail uses (Storage and sales inside);
- (12) Service uses (Storage, sales and service inside);
- (13) Amusement and recreation, including bowling alley and skating rink;
- (14) Miscellaneous: The following businesses shall be permitted, provided that the lot is screened from any adjoining residential zone by a sight-obscuring fence, wall, or hedge at least 5 feet in height.
 - (a) Automobile service station;
 - (b) Automobile, truck and trailer sales;
 - (c) Boat and marine accessories sales and service;
 - (d) Motorcycles sales and service;
 - (e) Retail tire shop, sales, service and repair;
 - (f) Towing service;
 - (g) Vehicle washing and polishing facilities. (Ord. 350, §4.1, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)
- (B) Dwelling units shall be permitted subject to the following provisions:
 - (1) A dwelling unit may be established if it necessary and clearly accessory and subordinate to a permitted use.
 - (2) Dwelling units not accessory and subordinate to a permitted commercial use may be established on the second or upper floors of a permitted commercial use.
 - (3) A single dwelling unit not accessory and subordinate to a permitted commercial use may be established on the first floor of a commercial building, subject to the following restrictions:
 - (a) The dwelling unit is located at the rear of the building.
 - (b) Primary access to the dwelling unit from the front of the commercial building or from a public street shall be prohibited.
 - (4) At least one off-street parking space shall be provided for each dwelling unit.
 - (5) Under no circumstances shall more than 50% of the building square footage be used for residential purposes. (Ord 475 - adopted March 9, 2005)

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10.28.030 Conditional Uses. When authorized under the procedure provided for

Conditional Uses in this Title, the following uses will be permitted in an C-3 zone:

- (A) Light Industrial, in accordance with Chapter 10.108, Specific Conditional Uses.
- (B) Other uses which can meet the provisions of Section 10.104.030, Circumstances for Granting Conditional Uses. (Ord. 350, §4.2(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.28.040 Uses Requiring Development Permits. When authorized under the procedure provided for development permits in this Title, the following uses will be permitted in an C-3 zone:

- (A) Public Facilities Zone including educational, municipal and public facilities.
- (B) Right-of-way for: (Subject to provisions of Section 10.48.080, Underground Utility Installation):
 - (1) Electric Service lines;
 - (2) Gas mains;
 - (3) Communications lines;
 - (4) Water lines;
 - (5) Sewer lines; and
 - (6) TV cable lines.
- (C) Public utility structures when they comply with all yard and setback requirements.
- (D) Other structures/facilities which can meet the provisions of Section 10.112.030, Circumstances for Granting Development Permits. (Ord. 350, §4.2(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.28.050 Limitations on Use. In a C-3 zone, the following conditions shall apply:

- (A) For expansion of existing buildings and for new construction, a development plan shall be submitted to the Planning Commission for their approval. Such plan shall show the location of all existing and proposed buildings and structures, parking areas, drainage facilities, utility services, access points, lighting signs, landscaping, and other such data as may have a bearing on the adjacent properties.
- In approving a development plan, the governing body may impose conditions relating to:
 - (1) Size and location of signs;
 - (2) Size, type and location of outdoor lighting;
 - (3) Landscaped area;
 - (4) Screening;

- (5) Building setbacks;
 - (6) Ingress, parking, vehicle storage, and egress for commercial uses;
 - (7) Drainage and utility service.
-
- Construction shall be in conformance to the plan approved by the Planning Commission to assure compatibility with adjacent zones.
 - (B) The uses shall not be objectionable in relationship to surrounding properties because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration or similar causes.
 - (C) Retail or wholesale stores or businesses shall not engage in the manufacturing, processing or compounding of products other than those which are clearly incidental to the business conducted on the premises and provided that not more than 50 percent of the floor area of the building is used in the manufacturing, processing, or compounding of products.
 - (D) Compliance with requirements of Chapter 10.52 (Off-Street Parking and Loading). (Ord. 350, §4.3, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.28.060 Height. No building in the C-3 zone shall exceed a height of 2½ stories from natural ground level or 35 feet from natural ground level. (Ord. 350, §4.4, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.28.070 Side and Rear Yards. There shall be no required side or rear yards in a C-3 zone. If a side or rear yard is provided it shall be not less than 3 feet in depth, exclusive of any alley. (Ord. 350, §4.5, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.28.080 Front Yard. There shall be no front yard required in a C-3 zone. (Ord. 350, §4.6, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.28.090 Lot Area and Width. There shall be no lot area or width requirements in a C-3 zone. (Ord. 350, §4.7, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.28.100 Parking Requirements. All new development shall require off-street parking, which shall be provided in accordance with Chapter 10.52, Off-Street Parking and Loading. (Ord. 454, §2, 2000)

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10.28.110 Bicycle Requirements. All new development shall require bicycle parking, which shall be provided in accordance with Chapter 10.56, Bicycle Parking. (Ord. 454, §2, 2000)

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10.28.120 Fence Regulations. All new development shall adhere to the fence regulations, which shall be provided in accordance with Chapter 10.60, Fence Regulations. (Ord. 454, §2, 2000)

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10.28.130 Clear Vision Area. All new development shall adhere to the clear vision requirements which shall be provided in accordance with Chapter 10.68, Clear Vision Area. (Ord. 454, §2, 2000)

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10.28.140 Sign Regulations. All signs shall be subject to the provisions of Chapter 10.64, Sign Regulations. (Ord. 454, §2, 2000)

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10.28.150 Conditions Imposed Where C-3 Zone Abuts Residential Zone. In any C-3 zone where the property abuts upon a residential zone, or abuts upon a street or alley which would be the boundary line between the proposed C-3 zone and the residential zone, conditions to preserve neighborhood qualities may be imposed by the governing body relating to:

- (A) Size and location of signs;
- (B) Size, type and location of outdoor lighting;
- (C) Landscaped areas;
- (D) Screening;
- (E) Building setbacks;
- (F) Ingress, parking, vehicle storage, and egress for commercial uses;

- (G) Drainage and utility service. (Ord. 350, §4.8, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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Chapter 10.32 L-1 LIGHT INDUSTRIAL ZONE

Sections:

10.32.010 Purpose

10.32.020 Use

10.32.030 Conditional Uses

10.32.040 Uses Requiring Development Permits

10.32.050 Limitations on Use

10.32.060 Height

10.32.070 Side and Rear Yards

10.32.080 Front Yard

10.32.090 Lot Area and Width

10.32.100 Parking Requirements

10.32.110 Bicycle Requirements

10.32.120 Fence Regulations

10.32.130 Clear Vision Area

10.32.140 Sign Regulations

10.32.150 L-1 Zone Abuts Residential Zone

10.32.010 Purpose. The Light Industrial Zone is intended to provide for the broad range of light industrial operations and services required for the proper and convenient functioning of an industrial area serving the City and its immediate environs. Uses permitted are intended to include light industrial and service operations that may be appropriately located within the City, and that are normally required to sustain a community. (Ord. 454, §2, 2000)

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10.32.020 Use. In the L-1 Light Industrial General Commercial Zone, the following uses and their accessory uses are permitted:

- (A) Any retail or service commercial use involving light manufacturing, processing, or compounding of products:
 - (1) Mini-Storage;
 - (2) Distribution Center;
 - (3) Parking lots when developed as prescribed in Chapter 10.64;
 - (4) Light Industrial;
 - (5) Uses as permitted in the C-3 zone;

- (6) Similar Uses as approved by Planning Commission. (Ord. 454, §2, 2000)

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10.32.030 Conditional Uses. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in the L-1 zone:

- (A) Public Facilities Zone including educational, municipal and public facilities. (B) Right-of-way for: (Subject to provisions of Chapter 10.48, Underground Utility Installation):
 - (1) Electric Service lines;
 - (2) Gas mains;
 - (3) Communications lines;
 - (4) Water lines;
 - (5) Sewer lines; and
 - (6) TV cable lines.
- (C) Public utility structures when they comply with all yard and setback requirements.
- (D) Other uses which can meet the provisions of Section 10.104.030, Circumstances for Granting Conditional Uses. (Ord. 454, §2, 2000)

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10.32.040 Uses Requiring Development Permits. When authorized under the procedure provided for development permits in this Title, the following uses will be permitted in the L-1 zone:

- (A) Public Facilities Zone including educational, municipal and public facilities.
- (B) Right-of-way for: (Subject to provisions of Section 10.48.080, Underground Utility Installation):
 - (1) Electric Service lines;
 - (2) Gas mains;
 - (3) Communications lines;
 - (4) Water lines;
 - (5) Sewer lines; and
 - (6) TV cable lines.
- (C) Public utility structures when they comply with all yard and setback requirements.
- (D) Other structures/facilities which can meet the provisions of Section 10.112.030, Circumstances for Granting Development Permits. (Ord. 454, §2, 2000)

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10.32.050 Limitations on Use. In the L-1 zone, the following conditions shall apply:

- (A) For expansion of existing buildings and for new construction, a development plan shall be submitted to the Planning Commission for their approval. Such plan shall show the location of all existing and proposed buildings and structures, parking areas, drainage facilities, utility services, access points, lighting signs, landscaping, and other such data as may have a bearing on the adjacent properties.
- In approving a development plan, the governing body may impose conditions relating to:
 - (1) Size and location of signs;
 - (2) Size, type and location of outdoor lighting;
 - (3) Landscaped area;
 - (4) Screening;
 - (5) Building setbacks;
 - (6) Ingress, parking, vehicle storage, and egress for commercial uses;
 - (7) Drainage and utility service.
- Construction shall be in conformance to the plan approved by the Planning Commission to assure compatibility with adjacent zones.
- (B) The uses shall not be objectionable in relationship to surrounding properties because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration or similar causes.
- (C) Compliance with requirements of Chapter 10.64 (Off-Street Parking and Loading). (Ord. 454, §2, 2000)

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10.32.060 Height. No building in the L-1 zone shall exceed a height of 2½ stories from natural ground level or 35 feet from natural ground level. (Ord. 454, §2, 2000)

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10.32.070 Side and Rear Yards. There shall be no required side or rear yards in a L-1 zone. If a side or rear yard is provided it shall be not less than 3 feet in depth, exclusive of any alley. (Ord. 454, §2, 2000)

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10.32.080 Front Yard. There shall be no front yard required in the L-1 zone. (Ord. 454, §2, 2000)

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10.32.090 Lot Area and Width. There shall be no lot area or width requirements in the L-1 zone. (Ord. 454, §2, 2000)

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10.32.100 Parking Requirements. All new development shall require off-street parking, which shall be provided in accordance with Chapter 10.52, Off-Street Parking and Loading. (Ord. 454, §2, 2000)

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10.32.110 Bicycle Requirements. All new development shall require bicycle parking, which shall be provided in accordance with Chapter 10.56, Bicycle Parking. (Ord. 454, §2, 2000)

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10.32.120 Fence Regulations. All new development shall adhere to the fence regulations, which shall be provided in accordance with Chapter 10.60, Fence Regulations. (Ord. 454, §2, 2000)

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10.32.130 Clear Vision Area. All new development shall adhere to the clear vision requirements which shall be provided in accordance with Chapter 10.68, Clear Vision Area. (Ord. 454, §2, 2000)

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10.32.140 Sign Regulations. All signs shall be subject to the provisions of Chapter 10.64, Sign Regulations. (Ord. 454, §2, 2000)

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10.32.150 Conditions Imposed Where L-1 Zone Abuts Residential Zone. In any L-1 zone where the property abuts upon a residential zone, or abuts upon a street or alley which would be the boundary line between the proposed L-1 zone and the residential zone, conditions to preserve neighborhood qualities may be imposed by the governing body relating to:

- (A) Size and location of signs;
- (B) Size, type and location of outdoor lighting;
- (C) Landscaped areas;
- (D) Screening;
- (E) Building setbacks;
- (F) Ingress, parking, vehicle storage, and egress for commercial uses;
- (G) Drainage and utility service. (Ord. 454, §2, 2000)

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Chapter 10.36 PFO PUBLIC FACILITIES OVERLAY ZONE

Sections:

10.36.010 Purpose

10.36.020 Use

10.36.030 Limitations on Use

10.36.040 Bicycle Regulations

10.36.010 Purpose. It is the purpose of the Public Facility Overlay Zone to recognize existing public facility land uses and to provide for the development of public facility services.

A Public Facility (Overlay) Zone shall be considered as an overlay to any 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 under the provisions of Section "Limitations on Use" as set forth in this Chapter.

An approved Public Facilities Overlay Zone shall be identified on the ZONING MAP in addition to the existing zoning. (Ord. 350, §5(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.36.020 Use. Within any PFO Public Facility Overlay Zone the following uses are permitted:

- (A) Any use that is oriented toward providing governmental, educational, administrative or public facility services to the citizens of Yamhill, including:
 - (1) Educational facilities and adjacent grounds in R1, R2 and R3 zones, including:
 - (a) Kindergartens;
 - (b) Elementary;
 - (c) Junior High;
 - (d) High School;
 - (e) Stadiums;
 - (f) Athletic Fields;
 - (g) Playgrounds;
 - (h) Open Space.
 - (2) Municipal service facilities in R1, R2, R3 and C3 zones, including:
 - (a) Fire Station;

- (b) City Hall;
 - (c) Sewage Treatment Facilities;
 - (d) Water Treatment Facilities;
 - (e) Library.
- (3) Public Service Facilities in R1, R2, R3 and C3 zones, including:
 - (a) Hospital;
 - (b) Nursing Home;
 - (c) Community Building.
 - (4) Public Parks and Recreation areas in R1, R2 and R3. (Ord. 350, §5.1, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.36.030 Limitations on Use. In a PFO zone the following conditions shall apply:

- (A) For expansion of existing buildings and for new construction, a development plan shall be submitted to the Planning Commission for their approval. Such plan shall include the location of all existing and proposed buildings and structures, parking areas, access points, drainage facilities, utility service, landscaping, and other such data as may have a bearing on the adjacent properties. Construction shall be in conformance to the plan approved by the Planning Commission to assure compatibility with adjacent zones.
- (B) The Planning Commission may impose the following conditions before granting approval of a development plan or 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 are residential, or establish appropriate access control measures;
 - (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 or implementation of access techniques;
 - (3) The requirements of off-street parking according to Chapter 10.52 of this Title;
 - (4) Require additional landscaping or screening to preserve neighborhood qualities;
 - (5) Limit or prohibit the drainage of storm waters from the subject property;
 - (6) The use shall not be objectionable in relationship to surrounding residential zones because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibrations, or similar causes;
 - (7) Other conditions as may be required by the Planning Commission to preserve

neighborhood qualities. (Ord. 350, §5.2, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.36.040 Bicycle Requirements. All new development shall require bicycle parking, which shall be provided in accordance with Chapter 10.56, Bicycle Parking. (Ord. 454, §2, 2000)

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Chapter 10.40 FHO FLOOD HAZARD OVERLAY ZONE

Sections:

10.40.010 Purpose

10.40.020 Statutory Authorization, Findings of Fact, Purpose and Objectives

10.40.030 Definitions

10.40.040 General Provisions

10.40.050 Administration

10.40.060 Provisions for Flood Hazard Protection

10.40.070 Use

10.40.010 Purpose. It is the purpose of the FHO zone to regulate and prohibit some uses in those areas in the Flood Hazard Overlay Zone that would endanger the safety and general welfare of the community.

A Flood Hazard Overlay Zone shall be considered as an overlay to any existing zone and the development of said property shall be in accordance with this zone's requirements for USE, except as may be specifically allowed by the Planning Commission under the provisions of this Section.

A Flood Hazard Overlay Zone shall be identified on the ZONING MAP in addition to the existing zone. (Ord. 384, §2(part), 1988; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.40.020 Statutory Authorization, Findings of Fact, Purpose and Objectives.

- (A) Statutory Authorization. The legislature of the State of Oregon has in ORS 92.046 delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.
- (B) Findings of Fact.
 - (1) The flood hazard area of Yamhill are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 - (2) These flood losses are caused by cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when

inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to flood loss.

- (C) Statement of Purpose. It is the purpose of this Flood Hazard Overlay Zone to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in areas by provisions designed:
 - (1) To protect human life and health;
 - (2) To minimize expenditures of public money and costly flood control projects;
 - (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) To minimize prolonged business interruptions;
 - (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, street and bridges located in areas of specific flood hazard;
 - (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
 - (7) To insure that potential buyers are notified that property is in an area of special flood hazard; and
 - (8) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

- (D) Methods of Reducing Flood Losses. In order to accomplish its purposes, this section includes methods and provisions for:
 - (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights and velocities;
 - (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, to be protected against flood damage at the time of initial construction;
 - (3) Controlling the alteration of natural flood plains, stream channels and protective barriers which help accommodate or channel flood waters;
 - (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
 - (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 384, §2(part), 1988; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.40.030 Definitions. Unless specifically defined below, words or phrases use in this section shall be interpreted so as to give them the meaning they have in common usage and to

give this section its most reasonable application.

"Appeal" means a request for a review by the City Council of the interpretation of any provision of this chapter or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

"Area of Special Flood Hazard" means the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year; designation on maps always includes the letters A or V.

"Base Flood" means the flood having a 1 percent chance of being equaled or exceeded in any given year; also referred to as the "100-year flood. Designation on maps always includes the letters A or V.

"Development" means any man-made change to improved or unimproved real estate including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (A) The overflow of inland or tidal waters; and/or
- (B) The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement).

An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Title found at Section 10.40.060(B)(1).

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term manufactured home, does not include park trailers, travel trailers, and other similar vehicles.

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots or sale.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of this Title.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

"Substantial Improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (A) Before the improvement or repair is stated; or
- (B) If the structure has been damaged and is being restored, before the damage occurred, for the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of

the structure.

The term does not however, include either:

- (A) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- (B) Any alteration of a structure listed on the National Register of Historic Places or a State inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this Title which permits construction in a manner that would otherwise be prohibited by this Title. (Ord. 384, §2(part), 1988; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.40.040 General Provisions.

- (A) Lands to which this Zone Applies. The Flood Hazard Overlay Zone shall apply to all areas of special flood hazards within the jurisdiction of the City of Yamhill.
- (B) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Yamhill", dated--September 1981, with accompanying flood insurance maps, is hereby adopted as reference and declared to be part of this section. The study is on file at Yamhill City Hall, and Yamhill Planning Department, County Courthouse, McMinnville, Oregon.
- (C) Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this section and other applicable regulations. This section does not apply to existing structures in the flood plain where proposed alterations and improvements do not constitute substantial improvements as defined in Section 10.40.030 of this section.
- (D) Abrogation and Greater Restrictions. This section is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this section and other regulations, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (E) Interpretation. In the interpretation and application of this section, all provisions shall be:
 - (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under State Statutes.

- (F) Warning and Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City of Yamhill, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder. (Ord. 384, §2(part), 1988; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.40.050 Administration.

- (A) Establishment of Development Permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 10.40.040(B). The permit shall be for all structures, including manufactured homes, as set forth in the "definitions" and for all other development including fill and other activities, also set forth in the "definitions". Application for a development permit shall be on forms furnished by the Planning Department and may include, but not be limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
 - (1) Elevation in relationship to mean sea level, of the lowest floor (including basement) of all structures;
 - (2) Elevation in relation to mean sea level to which any structure has been flood proofed;
 - (3) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meets the flood proofing criteria in Section 10.40.060(B); and
 - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (B) Designation of the Planning Commission. The Planning Commission is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions.
- (C) Duties and responsibilities of the Planning Commission shall include, but not be limited to:
 - (1) Permit Review.
 - (a) Review all development permits to determine that the permit

requirements have been satisfied.

- (b) Review all development permits to determine that those federal, state or local governmental agencies from which prior approval is required.
- (c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 10.40.060(C) are met.

- (2) Use of Other Base Flood Data. When base flood data has not been provided in accordance with Section 10.40.040(B), Basis for Establishing the Areas of Special Flood Hazard, the Planning Commission shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 10.40.060(B), Specific Standards, and 10.40.060(C) Flood ways.
- (3) Information to be Obtained and Maintained.
 - (a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.
 - (b) For all new or substantially improved flood proofed structures:
 - (1) Verify and record the actual elevation (in relation to mean sea level); and
 - (2) Maintain the flood proofing certifications required in Section 10.40.050.
 - (c) Maintain for public inspection all records pertaining to the provisions of this section.
- (4) Alterations of Watercourses.
 - (a) Notify adjacent communities and the Oregon State Water Resources Department prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - (b) Require that maintenance is provided within the altered or relocated portion of such watercourse so that the flood-carrying capacity is not diminished.
- (5) Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 10.40.050(D).

• (D) Variance and Appeal Procedure

- (1) The Planning Commission as established by the City of Yamhill shall hear and

decide appeals and request for variances from the requirements of this Title.

- (2) The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Planning Commission in the enforcement or administration of this Title.
- (3) Those aggrieved by the decision of the Planning Commission, or any taxpayer, may appeal such decision to the City Council, as provided in Chapter 10.128 of this Title.
- (4) In passing upon such applications the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Title, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its content to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a water-front location, where applicable;
 - (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors of Section 10.40.050(D)(4) and the purposes of this Title, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Title.
- (6) The Planning Commission shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
- (E) Conditions for Variances
 - (1) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded

- by lots with existing structures constructed below the base flood level, providing items (a-k) in Section 10.40.050(D)(4) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
 - (3) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
 - (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (5) Variances shall only be issued upon:
 - (a) a showing of good and sufficient cause;
 - (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 10.40.050(4)(D), or conflict with existing local laws or regulations.
 - (6) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
 - (7) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry flood proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 10.40.050(E)(1), and otherwise complies with Sections 10.40.060(A)(1) and 10.40.060(A)(2) of the General Standards.
 - (8) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 384, §2(part), 1988; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.40.060 Provisions for Flood Hazard Protection.

- (A) General Standards. In all areas of special flood hazards, the following standards are required:
 - (1) Anchoring:
 - (a) All new construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of the structure;
 - (b) All manufactured homes shall be anchored to prevent floatation, collapse or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top and frame ties to ground anchors (Reference FEMA's "Manufacturing Home Installation in Flood Hazard Areas" guidebook for additional techniques).
 - (2) Construction Materials and Methods.
 - (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - (c) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the Components during conditions of flooding.
 - (3) Utilities.
 - (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems, and discharge from the systems into flood waters; and
 - (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - (4) Subdivision Proposals
 - (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 5 lots or 1 acre (whichever is less).

- (5) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 10.40.050(C)(2)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
- (B) Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided through the FIRM, or as provided in Section 10.40.040(B) basis for Establishing the Areas of Special Flood Hazard or Section 10.40.050(C)(2), Use of Other Base Flood Date, the following provisions are required:
 - (1) Residential Construction.
 - (a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
 - (b) All enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a total open area of not less than one square inch for every square foot of enclosed area subject to flood shall be provided.
 - (2) The bottom of all-openings shall be no more higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
 - (2) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - (a) Be flood proofed so that below the base flood level the structure is water-tight, with walls substantially impermeable to the passage of water;
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and

plans. Such certifications shall be provided to the official as set forth in Section 10.28.050(C)(3)(b).

- (d) Nonresidential structures that are elevated, not flood proofed, must meet the same-standards for space below the lowest floor as described in 10.28.060(B)(1)(b).
 - (e) Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base foot level will be rated as one foot below that level).
- (3) Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones AI-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of section 10.28.060(E)(1).
- (C) Flood ways. Located within areas of special flood hazard established in Section 10.28.040(B), are areas designated as flood ways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:
 - (1) Prohibit encroachments, including fill, new construction, substantial improvements and other development, unless certification by a registered professional engineer or architect is provided, demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;
 - (2) If Section 10.28.060(B), is satisfied, all new construction and substantial improvements shall comply with all applicable floods hazard reduction provisions of Section 10.28.060, Provisions for Flood Hazard Reduction. (Ord. 384, §2(part), 1988; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.40.070 Use. In an F-H Zone the following uses and their accessory uses are permitted:

- (A) Public park, open space;
- (B) Farming;
- (C) Camp grounds;
- (D) Travel trailer park;
- (E) Drive-in theater. (Ord. 384, §2(part), 1988; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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Chapter 10.44 LUO LIMITED USE OVERLAY ZONE

Sections:

10.44.010 Purpose

10.44.020 Overlay Zone Requirements

10.44.030 Procedures and Criteria

10.44.040 Official Zoning Map

10.44.050 Site Plan Requirement

10.44.010 Purpose. The purpose of the Land Use Overlay Use is to reduce the list of permitted uses in a zone to those that are suitable for a particular location. Zones permit a number of uses without notification or opportunity for a hearing. These uses are included in the Zone because they are considered basically equivalent in terms of the type and intensity of activity. However, on a particular property certain permitted uses may conflict with adjacent land uses. Rather than reject an otherwise acceptable Zone Change Request because the proposed Zone would permit an objectionable use, the Limited Use Overlay can be used to identify the appropriate uses and require a Conditional Use Permit for other uses normally permitted in the Zone. It is the intent that the maximum number of acceptable uses be permitted so that the use of the property is not unnecessarily limited. (Ord. 454, §2, 2000)

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10.44.020 Overlay Zone Requirements. When the Limited Use Overlay Zone is applied, the uses permitted in the Underlying Zone shall be limited to those permitted uses specifically referenced in the order or Ordinance adopting the Limited Use Overlay Zone. Until the Overlay Zone has been removed or amended, the only Permitted Uses in the Zone shall be those specifically referenced in the adopting Ordinance. Uses that would otherwise be permitted may only be allowed if a Conditional Use Permit is approved. (Ord. 454, §2, 2000)

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10.44.030 Procedures and Criteria. The Limited Use Overlay Zone is applied at the time the Underlying Zone is being changed. It shall not be necessary to mention in the Hearing Notice of a Re-zoning Application that this Overlay Zone may be applied. The Order or Ordinance adopting the Overlay Zone shall include findings to the following:

- (A) No zone has a list of Permitted Uses where all uses would be appropriate.
- (B) The Proposed Zone is the best suited to accommodate the desired uses.

- (C) It is necessary to limit the uses permitted in the Proposed Zone.
- (D) The maximum number of acceptable uses in the one have been identified and will be permitted.

The order or Ordinance adopting the Overlay zone shall by section reference, or by name, identify those Permitted Uses in the Zone that will remain Permitted Uses. A permitted use description may be segmented to require a Conditional Use for distinct uses that may not be compatible. (Ord. 454, §2, 2000)

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10.44.040 Official Zoning Map. The Official Zoning Map shall be amended to show an LUO suffix on any parcel where the Limited Use Overlay Zone has been applied. (Ord. 454, §2, 2000)

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10.44.050 Site Plan Requirement. In addition to limiting the uses in the zone, it may be necessary to require City approval in order to insure the compatibility of the Permitted Uses within the area. This requirement may be added by specific reference in the adopting Order or Ordinance, of the location of buildings, access, and parking, screening and other site planning considerations. The document shall indicate any special concerns or locational requirements that must be addressed in the Site Plan and approved by the City. (Ord. 454, §2, 2000)

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Chapter 10.46

CENTRAL BUSINESS DISTRICT OVERLAY ZONE (CBD)

Sections:

10.46.010 Purpose

10.46.020 Central Business District Defined

10.46.030 Development Requirements

10.46.040 Landscaping

10.46.050 Building Standards

10.46.060 Signs

10.46.070 Modification of Site Design Standards

10.46.010 Purpose. The purpose of the Central Business District Overlay Zone is to establish development requirements which are specifically designed to address the unique challenges the City's downtown.

10.46.020 Central Business District Defined. For the purposes of this Section, the Central Business District shall be defined as follows: all General Commercial (C-3) zoned property south of Azalea Street.

10.46.030 Development Requirements. The following requirements shall apply to development within the CBD:

(A) General Requirements. Notwithstanding provisions contained elsewhere in this Code, the following regulations shall apply to the development of new buildings and redevelopment of existing buildings within the Central Business District.

(B) Permitted Uses. Unless specifically modified by this Section, regulations in this Section do not prohibit or restrict, nor alter the development requirements of, permitted, specially permitted or conditionally permitted uses within the General Commercial zone.

(C) Use Restrictions. Drive-ups and drive-in windows shall be prohibited unless otherwise allowed through a design modification pursuant to Section 10.46.080.

10.46.040 Landscaping. Those areas not containing building or parking improvements, including access driveways and loading areas, shall be landscaped.

10.46.050 Building Standards. New buildings, and the redevelopment of existing buildings that include exterior modifications, shall comply with the following standards:

(A) Setbacks. The maximum building setback from a street-side property line shall be 10 feet. The street-side setback area shall be landscaped. Otherwise, there shall be no minimum nor maximum building setbacks.

(B) Building Height. New buildings shall be within 25% of the average height of existing buildings

located on the same street side.

(C) Orientation. The main entrance to a building shall face a public street.

(D) Building Facade. Building facades visible from a public street shall provide a brick, masonry or wood appearance.

(E) Special Design Requirements. For property located on either side of Maple Street, the following additional design standards shall apply:

(1) Setbacks. The maximum building setback from a street-side property line shall be 0 feet.

(2) Building Height. Buildings shall be within 10% of the average height of existing buildings within the block.

(3) Building Design. Buildings shall be similar in character and design with existing structures.

10.46.060 Signs. Signs shall comply with the following standards:

(A) Permitted Sign Types. Signs shall be limited to wall signs or projecting signs. The edge of a projecting sign nearest the wall shall not extend more than 18 inches from a wall.

(B) Maximum Allowable Area. The maximum allowable sign area shall be computed as follows: one (1) square foot of sign area for each one foot of building street-side frontage. This maximum area shall apply to all signs located on the building.

(C) Number. There shall be no limit to the number of signs, provided the total sign area for all signs does not exceed the maximum allowable area for the building.

(D) Illumination. Direct or indirect illumination shall be permitted, provided all illumination is directed away from adjacent property.

(E) Prohibited Sign Types. Signs extending above the roof line, balloon/tethered signs, blinking or flashing lights, electronic message signs, and free standing signs shall be prohibited.

(F) Exempt Signs. Window signs shall be exempt from the maximum allowable sign area requirements. Portable signs shall also be exempt provided they do not exceed 16 square feet in area (all-sides).

(G) State Highway Requirements. Applicants are advised to contact the State Highway Division of the Oregon Department of Transportation regarding other possible sign regulations along Maple Street.

10.46.070 Modification of Site Design Standards. The Planning Commission, as part of the site design review process, may allow modification to the site design requirements in the Central Business District when both of the following criteria are satisfied:

(A) The modification is necessary to provide design flexibility where:

(1) Conditions unique to the site require such modification; or,

(2) Parcel shape or configuration precludes compliance with provisions; or,

(3) A modification is necessary to preserve trees, other natural features or visual amenities determined by the Planning Commission to be significant to the aesthetic character of the area.

(B) Modification of the standards in this Section shall only be approved if the Planning Commission finds that the specific design proposed is substantially in compliance with the intent and purpose of the Central Business District design provisions. (Ord 475- adopted March 9, 2005)

Chapter 10.48 GENERAL PROVISIONS

Sections:

10.48.010 General Requirements

10.48.020 Minimum Requirements

10.48.030 Minimum Street Width

10.48.040 Lots Abutting a Partial Street

10.48.050 Dwellings to be accessible to a Public Street

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10.48.110 Stream Corridor Protection

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10.48.130 Interpretation of Title

10.48.140 Interpretation of Zoning Boundaries

10.48.150 Uses not Specifically Covered

10.48.160 Penalties for Violation

10.48.170 Savings Clause

10.48.010 General Requirements. The provisions of this Title shall be construed to be the general requirements of the promotion of the public health, safety, and general welfare. When this Title imposes a greater restriction upon the use of specific buildings or premises, or upon the height of specific buildings, or requires in specific instances, larger open spaces than appears to be necessary in the public interest as set forth in this Title or required by other laws, rules or regulations, the provisions of this Title pertaining to variances shall be applicable. (Ord. 350, §9.1, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.48.020 Minimum Requirements. In interpreting and applying this Title, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. (Ord. 350, §9.2, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.48.030 Minimum Street Width. All street rights-of-way shall be not less than set forth below:

- (A) Arterials, 80 feet.
- (B) Collector Street & continuing residential streets, 60 feet, unless otherwise specified by the Planning Commission.
- (C) Cul-de-sac, 50 feet radius, unless otherwise specified by the Planning Commission. (Ord. 350, §9.3, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.48.040 Lots Abutting a Partial Street. No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and is located on that side which has not yet been dedicated or condemned unless the yards provided on such lot include both that portion of the lot lying within the required street and the required yards. This provision shall not be construed as being in lieu of or waiving any subdivision or partitioning requirement of this or any other regulations. (Ord. 350, §9.4, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.48.050 Dwellings To Be Accessible To a Public Street. Every dwelling shall be situated on a lot having direct access by abutting on a public street or a driveway of required dimensions. Where a private driveway is used to serve dwellings it shall be of the following width:

Serving one dwelling 18' to 24'

Serving two dwellings 24' to 30'

When the number of lots served by the drive exceeds two then the drive will be improved to street status consistent with the subdivision Ordinance of the City of Yamhill.

The property owner shall be responsible for providing adequate access to any street or roadway. The property owner shall contact the State Highway Department for standards regarding access onto any State Highway. The property owner shall contact the Yamhill County Road Department for standards regarding access onto any County Road. The property owner shall contact the City Building Inspector regarding access onto any city street. No building permit shall be issued until provisions for appropriate and adequate access are made. Driveway width, in any case, shall not exceed the width as set forth herein. (Ord. 350, §9.5, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.48.060 Protection of Solar Access. The use of solar energy systems including solar collectors, storage facilities, and distribution components for space heating and cooling and domestic water heating is a permitted use within all zones, whether as a part of a structure or incidental to a group of structures nearby.

- (A) Solar collectors and the equipment used for the mounting and operation of-such collectors where necessary, may be elevated above the 2½ story height limitation in residential zones. However, elevation of solar collectors shall not restrict solar access to adjacent properties.
- (B) Chimneys, private communication transmission towers, private television and private radio antennas are all exempt from the structural height limitations of this Title. Although exempted from structural height limitations, these structures should not significantly impair solar access of buildings or solar collector locations. (Ord. 350, §10.1, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.48.070 Runoff, Sedimentation and Erosion Control. A property owner shall not modify or grade his property so as to direct runoff onto an adjacent property other than that which is naturally occurring along existing drainage-ways. Roof drainage shall be accommodated within the confines of the property and not directed onto another property. Roof drainage shall be directed out to the curb-line of the adjacent street whenever possible. Development plans submitted to the Building Inspector shall assure that proper site grading measures are taken whenever necessary to avoid excessive runoff or erosion. (Ord. 350, §10.2, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.48.080 Underground Utility Installation. All new construction shall provide for underground utility installation, including but not limited to, single-family dwellings, multi-family dwellings, commercial, public facilities, semi-public facilities, private facilities, parochial facilities, industrial facilities, and other uses permitted in this Title.

All damaged structures (exceeding 50 percent of the its fair market value as indicated by the records of the County Assessor) shall provide for underground utility installation prior to issuance of a building permit.

Upon replacement or relocation of a mobile home in accordance with this Title, the owner shall provide for underground utility installation prior to issuance of a placement permit.

All utility service company's shall plan for and implement a program for installation of underground facilities on any new, upgrading or replacement construction performed within the Urban Growth Boundary of the City of Yamhill. (Ord. 350, §10.6, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.48.090 Review of Historic Sites. Upon receiving a land use application, the Planning Commission shall review the application to determine its conformance to the historical preservation policies of the City. Further, if it is determined that a land use action will result in the demolition of a structure on a designated historic site, the Planning Commission shall review the application taking into account the following:

- (A) The state of repair of the building.
- (B) The reasonableness of the cost of restoration or repair,
- (C) The purpose of preserving such designated historical buildings and sites.
- (D) The character of the neighborhood.
- (E) All the other factors the Planning Commission feels appropriate. (Reso. 111, §(part), 1986; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.48.100 Demolishment of Historic Sites. If a designated historical building is to be demolished, the City shall keep a pictorial and graphic history of the historical building or site in so far as funds are available. (Reso. 111, §(part), 1986; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.48.110 Stream Corridor Protection. No development shall occur within a stream corridor area unless otherwise provided within this Subsection.

- (A) A stream corridor area shall apply within 50 feet of the top of the bank of Yamhill Creek and within 25 feet of the top of bank of Rowland Creek.
- (B) Development of properties adjoining stream corridors shall preserve the stream corridor area through one of the following means:
 - (1) Dedication to the City for park purposes, if acceptable to the Planning Commission and City Council.
 - (2) Creation of a tract of land to be owned in common by the owners of lots within the development. A non-profit Home Owners Association shall be created, in a

manner acceptable to the City Attorney, for the ownership and maintenance of such tracts. The tract shall be preserved in perpetuity as open space through the use of conservation easements, deed restrictions, or by appropriate notation on the face of a subdivision plat.

- (3) Creation of a conservation easement within the stream corridor area serving to prohibit development and the removal of riparian vegetation.

- (C) Development and/or removal of riparian vegetation may occur in conjunction with an Application submitted and approved by the Division of State Lands and Corp. of Engineers. (Ord. 454, §2, 2000)

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10.48.120 Changes and Amendments. Any amendment of this Title which amends, supplements or changes only the text hereof, shall be initiated by the governing body or by the Planning Commission by ordinance. Whenever an amendment is initiated by the governing body, the ordinance shall be referred to the Planning Commission for its recommendation. (Ord. 350, §9.8, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.48.130 Interpretation of Title. When, in the administration of this Title, there is doubt regarding the intent of the Title, the City Recorder shall request an interpretation of the provision by the Planning Commission, who may issue an interpretation of the question if they have determined that such interpretation is within their power and is not a legislative act. Any interpretation of the Title shall be based on the following:

- (A) The purpose and intent of the Title as applied to the particular section and question; and
- (B) The opinion of the City Attorney or designated City Planner when requested by the Planning Commission. (Ord. 350, §9.9, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.48.140 Interpretation of Zoning Boundaries. Where uncertainty exists with respect to the boundaries on the various districts, as shown on the map accompanying and made a part of this Title, the following rules shall apply:

- (A) The district boundaries are either streets or alleys unless otherwise shown and where the districts designated on the map accompanying and made a part of this Title are bounded approximately by street or alley lines, said street or alley shall be construed to be the boundary of such district.

- (B) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the district's designated on the map accompanying and made a part of this Title are bounded approximately by lot lines said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.
- (C) In un-subdivided property, the district boundary lines on the map accompanying and made a part of this Title, shall be determined by use of the scale contained on such map. (Ord. 350, §9.10, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.48.150 Uses Not Specifically Covered. The City Recorder, upon approval by the Planning Commission and Council, may permit in a zone any use not described in this Title if the Recorder finds that the proposed use is in general keeping with the uses authorized in such zone or district. (Ord. 350, §9.11, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.48.160 Penalties for Violation.

- (A) Any violation or infraction of this chapter will be punishable upon conviction as a violation in accordance with Chapter 1.36 of this code.
- (B) The penalties imposed by this chapter are not exclusive and are in addition to any other remedies available under city ordinance or state statute. (Ord. 350, §9.12, 1984; Ord. 420, §3, 1997; Ord. O-445, §28, 1998; Ord. 454, §2, 2000)

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10.48.170 Savings Clause. If any section, paragraph, subdivisions, clause, sentence or provisions of this Title shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Title, except for that sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered. It being the intent of the governing body to enact the remainder of this Title notwithstanding the parts so declared unconstitutional or invalid. Should any section, paragraph, subdivision, clause, sentence or provision of this Title be declared unreasonable or inapplicable to a particular use at any particular location, such declaration of judgment shall not affect, impair, invalidate, or nullify such section, paragraph, subdivision, clause, sentence, or provision as to any other premises or use. (Ord. 350, §9.13, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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Chapter 10.52 OFF-STREET PARKING AND LOADING

Sections:

- [10.52.010 Purpose](#)
- [10.52.020 New and Existing Facilities to Provide Parking and Loading](#)
- [10.52.030 Reduction of Required Parking Area Prohibited](#)
- [10.52.040 Location](#)
- [10.52.050 Off-Street Automobile Parking Requirements](#)
- [10.52.060 Off-Street Loading Requirements](#)
- [10.52.070 Parking and Loading Area Development Requirements](#)
- [10.52.080 General Provisions--Off-Street Parking and Loading](#)
- [10.52.090 Parking Dimensional Standards](#)
- [10.52.100 Calculation of Required Parking](#)
- [10.52.110 Parking Space Markings](#)
- [10.52.120 Parking for Handicapped](#)
- [10.52.130 D.E.Q. Permit Required](#)
- [10.52.140 Shared Parking](#)
- [10.52.150 Joint Use](#)
- [10.52.160 Availability of Required Off-Street Parking](#)
- [10.52.170 Maintenance of Parking Areas](#)

10.52.010 Purpose. The purpose of these regulations is to establish parking areas having adequate capacity and which are appropriately located and designed to accommodate the majority of traffic generated by the range of uses which may locate on a site over time. (Ord. 454, §2, 2000)

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10.52.020 New and Existing Facilities to Provide Parking and Loading. Off-street parking and loading areas as hereinafter set forth shall be provided and maintained.

- (A) For any new building or structure erected.
- (B) For additional seating capacity, floor area, guest rooms, or dwelling units added to any existing building or structure.
- (C) When the use of the building or structure as set forth in Section 10.52.080 is changed, which changed use would require additional parking areas and off-street loading areas under the provisions of this Title. (Ord. 350, §13.1, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.52.030 Reduction of Required Parking Area Prohibited. Off-street parking and loading areas which existed on the effective date of this Title shall not be reduced below the required minimum as set forth in this Title. (Ord. 350, §13.2, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.52.040 Location. Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that:

- (A) In an "R" zone, automobile parking areas for dwellings and other uses permitted in a residential zone may be

located on another lot if such lot is within 200 feet of the lot containing the main building, structure or use.

- (B) In any commercial zone, the parking area may be located off the site of the main building, structure or use if it is within 500 feet of such site. (Ord. 350, §13.3, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.52.050 Off-Street Automobile Parking Requirements. Off-street parking shall be provided as required by Section 10.52.080 and approved by the Planning Commission in the amount not less than those listed below:

Parking Requirements		
A	1, 2 and 3 family dwelling	1 space per dwelling unit
B	multi-family dwellings, 4 or more units located on the same lot	1½ spaces per dwelling unit
C	Hotel, motel and boarding houses	1 space per guest room plus 1 space for the owner or manager
D	Club, lodge	Spaces sufficient to meet the combined minimum requirements of the heaviest uses being conducted, such as hotel, restaurant, auditorium, etc.
E	Hospital, nursing home	1 space per 2 beds plus 1 space per 2 employees
F	Churches, auditorium, stadium, theater	1 space per 4 seats or every 8 feet of bench length
G	Elementary or junior high school	2 spaces per classroom, plus off-street loading and unloading facility
H	High school	1 space per classroom, plus 1 space per employee, plus 1 space (for each 10 students, plus off-street loading and unloading facility.
I	Bowling alley, skating rink, community center	1 space per 100 sq. ft. of gross floor area plus one space per 2 employees
J	Retail store, except as provided in (K)	1 space per 400 sq. ft. of gross, floor area plus one space per 2 employees
K	Service or repair shop, retail store handling exclusively bulky merchandise such as automobile and furniture	Service or repair shop, retail store handling exclusively bulky merchandise such as automobile and furniture
L	Bank; professional office; and office buildings.	1 space per 200 sq. ft. of gross floor area, plus 1 space per 2 employees
M	Medical and dental clinic	1 space per 200 sq. ft. of gross floor area, plus 1 space per 2 employees
N	(14) Eating and drinking establishment	1 space per 4 seats or every 8' of bench length
O	Drive-In Fast Food Restaurant	5 spaces or 1 space for every 4 seats plus 1 space for every 100 square feet of floor area plus 1 space for every two employees, whichever is greater
P	Storage Warehouse	0-49,999 sq. ft. of floor area: 1 space per 5,000 sq. ft. or 1 space per employee, whichever is greater. <u>50,000-99,999 sq. ft. of floor area:</u> 1 space per 10,000 sq. ft. or 1 space per employee, whichever is greater. <u>100,000 sq. ft. & over of floor area:</u> 1 space per 15,000 sq. ft. or 1 space per employee, whichever is greater.
Q	Wholesale establishment	1 space per employee or 1,000 sq. ft. of gross floor area, whichever is greater, plus 1 space per 700 sq. ft. of patron-serving area.
R	Municipal and governmental buildings	1 space per 600 sq. ft. of gross floor area, plus 1 space per 2 employees.

NOTE: When a parking requirement is stated in terms of employees, it means the maximum number of employees who will be at the site at one time, either on a single shift or an overlap of shifts.

(Ord. 350, §13.5, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.52.060 Off-Street Loading Requirements. Off-street loading space shall be provided as listed below, except in those cases that the Planning Commission may waive such requirements as provided for in Chapter 10.128.

- (A) Commercial retail buildings shall require a minimum loading space size of 12 feet wide, 30 feet long and 14 feet high in the following amounts:
 - For building containing up to 2,000 square feet of gross floor area, 1 space and 1 additional space for each additional 10,000 square feet of gross floor area, or any portion thereof, or otherwise determined by the Planning Commission.
- (B) All other commercial or industrial buildings shall require a minimum loading space of 12 feet wide, 50 feet long, and 14 feet high in the following amounts:
 - For buildings containing up to 2,000 square feet of gross floor area, 1 space and 1 additional space for each additional 10,000 square feet of gross floor area, or any portion thereof, or otherwise determined by the Planning Commission. (Ord. 350, §13.6, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.52.070 Parking and Loading Area Development Requirements. All parking and loading areas, shall be developed and maintained as follows:

- (A) Surfacing: All driveways, parking and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded and drained as required by the Planning Commission.
- (B) Size of parking spaces and driveways: The following standards shall apply to all parking areas and driveways;
 - (1) Standard Parking Spaces shall provide an area of not less than 10 feet, in width, by 20 feet, in length, in size, exclusive of maneuvering and access area.
 - (2) Compact Parking Spaces shall provide an area of not less than 8½ feet, in width, by 16 feet, in length, in size, exclusive of maneuvering and access area.
 - (3) One-way drives shall have a minimum improved width of at least 12 feet, exclusive of parking spaces.
 - (4) Two-way drives shall have a minimum improved width of at least 24 feet, exclusive of parking spaces.
 - (5) Or as otherwise determined by the Planning Commission.
- (C) Angle Parking. Angle parking is permitted; provided, that each space contains a rectangle of not less than 10 feet in width and 20 feet in length or 8-1/2 feet in width and 16 feet in length for compact spaces, and an appropriate aisle width as determined by interpolation of the table in Section 10.52.090.
- (D) Compact Parking. The compact parking spaces described in this title shall not be used to satisfy more than 50 percent of the total required number of parking spaces.
- (E) Screening: When any public parking or loading area is within or adjacent to a Residential zone such parking or loading area shall be screened from all residential properties with an ornamental fence, wall or hedge of at least 5 feet in height but not more than 7 feet in height, except along an alley.
- (F) Lighting: Any light used to illuminate a parking or loading area shall be so arranged as to be directed entirely onto the loading or parking area, shall be deflected away from any residential use, and shall not cast a glare or reflection onto moving vehicles on public right-of-way. (Ord. 350, §13.7, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.52.080 General Provisions--Off-Street Parking and Loading.

- (A) The provision and maintenance of off-street parking and loading space 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 Title. Should the owner or occupant of any lot or building 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 complied with.
- (B) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission.
- (C) 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.
- (D) Design requirements for parking lots and loading areas:
 - (1) Areas used for standing and maneuvering of vehicles shall be paved with asphalt or concreted surfaces maintained adequately for all-weather use and so drained as to avoid flow of water across sidewalks.
 - (2) Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
 - (3) 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.
 - (4) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.
 - (5) Service drive exits shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street or alley right-of-way line, and a straight line joining said lines through points 15 feet from their intersection.
 - (6) 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 or street. (Ord. 350, §13.8, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.52.090 Parking Dimensional Standards. Table of Standards. Minimum standards for a standard parking stall's length and width, aisle width, and maneuvering space shall be determined from the following table. Dimensions for designated compact spaces are noted in parenthesis:

Angle from Curb	A Stall Width	B Channel Width	C Aisle Width	D Curb Length per Stall
Parallel	10'0" (8'6")	10'0" (8'6")	12'0" (12'0")	25'0" (21'0")
30	10'0" (8'6")	18'10" (15'10")	12'0" (12'0")	20'0" (18'0")
45	10'0" (8'6")	21'1" (17'7")	14'0" (14'0")	14'9" (13'0")

60	10'0" (8'6")	22'1" (18'3")	18'0" (18'0")	12'5" (11'3")
90	10'0" (8'6")	20'0" (16'0")	24'0" (24'0")	10'0" (8'6")

(Ord. 454, §2,2000)

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10.52.100 Calculation of Required Parking.

- (A) Where building square footage is specified, the area measured shall be the gross floor area within the exterior walls of the structure, excluding only space devoted to covered off-street parking or loading.
- (B) 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.
- (C) When a building is planned or constructed in such a manner that a variety of uses is possible and a choice of parking requirements could be made, the use(s) which requires the greater number of parking spaces shall govern. (Ord. 350, §13.8, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.52.110 Parking Space Markings.

- (A) Except for single-family and two-family residences, any parking spaces that are intended to be used to meet the off-street parking requirements contained in this chapter shall have all parking spaces clearly marked using a permanent paint; and
- (B) All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety. (Ord. 454, §2, 2000)

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10.52.120 Parking for Handicapped. All parking lots in conjunction with government and public buildings, as defined by Chapter 31 of the Uniform Building Code, are to include parking for the handicapped as set forth below. These spaces may be included to satisfy the total number of parking spaces required.

- (A) One space for the first 50 spaces or fraction thereof; and one additional space for each additional 50 spaces or fraction thereof.
- (B) Parking lot and parking spaces shall conform to the requirements of chapter 31 of the uniform building code.
- (C) Spaces shall be located nearest to the main pedestrian access point from the parking area to building or use serviced by the parking, and are to be designed so persons using wheelchairs or assisted walking are not compelled to pass behind parked vehicles.
- (D) Parking for the handicapped shall be identified in accordance with the International Symbol of Accessibility for the Handicapped. (Ord. 454, §2, 2000)

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10.52.130 D.E.Q. Permit Required. All parking areas which are designed to contain 250 or more parking spaces or to contain two or more levels, shall obtain a Department of Environmental Quality (D.E.Q.) Indirect Source Construction Permit and shall install oil and grease separators. (Ord. 454, §2, 2000)

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10.52.140 Shared Parking. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when all the following criteria are satisfied:

- (A) When the hours of operation of the uses do not overlap;
- (B) Provided that satisfactory legal evidence is presented to the City Recorder/Treasurer in the form of deeds, leases, or contracts to establish the shared use;
- (C) The other standards of this title can be met; and
- (D) If a joint use arrangement is subsequently terminated, the requirements of this title shall then apply separately to each use. (Ord. 350, §13.8, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.52.150 Joint Use. A parking area may be used for a loading area during those times when the parking area is not needed or used. (Ord. 350, §13.4, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.52.160 Availability of Required Off-Street Parking. 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, except during periods of time when the business is not in operation. (Ord. 350, §13.8, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.52.170 Maintenance of Parking Areas. All parking lots shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly and broken or splintered wheel stops shall be replaced so that their function will not be impaired. (Ord. 454, §2, 2000)

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Chapter 10.56 BICYCLE PARKING

Sections:

10.56.010 Bicycle Parking Required

10.56.020 Bicycle Parking Development Requirements

10.56.010 Bicycle Parking Required. Bicycle parking shall be required in all new multi-family residential (4 or more units), new public and semi-public, commercial and industrial development, as well as park-and-ride lots. Bicycle parking shall also be required for expansions, and other remodeling that increases the required level of automobile parking. Bicycle parking shall be provided in the following amounts.

Bicycle Requirements			
Land Use Activity	Bicycle Spaces	How Measured	Minimum Covered Amount
Multiple-Family (4 or more units)	1	Per 1 dwelling units	100%
Hotel, motel, and boarding houses	1	Per 20 guest rooms	100%
Hospital, Nursing home, Convalescent home	1	Per 5 beds	75%
Church, Auditorium, Stadium, Theater	1	Per 10 vehicle spaces	25%
Elementary & Junior High School	4	Per Classroom	100%
High School	8	Per Classroom	100%
Bowling alley, skating rink, community center	1	Per 20 vehicles parking spaces	100%
Retail Store	1	Per 10 vehicles parking spaces	50%
Service repair center, Retail store handling bulky merchandise (e.g. furniture)	1	Per 30 vehicles parking spaces	10%
Bank, Offices, Medical & Dental Clinic	1	Per 10 vehicles parking spaces	10%
Eating & Drinking Establishment	1	Per 4 vehicles parking spaces	25%
Wholesale Establishment	1	Per 30 vehicles parking spaces	10%
Municipal & Government Buildings	3	Per 10 vehicles parking spaces	25%
Drive-In Fast Food Restaurant	1	Per 4 vehicles parking spaces	100%
Storage Warehouse	1	Per 30 vehicles parking spaces	10%

(Ord. 454, §2, 2000)

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10.56.020 Bicycle Parking Development Requirements.

- (A) Space Size. Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum five foot aisle.
- (B) Location. All bicycle parking shall be within 100 feet from a building entrance and located within a well-lit and secure area. (Ord. 454, §2, 2000)

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Chapter 10.60 FENCE AND WALL REGULATIONS

Sections:

10.60.010 Applicability of Provisions

10.60.020 Standards

10.60.030 Standards for Maintenance

10.60.040 Fences--Use of Hazardous Materials

10.60.010 Applicability of Provisions.

- (A) The provisions of this chapter shall apply to all construction of new and altered fences.
- (B) The City Recorder shall review proposals for new or altered fences for compliance with the standards in Section 10.60.020. (Ord. 454, §2, 2000)

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10.60.020 Standards. New fences or fence alterations shall satisfy all the following standards:

- (A) Maximum height standards.
 - (1) Fences or walls in all zones shall meet the following standards unless modified by subsections (2) through (6) of this section. See Illustration (B)(1).
 - (a) Front yard 3 feet
 - (b) Rear interior side yard 6 feet
 - (c) Corner side yard 6 feet
 - (2) For fences or walls that are located along the top of a retaining wall or change in grade, a maximum height of three feet may be permitted, even if the total height exceeds 8 feet as measured in subsection (3) above. See Illustration (B)(2).
 - (3) When fences or walls are located on top of a berm or retaining wall, they shall have a maximum height of eight feet measured from the base of the berm or retaining wall. This maximum height requirement shall be amended only when necessary to comply with subsections (2) or (4). See Illustration (B)(3).
 - (4) When deemed appropriate by the City during Site Plan or Conditional Use approval, the maximum fence height may be increased for purpose of providing improved buffering and screening between properties. Fences or walls over 6 feet in height shall require a building permit.

- (5) When a side yard abuts the front yard of an adjoining lot, the maximum fence height for that side yard shall be 3 feet.
 - (6) Visual Clearance requirements may require elimination or height reduction of a proposed fence.
- (B) The prescribed heights of fences or walls shall be measured from the base to the top of the fence as illustrated below.

(C) Visual Clearance standards shall be observed in accordance with Chapter 10.68, Clear Vision Area, of this title.

- (D) Fences and walls shall be constructed of wood, chain link, brick wrought iron, decorative metal or similar material.
- (E) The unfinished or structural side of the fence shall face the owner's property.
- (F) The owner must assume all responsibility for accurately determining property boundaries, and for any excavating within designated utility easements.
- (G) Fences and walls shall be located within private property and shall not be placed on public property or rights-of-way. (Ord. 454, §2, 2000)

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10.60.030 Standards for Maintenance.

- (A) The residents of the existing attached single-family and multi-family housing units are permitted to repair or replace fences and walls in keeping with the original design concepts in lieu of the standards contained in this section.
- (B) Fences and walls shall be maintained in a safe condition by the property owner. (Ord. 454, §2, 2000)

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10.60.040 Fences--Use of Hazardous Materials. Fences shall not be constructed of or contain any material which will do bodily harm, such as barbed wire, electric wires, broken glass, spikes, and any other dangerous or hazardous material. (Ord. 350, §12.8, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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Chapter 10.64 SIGN REGULATIONS

Sections:

- 10.64.010 Title and Purpose
- 10.64.020 General Provisions
- 10.64.030 Commercial, Office and Business Signs
- 10.64.040 Public and Semi-Public Signs
- 10.64.050 Residential Signs
- 10.64.060 Signs Not Requiring Permits
- 10.64.070 Temporary Signs
- 10.64.080 Exempt Signs
- 10.64.090 Nonconforming Signs and Uses
- 10.64.100 Nuisance Signs
- 10.64.110 Prohibited Signs and Advertising Devices
- 10.64.120 Sign Maintenance
- 10.64.130 Criteria for Sign Permits--All Signs
- 10.64.140 Sign Permit Application Review
- 10.64.150 Permits--Approval and Fees
- 10.64.160 Inspection
- 10.64.170 Appeals Process
- 10.64.180 Enforcement
- 10.64.190 Responsibility for Violations
- 10.64.200 Penalties
- 10.64.210 Cumulative Remedies

10.64.010 Title and Purpose. This chapter shall be referred to as the sign regulations of the City of Yamhill. The purpose of this chapter is to protect the health, safety, property and welfare of the public through the establishment of standards to regulate the erection, location, maintenance and use of signs. The goals of this chapter are:

- (A) To maintain an uncluttered and attractive appearance in the community and to improve the effectiveness of signs in identifying and advertising businesses;
- (B) To provide equity and effectiveness in displaying identification signs by establishing regulations on size and location of such signs;
- (C) To promote public safety by ensuring that traffic regulating devices be easily visible and free from nearby visual obstructions, from signs resembling official signs and from excessive numbers of signs;

- (D) To ensure that signs are compatible with their surroundings;
- (E) To guide and regulate the design, materials, construction, location, illumination and maintenance of all signs and sign structures to be located within the city, and adjacent boundaries. (Ord. 454, §2, 2000)

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10.64.020 General Provisions. No person shall erect, construct, alter, relocate, maintain or use any sign unless a sign permit has been issued or the sign has been exempted by provisions of this chapter. (Ord. 454, §2, 2000)

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10.64.030 Commercial, Office and Business Signs. Commercial, office and business district signs shall comply with all provisions and regulations of this chapter:

- (A) Freestanding Signs. Freestanding signs for commercial, office and other business uses are permitted subject to the following requirements:
 - (1) Number. One double faced freestanding sign, identifying only the name of the development and no more than two of the principal uses of the premises, shall be permitted for a development.
 - (2) Height and Area. The sign height shall not exceed twenty-five feet. The maximum sign area shall not exceed one hundred square feet per sign face.
 - (3) Location. No freestanding sign or any part thereof shall be located on or over any portion of a public right-of-way or property line.
- (B) Freestanding Directory Signs. In addition to freestanding signs, freestanding directory signs are permitted only for office but not for commercial uses, and are subject to the following restrictions. Such signs shall be limited to identifying the buildings and the names of tenants or occupants.
 - (1) Number. One double-faced freestanding directory sign shall be permitted for each development containing one multiple tenant building or group of architecturally related buildings. For developments with vehicle entrances on more than one street frontage, an additional directory sign may be permitted at such additional entrance.
 - (2) Height and Area. The sign height shall not exceed seven feet with the face area not exceeding forty-two square feet.
 - (3) Location. No sign or any part thereof shall be located on or over any portion of a public right-of-way or property line. The sign shall be located for viewing from the development by potential users of the development who have already entered onto the site. A freestanding directory sign shall not be attached to any other freestanding sign.

- (C) Wall Signs. In addition to any other permitted sign, wall signs are permitted for commercial use, subject to the following requirements:
 - (1) Number.
 - (a) Walls Used. No more than two exterior walls shall be used for wall signs. Single tenant buildings shall use only two walls. Multiple tenant buildings shall use only the exterior walls which correspond with the portion of the building the tenant occupies.
 - (b) Signs. The permitted sign area per wall which has been designated to be used for wall signs may be divided among a maximum of three signs.
 - (2) Area.
 - (a) Single Tenant Building. Except as otherwise provided, the sign area of a wall sign, or combination of wall signs, shall not exceed ten percent (up to a maximum of two hundred fifty square feet) of the area of the wall to which it is attached. For the purpose of this regulation, the area of the wall is determined by multiplying the height of the wall from the ground level to eaves or top of the fascia by length of the wall. If the building contains two stories or more, the height of the wall is measured from the ground level to the top of the second story.
 - (b) Multiple Tenant Building. Except as otherwise provided, the sign area of a wall sign or a combination of wall signs, shall not exceed ten percent (up to a maximum of two hundred fifty square feet) of the area of the wall to which it is attached. For the purpose of this regulation, the area level to eaves or top of fascia by the length of the wall corresponding with the portion of the building the tenant occupies. If a tenant occupies two or more floors of a multiple story building, the height of the wall is measured from ground level to the top of the second story.
 - (c) Location. No sign shall extend above the line of the buildings eaves, the bottom of the fascia or above the second story of a multiple story building.
- (D) Window Signs. In addition to other permitted signage, window signs are permitted for commercial, office or business uses subject to the following requirements:
 - (1) Number. No more than one window sign shall be permitted per building of a single tenant building, or for each tenant in a multiple tenant building.
 - (2) Area. The sign area shall not exceed twenty percent of the total area of the window or group of windows in which it is placed. Window signs may be substituted for permitted wall signage, as long as there is corresponding reduction of permitted wall sign area.
- (E) Shingle Signs. In addition to other permitted signage, shingle signs are permitted for commercial or office uses, subject to the following requirements:
 - (1) Number. No more than one shingle sign shall be permitted for each tenant in

- any building.
 - (2) Area. The sign area shall not exceed six square feet per sign (two feet by three feet) with its depth not exceeding four inches. Shingle signs may be substituted for permitted wall signage, as long as there is a corresponding reduction of permitted wall sign area.
 - (3) Height. All shingle signs shall have a clearance of not less than eight and one-half feet between the lowest portion of the sign and ground level. No shingle sign, or part thereof, shall be located above the second story of a building, or above the line of the eaves or the top of the fascia wall.
 - (4) Location. A shingle sign may project out from a building, but shall be perpendicular to the building and horizontal to the ground level. No shingle sign shall project out diagonally from the corner of the building. No more than six inches shall separate the sign from the wall to which it is attached. The sign shall not extend over a public right-of-way, except a sidewalk.
 - (5) Illumination. A shingle sign shall not be internally illuminated.
- (F) Entrance or Exit Signs. In addition to any other permitted signage, no more than one sign designating an entrance or exit shall be permitted at each driveway serving a development. Such signs shall be limited to "in," "out," "entrance" or "exit." Such signs shall not exceed eight square feet in sign area and four feet in height.
 - (G) Reader board Signs. Reader board signs are prohibited except for theater marquees advertising only current presentations, and automobile service stations advertising only fuel prices. No more than one reader board sign shall be permitted for each theater and automobile service station. Only permanently attached reader board signs are allowed after permit is obtained.
 - (H) Automobile Service Station Signs. In addition to other sections of this chapter, automobile service stations shall comply with the following requirements:
 - (1) All price signs shall be permanently affixed to the building or a freestanding sign;
 - (2) Price signs may be double-faced, but shall not exceed six square feet in area per face or as required by state or federal law;
 - (3) The maximum permitted freestanding and wall sign area shall be reduced by the sign area devoted to price signs;
 - (4) Signs not to exceed five square feet in area shall be permitted on each pump face.
 - (I) Bulletin Boards. Retail business, banks and organizations shall be allowed a bulletin board in addition to other permitted signs. The bulletin board shall not exceed twelve square feet in sign area and six feet in height. A permit is required.
 - (J) Roof Signs. Signs erected and maintained upon or against a sloped roof of a building, including a sign attached to any structure containing mechanical equipment.
 - (1) Roof signs will not be permitted except for tenants who have a total square footage of five thousand square feet.

- (2) Permit applications for a roof sign will be given based on the total square footage of a single tenant in a multi-tenant building whose square footage is five thousand square feet or greater. The sign location on a lower slope not to exceed existing signs areas on present building and using the same design, color and material as other signs.
- (K) Fascia Signs. In addition to other permitted signs, fascia signs are permitted for commercial/office and business uses as follows:
 - (1) Length. A space of no less than twelve inches on each end from the neighboring tenant;
 - (2) Height. The total height shall conform to the overall height of the fascia. It shall not extend above or below the edge of the fascia;
 - (3) Depth, not to exceed twenty inches;
 - (4) Area. Window or wall signs may be substituted for permitted fascia signs as long as there is a corresponding reduction of total permitted signage;
 - (5) Lettering may be internally illuminated by fluorescent lighting or other approved methods. (Ord. 454, §2, 2000)

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10.64.040 Public and Semi-Public Signs. Public and semi-public uses include, but are not limited to, government and special district facilities, community centers, golf courses, libraries, museums and shall be subject to the following requirements:

- (A) Freestanding Signs. Only one freestanding monument sign shall be permitted not to exceed eighteen square feet in sign area and five feet in height;
- (B) Entrance or Exit Signs. No more than one sign designating an entrance or exit shall be permitted at each driveway serving the development. Such signs shall be limited to "in," "out," "enter," "entrance," "exit," or similar wording, and the name of the development. Such signs shall not exceed eight feet in sign area and four feet in height.
- (C) Wall Signs. In addition to other permitted signs, wall signs are permitted subject to the following requirements:
 - (1) Number.
 - (a) Not more than two exterior walls for each building shall be used for wall signs;
 - (b) The total permitted sign area for each wall used for wall signs may be divided among a maximum of three signs;
 - (c) Area. The sign area of a wall sign, or combination of signs, shall not exceed ten percent (up to a maximum of one hundred fifty square feet) of the area of the wall to which the sign is attached. For the purposes of this regulation, the area of the wall is determined by multiplying the height of the wall from the ground level to eaves or top of a fascia by the length of

the wall. If the building contains two or more stories, the height of the wall is measured from ground level to the top of the second story.

- (d) Location.
 - (1) A wall sign shall be attached to the wall from which the permitted sign area is calculated.
 - (2) No sign shall extend above the line of the building's eaves, or the top of the fascia or above the second story of a multiple story building.
- (D) Bulletin Board. Retail businesses, banks and organizations shall be allowed a bulletin board in addition to other permitted signs. The bulletin board shall not exceed twelve square feet in sign area and six feet in height. A permit is required.
- (E) Government Facilities. All on-premises signs associated with government facilities shall meet all provisions of this chapter. (Ord. 454, §2, 2000)

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10.64.050 Residential Use Signs. Residential uses shall be permitted the following signs: Identification sign. Subdivision, condominium developments, multifamily developments shall be allowed one, indirectly illuminated, freestanding monument sign or wall sign. The sign shall not exceed eighteen square feet in area and five feet in height. For developments with more than one vehicle entrance, an additional sign may be permitted at such additional entrance. Phased subdivisions shall be considered a single subdivision for determining permitted signs under this section. (Ord. 454, §2, 2000)

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10.64.060 Signs Not Requiring Permits. The following signs do not require a permit but are subject to the provisions of this chapter:

- (A) Incidental signs shall not exceed two square feet in area per business.
- (B) Name plates and postal address signs shall not exceed two square feet in area and shall be part of the building or attached as a wall sign.
- (C) No trespassing, keep out, danger and warning signs shall not exceed two square feet in area.
- (D) Real Estate Signs--Residential Real Estate Signs--Single-Family, Duplex, and Multifamily Units. The owner or authorized representative of a single-family, duplex or multifamily unit, may erect the following real estate signs:
 - (1) On Premises. One double-faced, freestanding sign on the property front is permitted. It shall not exceed four square feet in area. The sign shall be removed from the property within thirty days of sale or immediately after transfer of possession, whichever occurs first.

- (2) Off Premises. No more than three signs located on property, other than the property being marketed may be erected, but only with the written consent of the owner. Display shall occur only during daylight hours. Such signs shall not exceed four square feet in area, and may state only the name of the realtor, the owner or authorized representative and "open" or "open house" with an arrow indicating direction to the property. Sandwich board signs are permitted. No more than one off-premises sign shall be allowed on any one lot, regardless of the number of properties being marketed.
 - (3) Residential Subdivisions and Undeveloped Land. Signs advertising more than three contiguous lots or undeveloped land in a residential planning district shall be limited to one double-faced sign not to exceed sixteen square feet per face or two sixteen square foot single-faced signs. Such signs shall be located on the premises being marketed, not less than five hundred feet apart and shall not exceed eight feet in height. Signs shall be removed within thirty days of sale of undeveloped land, or upon transfer of possession, whichever occurs first.
 - (4) Commercial and Undeveloped Lands. Signs advertising in a commercial district and undeveloped land shall be limited to one single-faced or double-faced sign for each street for two years or when ninety percent of the number of lots are sold, whichever occurs first.
- (E) Temporary Window Signs. Such signs shall not obscure more than forty percent of the total transparent area of a window or group of windows.
 - (F) Auction Signs. One freestanding or wall sign may be permitted, subject to the following requirements. It shall be displayed no sooner than one week prior to the date of the auction. The sign shall not exceed twenty-one square feet in area per face and eight feet in height. Such signs shall be removed no later than the day following the auction. (Ord. 454, §2, 2000)

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10.64.070 Temporary Signs.

- (A) Temporary Sign Permit Application. An application shall be submitted on forms prescribed by the City Recorder/Treasurer. The application shall include the size of the sign, a description of the proposed location of the sign, and the length of time the sign will be displayed. The application shall also contain the name and address of the applicant and the applicant's signature.
- (B) Fees and Approval. Only the temporary signs cited in subsection C of this section shall be subject to the fees set forth in this chapter, except as otherwise provided. Each temporary sign permit application shall be accompanied by a fee as required by the City's schedule of fees and penalties as approved through resolution of the City Council. Application and fees shall be submitted at least five working days prior to the planning

commission's monthly meeting. Approval may be given by the City Recorder/Treasurer, Planning Commission Chairman or Planning Commission.

- (C) Grand Opening, Special Event, Special Sale Signs, or Banners. The City Recorder/Treasurer shall have the authority to approve requests for advertising devices, signs or banners for a grand opening, special event or special sale. A permit can be granted for use up to fifteen days. At least sixty days must separate each approved time period. (Ord. 454, §2, 2000)

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10.64.080 Exempt Signs. The following signs are exempt from the provisions of this chapter:

- (A) Signs which are authorized and installed by public utility, telephone or cable television companies which serve as an aid to public safety, or which show the location of underground facilities;
- (B) Public signs;
- (C) Signs not visible or not intended to be read from the public right-of-way or from common areas open to the public;
- (D) Garage sale signs;
- (E) Contractors Advertising Signs (must be removed no later than 30 days after the completion of the work). (Ord. 454, §2, 2000)

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10.64.090 Nonconforming Signs and Uses. Nonconforming signs shall not be altered in any way. Any alteration, relocation or replacement of a nonconforming sign or any part thereof shall require immediate compliance with all provisions of this chapter. If a nonconforming sign is altered, then, the amortization provisions of subsection B of this section shall not apply.

- (A) All nonconforming signs shall be removed or brought into conformance with the requirements of this chapter no later than two years from the effective date of this chapter, unless the original cost or most recent renovation of the signs preceding adoption of this chapter exceeds one hundred dollars, in which case, the following schedule applies.
 - (1) If either the original cost of the nonconforming sign or the most recent renovation to the sign preceding adoption of this chapter exceeds one hundred dollars, then the sign may be maintained and used only for a limited period of time based on the following schedule:

Sign Cost or Maximum Permitted Years from

Renovation Cost Effective date of this Chapter

\$ 101 to \$ 1,000 = 3 years

\$1,000 to \$3,000 = 4 years

\$3,001 to \$6,000 = 5 years

\$6,001 to \$10,000 = 6 years

over \$10,000 = 7 years

- (2) The original cost of a nonconforming sign shall be determined by sign value information submitted at the time a sign permit was issued. If such information was not submitted, the property owner shall submit documentation verifying the original cost of the sign. The property owner shall also be responsible for submitting documentation verifying the cost of the most recent renovation to the sign. If such information is not available, the original cost of the sign shall be used in establishing the date of removal or bringing the sign into conformance.
 - (3) After the applicable permitted number of years has elapsed, the status of the sign reverts from nonconforming to illegal and becomes subject to enforcement proceedings.
- (B) The City Recorder/Treasurer shall notify owners of property on which nonconforming signs are located on the amortization process and schedule for bringing the signs into conformance or removal, however, failure of the City Recorder/Treasurer to so notify shall not act to extend the applicable time frame for compliance with the provisions of this chapter. A nonconforming sign which, after the expiration of the applicable maximum permitted years, if not removed, shall be illegal.
 - (1) All signs which comply with the provisions of this chapter and are associated with nonconforming land uses will be allowed to be continued, as long as the nonconforming use retains its status.
 - (2) Signs for which variances were granted prior to the effective date of this chapter shall be subject to all portions of this section with the exception of subsection A of this section.
 - (3) A sign legally erected and maintained on property prior to annexation into the city and which fail to conform to the provisions of this chapter, shall be brought into conformance within two years of the effective date of this chapter. The amortization schedule in subsection A(1) of this section shall not apply to such signs. (Ord. 454, §2, 2000)

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10.64.100 Nuisance Signs.

- (A) A sign constitutes a public nuisance under this chapter if:
 - (1) It is in violation of this chapter;
 - (2) It is deposited, left, displayed or located in the public right-of-way without authorization from the city, except a public sign; or
 - (3) It is a sign which, due to location or conditions, poses a threat to the public health, safety or welfare.

- (B) The City Recorder/Treasurer is authorized to cause the removal and disposal of any signs which constitute a public nuisance in the following manner:
 - (1) Five days after written notice of the violation is mailed or twenty-four hours after notice is delivered in person to the person owning or controlling the nuisance sign the City Recorder/Treasurer and/or Planning Commission may have the sign removed and stored. The sign shall be stored for thirty days, and if unclaimed within thirty days of removal, it shall be presumed to be abandoned, and may be immediately sold, destroyed or otherwise disposed of.
 - (2) If the nuisance sign is determined by the Planning Commission to create a hazard to the public, for example, signs on the paved portion of the street or signs placed upon official traffic control signs, the five days advance notice need not be given and the sign may be immediately removed. Notice shall be given within one working day after removal.
 - (3) If the person responsible for the sign is not readily identifiable by the sign itself or by contacting adjacent property owners, the sign may be removed immediately without notice. If within the thirty days storage period, the person responsible for the sign becomes identified, then, notice should be made.
 - (4) If a previous notice has been given that a nuisance sign or substantially similar nuisance sign is again erected or placed (a change of copy or location does not constitute a different sign), any sign may be removed without further notice and stored for thirty days before further disposal. In such event, notice shall be given subsequent to removal and the owner shall be given an opportunity for a hearing before the Planning Commission to contest the violation and removal. The request for a hearing shall be made within three work days after removal and the hearing shall be held within ten work days after removal. The scope of the hearing shall be limited to whether there was a subsequent violation and whether the sign was a nuisance. Upon request, a written decision shall be made concerning the violation and removal procedure. The decision of the Planning Commission may be appealed to the City Council.
 - (5) A responsible party desiring to claim a sign which has been removed and stored may do so, provided the claim is presented within thirty days of removal and that the cost of removal and storage is an amount not less than ten dollars for

each sign and is paid to the city in advance. (Ord. 454, §2, 2000)

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10.64.110 Prohibited Signs and Advertising Devices. The following signs or advertising devices are illegal and expressly prohibited by this chapter. No such sign or device shall be placed anywhere within the city limits.

- (A) Abandoned signs;
- (B) Advertising bench-type signs;
- (C) Pennants, streamers, festoon lighting, banners, inflatable signs including blimps and/or hot or cold air balloons except as provided by this chapter. Nothing contained in this section shall be construed to prohibit the display of the flag of the United States, the state of Oregon or other political subdivision;
- (D) Flashing sign;
- (E) Illuminated signs which direct light into a residence;
- (F) Obscene sign (displaying nudity and/or sexual activities);
- (G) Obstruction sign;
- (H) Off-premises sign, except for direction signs;
- (I) Portable sign, except for real estate signs;
- (J) Rotating or moving signs;
- (K) Search lights or beacons;
- (L) Signs attached to trees or public utility poles, except public signs;
- (M) Signs mounted on public property or within the public right-of-way, except public signs;
- (N) Signs on Vehicles. Signs attached to or located on a stationary vehicle or trailer which is visible from a public right-of-way, and infrequently moved or moved primarily for display of the sign;
- (O) Signs resembling official traffic signs or signals. Signs stating "stop", "go slow", "caution", "danger", and "warning", except as officially authorized or installed by the city, state Department of Transportation or the county;
- (P) Signs using bare-bulb illumination or signs with a visible immediate source of illumination, except when permitted by this chapter;
- (Q) Strobe lights;
- (R) Structurally unsafe sign;
- (S) Any sign which is erected, placed, maintained or used which fails to comply with a specific provision of this chapter;
- (T) Except for permitted, nonconforming signs, any sign for which a permit is required, but for which no permit has been issued;
- (U) Signs which have lost their status as nonconforming signs either due to alteration, relocation, replacement, or due to the expiration of the applicable amortization period will receive thirty days notice to comply with this chapter after which a fine will be levied;
- (V) Signs associated with illegal uses according to provisions of the planning

commission review;

- (W) Signs which constitute a public nuisance;
- (X) Reader board signs, and computer electronically controlled signs except for temperature and time; exception, automobile service stations as expressly provided. (Ord. 454, §2, 2000)

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10.64.120 Sign Maintenance. All signs shall be maintained in good order and repair at all times. Signs which have become faded, worn or which pose a danger to members of the public shall be repaired or removed. (Ord. 454, §2, 2000)

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10.64.130 Criteria for Sign Permits--all Signs. All sign changes, alterations, relocations, construction and new developments shall follow the same processes and guidelines. The process for review will require the following items:

- (A) Permit application obtained from City Hall and accompanied by an appropriate fee;
- (B) Details of proposed signs accompanied with a diagram or sketches of proposed signs;
- (C) Location of building and location of placement/renovation, change, alteration, construction of development where signs will be placed;
- (D) Total size/area of sign height, color and type of sign;
- (E) Method of illumination;
- (F) Method of support;
- (G) Approximate sign area for all existing signs pertaining to business or development and distance between signs;
- (H) In new development or construction, additional plans and pertinent information, when deemed necessary and appropriate, shall be required to ensure compliance with this chapter and other applicable ordinances. (Ord. 454, §2, 2000)

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10.64.140 Sign Permit Application Review. In addition to provisions of this chapter, all signs, except temporary signs and those which are exempt from provisions of this chapter, shall be subject to an objective review of all information submitted. The decision reached on all signs, shall be based on the requirements contained in Section 10.64.130 of this chapter. In addition, construction shall be compatible with surrounding architectural design to promote and give consideration to location of signs, design or building, landscaping, visibility, construction, quantity of existing signs, pedestrian activities and traffic patterns. (Ord. 454, §2, 2000)

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10.64.150 Permits--Approval and Fees.

- (A) Sign Permit Application. Application for a sign permit shall be submitted on forms prescribed by the City Recorder/Treasurer. The application shall address all criterion listed in Section 10.64.130. In addition, the application shall contain the names and addresses of the sign contractors, if any, the applicant, the owner of the property on which the sign will be erected and the property owner's consent. A separate application shall be submitted for each sign.
- (B) Sign Permit. The City Recorder/Treasurer shall issue a sign permit when all applicable provisions of this chapter have been met. Except as otherwise provided, a separate sign permit shall be obtained for each sign.
- (C) Sign Permit Fee. Each sign permit application shall be accompanied by a sign permit fee as required by the City's schedule of fees and penalties as approved through resolution of the City Council.
- (D) Double Fees. When a sign is erected or placed prior to approval of a required sign permit, the sign permit application fee specified in the City's schedule of fees and penalties as approved through resolution of the City Council shall be doubled. Payment of the double fee shall not relieve an applicant from fully complying with the requirements of this chapter or from penalties prescribed in this chapter. (Ord. 454, §2, 2000)

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10.64.160 Inspection. All signs for which a sign permit is required shall be subject to inspection by the Building Inspector, City Recorder/Treasurer and/or a member of the Planning Commission. Inspection may include, but shall not be limited to the following:

- (A) Site inspection to assure compliance with the decisions of the Planning Commission, the sign permit criteria, if any, and provisions of this chapter;
- (B) Structural inspection;
- (C) Inspection of braces, anchors, supports and wall connections. (Ord. 454, §2, 2000)

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10.64.170 Appeals Process. A decision of the City Recorder/Treasurer's review on a sign application may be appealed to the Planning Commission.

A decision of the Planning Commission's review on a sign application may be appealed to the City Council. (Ord. 454, §2, 2000)

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10.64.180 Enforcement. The City Recorder/Treasurer is authorized to enforce the provisions of this chapter and to direct the removal of any illegal signs. When the City Recorder/Treasurer has determined that a violation of this chapter exists, a written notice shall be served to the owner of the sign or the owner of the premises on which the sign is located.

Additional notice is not required if a written notice was previously served to the responsible person regarding a substantially similar sign on the same premises. Notice shall be delivered to the person allegedly responsible for the sign by certified mail with return receipt requested. Multiple sign violations may be incorporated into a single notice. The notice shall contain at least the following information.

- (A) A description of the sign condition to identify the violation;
- (B) A statement describing how the recipient of the notice is responsible for the condition;
- (C) A statement that the condition or the sign has been found to violate this chapter with a brief and concise description of the nature of the violation;
- (D) A statement of the action required to remedy the violation and a date by which the remedy must be completed. Unless otherwise provided, permanent signs shall be remedied in not more than fourteen days and temporary signs shall be remedied in not more than forty-eight hours;
- (E) If the sign is determined to be a nuisance, then a statement to that effect shall be included. (Ord. 454, §2, 2000)

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10.64.190 Responsibility for Violations. It is intended that sign violations result in a penalty even though the responsible party does not knowingly or intentionally violate the provisions of this chapter. The mere fact that a violation exists and that a person is responsible or owns or controls the property on which the sign violation occurs, is sufficient to initiate enforcement proceedings and impose penalties. A person may be found liable, responsible or guilty of an alleged sign violation by reason of ownership, control or possession of the sign or the property on which the sign exists or has existed by reason of such person being the proximate cause of such sign's condition. (Ord. 454, §2, 2000)

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10.64.200 Penalties. It is a violation not to comply with any of the provisions of this chapter. It is also a violation to erect, maintain or use a sign contrary to this chapter. Conviction of a violation of any provision of this chapter will result in a penalty. Each day that a violation exists shall constitute a separate offense with a fine as required by the City's schedule of fees

and penalties as approved through resolution of the City Council. (Ord. 454, §2, 2000)

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10.64.210 Cumulative Remedies. The rights, remedies and penalties provided in this chapter are cumulative and not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the city under any other provisions of law. All officials, departments and employees of the city vested with authority to issue permits or grant approvals shall adhere to and require conformance with this chapter, and shall issue no permit or grant approval for any sign which violates or fails to comply with the conditions or standards imposed by this chapter. Any permit or approval issued or granted in conflict with the provisions of this chapter, whether intentional or otherwise, shall be void. (Ord. 454, §2, 2000)

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Chapter 10.68 CLEAR VISION AREA

Sections:

10.68.010 Clear Vision Area

10.68.020 Definition of Clear-Vision Areas

10.68.030 Establishment of Clear-Vision Areas

10.68.040 Measurement of Clear-Vision Areas

10.68.010 Clear Vision Area. A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot 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 lot lines at intersections have rounded corners, the lot-lines will be extended in a straight line to a point of intersection. (Ord. 350, §7.15, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.68.020 Definition of Clear-Vision Areas. A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot 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 lot lines at intersections have rounded corners, the lot-lines will be extended in a straight line to a point of intersection. (Ord. 350, §7.15, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.68.030 Establishment of Clear-Vision Areas. 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 3 feet in height, measured from the top of the curb, or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet of above the grade. (Ord. 350, §9.6, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.68.040 Measurement of Clear-Vision Areas. The following measurements shall

establish clear-vision-areas: (sketch accompanying)

- (A) In a residential zone the minimum lot line distance shall be 30 feet, or at intersections including an alley, 10 feet.
- (B) In all other zones the minimum lot line distance shall be 15 feet except that when the angle of intersection between streets, other than an alley, is less than 30 degrees, the distance shall be 25 feet. (Ord. 350, §9.7, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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CHAPTER 10.72 ACCESSORY STRUCTURES

Sections:

[10.72.010 Application of Regulations](#)

[10.72.020 Height](#)

[10.72.030 Front Yards and Yards Adjacent to Streets](#)

[10.72.040 Side Yards, Interior](#)

[10.72.050 Rear Yards](#)

[10.72.060 Accessory Structures Attached to the Main Building](#)

[10.72.070 Storage of Trailer Coaches, Camper Units-and Trailers](#)

[10.72.080 Swimming Pools](#)

[10.72.010 Application of Regulations.](#) The regulations herein set forth shall apply to all residential zones and to structures in any other zone used in connection with residential purposes. (Ord. 350, §12.1, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.72.020 Height.](#) The maximum height of any accessory structure shall be that of any use allowed in the zone unless stipulated in this Title. (Ord. 350, §12.2, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.72.030 Front Yards and Yards Adjacent to Streets.](#) Any accessory structure, except fences, which has any portion extending above grade shall observe the yard requirements the same as the main building. This shall include a dwelling. A garage, whether attached to a residence or as a separate building on which the main opening is towards a street, shall be located not less than 20 feet from the property line bordering the street. (Ord. 350, §12.3, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.72.040 Side Yards, Interior.](#) Accessory structures not attached to the main building located in an interior side yard shall be set back at least 7½, feet from any lot line. (Ord. 350, §12.4, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.72.050 Rear Yards. An accessory structure may be located within a required rear yard, but not closer than five feet to the rear property line measured from the eave line. Its location must comply with side yard requirements. In the case of an alley adjacent to a rear yard the accessory structure may be located no less than five (5) feet from the right-of-way of the alley. An accessory structure located within a required rear yard shall be no more than 12 feet in height and its area shall be no greater than 200 square feet. (Ord. 350, §12.5, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.72.060 Accessory Structures Attached to the Main Building. Covered or enclosed accessory buildings which are attached to the main building shall be considered as a portion of the main building except for certain projections, as provided in Chapter 10.76. Accessory structures shall be considered as being attached to the main building when any portion of the accessory structure is located within 4 feet of the main building. (Ord. 350, §12.6, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.72.070 Storage of Trailer Coaches, Camper Units, and Trailers. Trailer coaches, camper units, and trailers shall not be stored in a required front or street side-yard. For the purpose of this subsection the word "stored" relates to any unit which shall remain in a similar position for a period of 48 hours or more. (See Chapter 10.84 regarding the use of recreational vehicles as quest quarters.) (Ord. 350, §12.9, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.72.080 Swimming Pools. An uncovered swimming pool may be located in a required rear yard provided it is no closer than five (5) feet to the rear property line. Any pool, either above or below ground, three (3) feet deep or greater, shall be contained within a fenced or walled area. The fence or walled area shall be a minimum of 4 feet in height. (Ord. 350, §12.10, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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CHAPTER 10.76 LOT AREA, YARDS AND HEIGHT RESTRICTIONS

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[10.76.010 New Buildings to be on a Lot](#)

[10.76.020 Yards Apply Only to One Building](#)

[10.76.030 No Parking in Front Yard or Landscaped Areas](#)

[10.76.040 Projections from Buildings](#)

[10.76.050 General Exceptions to Yard Requirements](#)

[10.76.010 New Buildings to Be on a Lot.](#) Every building erected shall be located on a lot as herein defined. (Ord. 350, §11.1, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.76.020 Yards Apply Only to One Building.](#) No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this Title shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected. (Ord. 350, §11.2, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.76.030 No Parking in Front Yard, Yards Adjacent to a Street, or Landscaped Areas.](#) No parking shall be allowed exclusive of driveways within the required front yard area or a required side yard adjacent to a street. The side yard and rear yard areas may be used for parking of vehicles unless otherwise prohibited by this Title. In no case shall parking be allowed in a clear vision area or in a landscaped area. (Ord. 350, §11.3, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.76.040 Projections from Buildings.](#) Architectural features such as cornices, canopies, sunshades, chimneys, and flues, shall not project more than 18 inches into a required yard. Eaves may extend a distance not to exceed 30 inches into a required yard. These provisions shall apply unless determined otherwise by the Planning Commission. (Ord. 350, §11.4, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.76.050 General Exceptions to Yard Requirements.

- (A) Subject to the requirements of this section, the following exceptions to the front yard requirement for dwelling are authorized for a lot in any zone:
 - (1) Every building shall be set back from the front lot line at least 20 feet, except in the instance of where the average depth of the other buildings on the same side of the street are between 20 and 10 feet, then the average may be used. The average depth is the average of the distance from the closest part of the foundation of the existing buildings to the front property line where the existing buildings are within 200 feet of the center of the proposed building, on the same side of the street. If existing buildings are within 10 feet of the property line, then within the same block. no less than 10 feet shall be used in figuring the average, or if existing buildings are more than 20 feet from the property line then the minimum requirement of 20 feet shall be used in figuring the average.
- (B) 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 20 feet from the property line bordering the street.
- (C) In a district where automobile service stations are permitted, free standing gasoline pumps and pump islands, identification signs and lighting standards may occupy a required front or street side yard. In any case, gasoline pumps and pump islands shall not be closer than 10 feet to a street line, nor shall they protrude into the clear vision area.
- (D) 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 side of the alley adjacent to the property.
- (E) A side yard on the street side of a corner lot shall extend from the front yard to the rear lot line. The front yard of a corner lot is defined as being the side upon which the development thereon faces. (Ord. 350, §11.5, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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Chapter 10.80 MANUFACTURED/MOBILE HOME REGULATIONS

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10.80.010 Purpose

10.80.020 Design Standards for Mobile Homes, Manufactured Homes or Pre-fabricated Homes on Individual Lots

10.80.010 Purpose. The purpose of Chapter 10.80 is to provide design standards for mobile homes on individual lots. (Ord. 350, §10(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.80.020 Design Standards for Mobile Homes, Manufactured Homes or Prefabricated Homes on Individual Lots. A mobile home, manufactured home or prefabricated home in the City of Yamhill placed on an individual lot shall comply with the following provisions:

- (A) Where herein referred to, a "mobile home", "manufactured home" or "prefabricated home" shall mean a factory-built "home" having no less than 950 square feet in area which has been constructed to be moved upon highways in one or more sections and for permanent residential living. No mobile home, manufactured home or prefabricated home shall be established on any lot in the City of Yamhill unless the same shall have been manufactured no more than five (5) years prior to the date sought for installation.
- (B) Subject to the requirements of this Title and within the following described areas of the City of Yamhill, mobile homes, manufactured homes or prefabricated homes may be erected, used and occupied:
 - (1) R-1 Single-family Residential.
 - (2) R-2 Single-family Residential.
 - (3) R-3 Multi-family Residential.
- (C) The placement of the mobile home, manufactured home or prefabricated home shall also be subject to the following provisions:
 - (1) The owner of the "home" shall also be the owner of the lot on which the "home" is located.
 - (2) No "home" shall be placed upon a lot until arrangements have been made to connect the "home" to the City sewer system and to the City water system, and no "home" shall be occupied until such connections are made.
 - (3) No "home" shall be placed upon a lot unless it has the Oregon State Seal of

Approval.

- (4) All "homes" placed upon a lot shall conform to the setback requirements specified in this Title.
- (5) All "homes" placed on a lot in said zone shall within 30 days after placement, remove the tongue and wheels and/or erect it in accordance with the following specifications:
 - (a) No less than two continuous 16 inch wide by 6 inch deep concrete footings, per section, containing a minimum of 2 each, ½ inch (#4) rebar.
 - (b) Footings set to ground level on solid undisturbed ground and running lengthwise of the home.
 - (c) Six mil (0.006 inch) black plastic covering ground and footings under the mobile home.
 - (d) Homes must have at least 18 inches clearance between ground level and bottom of frame members. The floor shall be placed a maximum of eighteen (18) inches above the finish ground level at any point.
 - (e) The "home" shall be supplied with a roof with a minimum slope of 16% (2:12) and shall have composition roofing, shakes or other materials approved by the Planning Commission.
 - (f) Lap siding or comparable siding as to style and material.
 - (g) The "home" must have a continuous skirting of non-corrosive, non-decaying material extending at least 6 inches into the ground or to an impervious-face. The skirting shall have provisions for ventilation and access to the space under the unit, but such openings shall be secure against the entrance of animals.
 - (h) Each "home" must contain an approved early warning system for fire.
 - (i) Major landscaping shall be done by the end of the first garden season after occupancy is granted, but in no case, shall such period be allowed to extend more than eight (8) months.

(E) No additions or outbuildings shall be constructed with or added to or placed upon said lot which do not conform in all respects to the City Building Code, the zoning setback requirements, and the ordinances enacting the same.

(F) The owner of the property, upon removal of the "home", agrees to remove the foundation to ground level and all additions to the "home" and to permanently disconnect sewer, water and other utilities. The "permit" authorizes the City to perform the work and place a lien against the property for the cost of the work in the event the owner fails to accomplish the work within thirty (30) days from the date on which the "home" is moved from its foundation. This condition shall not apply in the event that the "home" is replaced on the original foundation, or on the original foundation as modified by another approved "home" within sixty (60) days of the original unit's removal.

(G) No mobile home, manufactured home or prefabricated home or similar unit shall be placed

on a lot and used for storage purposes.

(H) The City shall retain the right to perform the work as required to fulfill the conditions of this Chapter, in the event the owner fails to accomplish the work within the time limit specified, or within thirty (30) days after written notice of the Planning Commission to complete all work as required to fulfill the conditions of this Chapter. The City shall have the right to place a lien against the property for the cost of the work performed. The city shall have the right to foreclose against any lien made by it in accordance with the provisions of State Law. (Ord. 350, §10.3, 1984; Reso. 111, §(part), 1986; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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Chapter 10.84 TEMPORARY STRUCTURES

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10.84.010 Purpose

10.84.020 Use of Mobile, Manufactured or Prefabricated Units as Temporary Structures

10.84.030 Use of a Recreational Vehicle as Guest Quarters or Temporary Residence

10.84.010 Purpose. The purpose of Chapter 10.84 is to provide requirements for temporary structures. (Ord. 350, §10(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.84.020 Use of Mobile, Manufactured or Prefabricated Units as Temporary Structures. A mobile, manufactured or prefabricated unit in the City of Yamhill placed on an individual lot and used as a temporary residence shall comply with the following provisions:

- (A) The unit shall have a water closet and lavatory.
- (B) The unit shall be connected to City water and sewer.
- (C) The unit shall be placed to comply with any yard requirements of the zoning district in which it is located.
- (D) No accessory structures shall be allowed.
- (E) No unit shall be established on any lot in the City of Yamhill unless the same shall have been manufactured not more than five (5) years prior to the date sought for installation.
- (F) Other conditions as required by the Planning Commission.
- (G) The fee for a "Unit Placement Permit" shall be as set forth in Chapter 10.128. A "Unit Placement Permit" shall be issued for a period of six (6) months maximum. A new application fee "permit" and approval shall be required each succeeding six (6) month period. A "Unit Placement Permit" may be revoked in accordance with the provisions of Chapter 10.128. The "permit" authorizes the City to perform the work set forth in the permit and place a lien against the property for the cost of the work in the event the owner fails to accomplish the work within fifteen (15) days of the issuance of the permit. The City shall have the right to foreclose against any lien made by it in accordance with the provisions of State Law. (Ord. 350, §10.4, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.84.030 Use of a Recreational Vehicle as Guest Quarters or Temporary Residence. A recreational vehicle in the City of Yamhill placed on an individual lot and used as a temporary residence shall comply with the following provisions:

- (A) Usage of a recreational vehicle will be permitted as guest quarters not in the main building, provided such quarters are, and remain dependent upon the main building for bathroom facilities, and the guest facilities are not used for residential purposes. There shall be a time limit of thirty (30) days for such usage after which a "RV Permit" must be obtained for each succeeding thirty (30) day period, with notification to the city council before issuance of a second permit. (See Chapter 10.72 regarding location).
- (B) Usage of a recreational vehicle will be permitted as a temporary residence on an individual lot during construction of a home with the following conditions:
 - (1) The recreational vehicle shall only be occupied by the owner of the lot on which the recreational vehicle is located.
 - (2) The recreational vehicle shall be placed upon the lot on which a building permit for a housing unit has been obtained.
 - (3) Satisfactory progress in the opinion of the City Building official must be made toward the completion of the housing unit.
 - (4) The recreational vehicle shall be connected to City water and sewer service.
 - (5) The recreational vehicle shall be placed to comply with any yard requirements of the zoning district in which it is located.
 - (6) Other conditions as required by the Planning Commission.
- (C) The fee for a "RV Permit" shall be as set forth in Chapter 10.128. A "RV Permit" shall be issued for a period of one (1) month maximum. A new application, fee, "permit" and approval shall be required each succeeding one (1) month period. A "RV Permit" may be revoked in accordance with the provisions of Chapter 10.128. The "permit" authorizes the City to perform the work set forth in the permit and place a lien against the property for the cost of the work in the event the owner fails to accomplish the work within fifteen (15) days of the issuance of the permit. The City shall have the right to foreclose against any lien made by the it in accordance with the provisions of State Law. (Ord. 350, §10.5, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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CHAPTER 10.88 NON-CONFORMING BUILDINGS AND USES

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[10.88.010 Non-Conforming Use of Buildings and Land](#)

[10.88.020 Maintenance Alteration and Extension of Non-Conforming Use](#)

[10.88.030 Change of Use](#)

[10.88.040 Destruction of Non-Conforming Structures](#)

[10.88.050 Repair to Non-Conforming Structures](#)

[10.88.060 Cessation of Non-Conforming Use of Building and Land](#)

[10.88.070 Conditional Uses are not Non-Conforming Uses](#)

[10.88.010 Non-conforming Use of Buildings and Land](#). The lawful use of a building or land existing on the effective date of this Title may be continued although such does not conform to the regulations specified for the area in which the land or building is located. (Ord. 350, §14.1, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.88.020 Maintenance Alteration and Extension of Non-conforming Use](#). A non-conforming structure or use may be continued, maintained, altered, or extended subject to the following conditions:

- (A) Before enlargement, extension or expansion of the use of a non-conforming building is permitted which does not conform to regulations of the zone in which the use is located the approval of the Planning Commission is required as set forth in Chapter 10.100 for Variances. (Ord. 350, §14.2, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.88.030 Change of Use](#). If a non-conforming use is replaced by another use, the new use shall conform to this Title. Replacement of a non-conforming use by a use in the same land use category, shall not be considered a change of use. (Ord. 350, §14.3, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.88.040 Destruction of Non-conforming Use](#). If a non-conforming structure or a

structure containing a non-conforming use is destroyed by any cause to an extent exceeding 50 percent of its fair market value as indicated by the records of the County Assessor, the future structure or use on the site shall conform to this Title, unless the structure is replaced and the use is reestablished within six months of the date of destruction. (Ord. 350, §14.4, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.88.050 Repair to Non-conforming Structures. A non-conforming structure may be repaired and maintained so long as any such repair or maintenance does not in any way increase its non-conformance and remains otherwise lawful. (Ord. 350, §14.5, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.88.060 Cessation of Non-conforming Use of Building and Land. If the actual operation of a non-conforming use of a building or land ceases for a period of 60 days, such building and/or land shall be subject to all the regulations specified by this Title for the zone in which such building or land is located. Notification of cessation of non-conforming use shall be served by the City and shall begin the date of cessation of non-conforming use regardless of the date of notice by the City. (Ord. 350, §14.6, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.88.070 Conditional Uses Are Not Non-conforming Uses. Any use which is permitted as a conditional use as provided in this Title shall not be deemed a non-conforming use, but shall, without further action be deemed a conforming use, qualified with such conditions as the Planning Commission has required. (Ord. 350, §14.7, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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Chapter 10.92 LAND USE AND BUILDING PERMIT PROCEDURE

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[10.92.060 Applicants Responsibility](#)

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[10.92.010 Land Use and Building Permit Procedure](#). All application for land use and building permits shall be subject to the following conditions. (Ord. 350, §8(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.92.020 Conformance and Permits Required](#). No building, structure, or premises shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, structurally altered, or enlarged unless in conformity with all the regulations herein specified for the zone in which it is located, and then only after applying for and securing all permits and licenses required by all laws and regulations. (Ord. 350, §8.1, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.92.030 City Land Usage Approval](#). All applications provided for in this title shall be made on forms prescribed by the Planning Commission and/or City Recorder. Applications shall be made in writing and accompanied plat plans and specifications drawn to scale, showing the actual shape and dimensions of the lot be built upon, the sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure, or part thereof, and such other information as is needed to determine conformance with this Title. (Ord. 350, §8.2, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.92.040 Plats](#). Each application for a building permit, or a change in the use of a building,

shall be accompanied by a drawing or plat in duplicate (2), drawn to scale, showing the lot or tract plan, the location of the building or structure and other information necessary to show compliance with these regulations. This plat shall be made from a plat of record or from an accurate survey after the lot has been staked by a licensed surveyor. A copy and record and a duplicated copy shall be kept at the building at all times during construction. (Ord. 350, §8.3, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.92.050 Building Permit Approval. Upon approval the applicant shall present all completed city land use forms with the necessary building plans to the City Building Inspector for inspection, approval and for necessary enforcement measures. (Ord. 350, §8.4, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.92.060 Applicants Responsibility. Fulfilling the requirements of subsection 10.92.020 shall be the responsibility of the applicant. (Ord. 350, §8.5, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.92.070 City Building Inspector Approval. The City Building Inspector shall approve building permits only when the City Recorder has reviewed the application and granted approval consistent with Chapter 10.128. (Ord. 350, §8.6, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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Chapter 10.96 HOME OCCUPATION PERMITS

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[10.96.010 Purpose](#). The intent of the home occupation is to recognize the needs of people who are engaged in small-scale business or professional operations from their place of residence. The residential character of the property shall be maintained and the home occupation shall be conducted in such manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term. A home occupation shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home for which purpose the residential zone was created and primarily intended. (Ord. 350, §18.5, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.96.020 Definitions:](#)

"Home Occupation". An occupation carried on solely by the resident of a dwelling house of a secondary use, connection with which no assistants are employed, no commodities are sold other than services, no sounds are heard beyond the premises, and there is no display, advertisement, or sign board except such signs as by this Title may be permitted in the zone where the home occupations such as dressmaking, lawyer, notary public, public accountant, artists, writer, teacher, musician, home office of a physician, dentist, or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobtrusively, and inoffensively pursued in a family dwelling, provided no structural alterations are made to accommodate such occupations and the residential character of the building remains

unchanged, and not more than one-half of the floor area of 1 story is devoted to such use.

"Home Occupation Permit". A Home Occupation Permit which is issued by the Planning Commission through the Conditional Use Permit Process.

"Simple Home Occupation Permit". A minor form of Home Occupation Permit which may be issued by the City Recorder/Treasurer if all applicable conditions can be met by the resident/owner of the property. (Ord. 350, §7.38, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.96.030 Types of Home Occupation Permits. There is hereby established two types of Home Occupation Permits.

- (A) Type 1 - Home Occupation Permit, shall consist of a Home Occupation Permit which shall be issued by the Planning Commission through the Conditional Use Permit Process.
- (B) Type 2 - Simple Home Occupation Permit, shall consist of a minor Home Occupation Permit which shall be issued by the City Recorder/Treasurer as part of the City Business License Process, if all requirements of the Simple Home Occupation Permit process can be adhered to by the applicant. (Ord. 454, §2, 2000)

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10.96.040 Authority to Issue. A Simple Home Occupation Permit shall be one which meets the following guidelines and can be approved by the City Recorder/Treasurer in conjunction with the issuance of a City Business License, when in compliance with the rules and regulations as stated in this Chapter.

A standard Home Occupation Permit shall be issued by the Planning Commission upon the successful completion of a Conditional Use Permit proceeding. (Ord. 454, §2, 2000)

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10.96.050 General Provisions. Any application for a Home Occupation will require a joint application with the Owner if the applicant is other than the Owner. The permit shall terminate immediately upon vacation of premise by the applicant. Continuation of the same "home occupation" by a different person than the original applicant will require a new application, fees and review/hearing. (Ord. 350, §18.5, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.96.060 Business' Which Qualify for Simple Home Occupation Permits. Simple Home Occupation Permits may be issued for the following home businesses (provided that those businesses are to be used as home office use only):

- (A) Dressmaking
- (B) Lawyers
- (C) Notary Public
- (D) Public Accountant
- (E) Artists
- (F) Writers
- (G) Teachers
- (H) Musicians
- (I) Physicians
- (J) practitioner of healing arts
- (K) Word Processing
- (L) Computer Consultants
- (M) Engineers
- (N) Contractors
- (O) Other occupations which can clearly demonstrate that they will comply with the conditions under section 10.96.010 above.

Any business which is questionable, or does not meet the conditions for a Simple Home Occupation Permit shall have the right to apply for a Conditional Use Permit from the City Planning Commission. (Ord. 454, §2, 2000)

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10.96.070 Standards for Home Occupations. Either type of home occupation shall fulfill the following conditions:

- (A) No person shall be employed other than a member of the family residing in the home.
- (B) No structural alterations shall be made to accommodate such occupations, the residential character of the buildings and property remains unchanged, and traffic attracted to the premises be kept at a minimum.
- (C) The business or activity shall be conducted wholly within the home or within a small attached (not greater than ½ floor area of the house) accessory building, residential in appearance. Accessory buildings used for a home occupation shall comply with all setback requirements of the zone.
- (D) No noise, dust or any other offensive action or material be emitted from the premises.
- (E) No storage of materials, products, or supplies be conducted outside of the building.
- (F) There shall be sufficient room to load and unload materials, supplies, and products on the premises. (Ord. 350, §18.6, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.96.080 Fee. That as a form of Business License the fee shall be the same as for a Business License as established by the City Council by Resolution. (Ord. 454, §2, 2000)

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10.96.090 Forms to be Provided by City. All parties who wish to obtain a Home Occupation Permit shall make application on the forms provided by the City. If the Home Occupation is approved, the applicant shall enter into a contract with the City of Yamhill to ensure compliance with the established regulations. Said contract shall be renewable each year as part of the process of issuing Home Occupation Permits. (Ord. 454, §2, 2000)

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10.96.100 Annual Renewal. Once either form of a Home Occupation Permit has been obtained, it shall be renewed on an annual basis, in conjunction with an annual business license. The home occupation permit number shall be noted just under the Business License Number located on the official City Business License.

If the original Home Occupation Permit was obtained through the Conditional Use Permit Process, it shall not be required to undergo a new Conditional Use Permit process each year. However, at the Planning Commission's discretion, it may be required to undergo an annual review to determine that it is continuing to observe all requirements as may have been required when the original permit was issued. (Ord. 454, §2, 2000)

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10.96.110 Permits Valid--From--To. A home occupation permit shall be valid from the date of issue until the end of the current fiscal year. The City's fiscal year is from July 1 to June 30 each year. All parties holding a Home Occupation Permit shall renew their permit when they renew their Business License each year. (Ord. 454, §2, 2000)

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10.96.120 Revocation of Home Occupation Permit. At any time it is determined that the holder of the Home Occupation Permit is in violation of their contract with the City of Yamhill, the City retains the right to revoke both their Home Occupation Permit and their Business License. If a Home Occupation Permit is revoked by the City, the holder of the Permit shall retain the right to apply for a Conditional Use Permit to re-establish the Home

Occupation. The process for applying for a Conditional Use permit is controlled by Section 10.104, and forms and fee information are available at City Hall. (Ord. 454, §2, 2000)

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Chapter 10.100 VARIANCES

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[10.100.010 Authority to Grant or Deny Variances.](#) The Planning Commission may approve 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. (Ord. 350, §16.1, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.100.020 Application and Processing Procedure.](#) An application for a variance shall be processed in accordance with the provisions of Chapter 10.128 of this Title. (Ord. 350, §16.2, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.100.030 Findings Required for Granting a Variance.](#) The Planning Commission may grant a variance when it appears from the application, and the facts permitted at the public hearing, and by investigation that:

- (A) There are unnecessary, unreasonable hardships or practical difficulties which can be relieved only by modifying the requirements of this Title, and is the minimum relief to relieve the hardship; and,
- (B) There are exceptional or extraordinary circumstances or conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to the land, buildings, or uses in the same zone; however, nonconforming land, uses, or structures in the vicinity shall not in themselves constitute

such circumstances or conditions; and,

- (C) That granting the application will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises; and,
- (D) That such variance is necessary for the preservation and enjoyment of the substantial property rights of the petitioner; and,
- (E) That the granting of the application will not, under the circumstances of the particular case, adversely affect the health or safety of persons working or residing in the neighborhood of the property of the applicant; and,
- (F) That granting of the application will be in conformance with the intent and purpose of this Title and any officially adopted comprehensive plan. (Ord. 350, §16.3, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.100.040 Limiting Variances. The Planning Commission may impose such limitations, conditions and safeguards as it may deem appropriate so that the intent of this Title will be observed, public safety and welfare secured, and substantial justice be done. The Planning Commission may limit the time or duration of a variance. If the variance is granted, the applicant will exercise the rights granted in accordance with the terms and subject to all conditions and limitations of the approval by the Planning Commission. A violation of any such condition or limitation shall constitute a violation of this Title. (Ord. 350, §16.4, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.100.050 Variance Right must Be Exercised to Be Effective. Variances granted under this Title shall be effective only when the exercise or the right granted thereunder shall be completed within 6 months from the effective date of that variance, unless a longer period be specified or thereafter allowed by the Planning Commission. In case such right has not been exercised, or extension obtained, the variance shall be void. (Ord. 350, §16.5, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.100.060 Effective Date of Approval. If no public hearing is held by the City Council, the variance shall be effective 15 days after the date of the notice of the decision; however, if a public hearing is held by the City Council, the variance shall be effective following the final action taken by the City Council. (Ord. 350, §16.6, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.100.070 Appeals. A decision of the Planning Commission may be appealed pursuant to the provisions of Chapter 10.128. (Ord. 350, §16.7, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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Chapter 10.104 CONDITIONAL USES

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[10.104.010 Authority to Grant or Deny Conditional Uses.](#) Conditional uses listed in this Title may be permitted, enlarged or otherwise altered upon authorization by the Planning Commission in accordance with the standards and procedures set forth in this Section. Specific conditional uses may be permitted in accordance with Chapter 10.108. (Ord. 350, §18.1, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.104.020 Application and Processing Procedure.](#) An application for a conditional use shall be filed in accordance with the provisions of Chapter 10.128 of this Title. (Ord. 350, §18.2, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.104.030 Circumstances for Granting Conditional Uses.](#) The Planning Commission may prescribe restrictions or limitations for the proposed conditional use. Any reduction or change of the requirements of the Title must be considered as varying the Title and must be requested and viewed as such. The Planning Commission shall impose conditions only after it has determined that such conditions are necessary for the public health, safety and general welfare, or to protect persons or improvements in the area. The Planning Commission may prescribe such conditions it deems necessary to fulfill the purpose and intent of this Title. The Planning Commission shall analyze the following criteria and incorporate such into their decision:

- (A) There is a public need for the conditional use;
- (B) There is an inadequacy of other property to satisfy the public need;
- (C) The conditional use conforms to the Comprehensive Plan, all other provisions of this Title, and any applicable street or highway plans;
- (D) The site for the proposed use is adequate in size and shape to accommodate said

use of all yards, spaces, walls and fences, parking, loading, landscaping and other features required to incorporate said use with land uses in the neighborhood;

- (E) The site for the proposed use related to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
- (F) The proposed use will have minimal adverse affect on abutting property or the permitted uses thereof; and
- (G) The conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare. (Ord. 350, §18.3, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.104.040 Effective Date of Approval. If no public hearing is held by the City Council, the conditional use shall be effective 15 days from the date of the decision by the Planning Commission. (Ord. 350, §18.4, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.104.050 Appeals. A conditional use decision of the Planning Commission may be appealed pursuant to the provisions of Section 10.128.190. (Ord. 350, §18.7, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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Chapter 10.108 SPECIFIC CONDITIONAL USES

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10.108.030 Boat, Camper, Trailer and Equipment Storage Area

10.108.040 Standards for Boarding, Lodging or Rooming House and/or Group Care Home

10.108.010 Residential Use in C-3 Zone. Within the C-3 Zone, Residential Usage shall be permitted as a conditional use provided:

- (A) The dwelling shall be for one family as an accessory to a permitted use and contained in the main building.
- (B) The second story (only) of a commercial structure within the G-3 Zone may be used for studio apartments of no less than 450 square feet and not to exceed 650 square feet.
- (C) There shall be provided at least 1 off-street parking space for each dwelling unit, said parking space to be provided on site, in accordance with Chapter 10.52 of this title.
- (D) The dwelling unit shall be in compliance with all current applicable building codes relating to residential usage, in accordance with Title 9 of this Code. This shall be verified by a complete and thorough inspection by the City Building Inspector.
- (E) That no building or structure shall exceed 35' at its highest point from natural ground level.
- (F) That lighting shall be so oriented to not shine or reflect upon abutting properties nor into the traveling lanes of any street in such a manner so as to constitute a nuisance.
- (G) That the Planning Commission may require landscaped yards be provided for the general livability of the community and the subject property. (Ord. 454, §2, 2000)

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10.108.020 Standards Governing Keeping of Animals in Residential Zones. In addition to the other provisions of Chapter 10.104, the following conditions shall apply in a zone when animals are permitted by conditional use procedures. In addition to the lot area per family requirement for the zone, the following additional area requirements apply to the raising of animals:

- (A) The raising of animals and fowl as a commercial enterprise is prohibited;
- (B) Bees and domestic farm animals, except pigs and goats may be raised on lots having an area not less than three (3) acres;

- (C) The total number of such animals allowed on a lot, shall be limited to the square footage of the lot divided by the total minimum area required for each animal as listed below:

Horses, cows, sheep 25,000 square feet/each

- (D) Chickens, fowl or rabbits are allowed to be kept on any lot, but the number of chickens, fowl or rabbits shall not exceed (1) animal for each 1,000 square feet of property upon which animals are kept. Rabbits, chickens and/or fowl shall be maintained at all times. All food shall be stored in metal or rodent-proof receptacles.
- (E) Accessory buildings and structures, for raising and keeping of animals are not permitted in the front 60 feet of the lot. All accessory buildings which are not part of the main building, shall be separated from the main building by at least ten (10) feet. Exception: Animal runs, pens or barns shall be located on the rear half of the property but not closer than 80 feet from the front property line and 15 feet from a side lot line. Proper sanitation shall be maintained at all times. (Ord. 350, §19.4, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.108.030 Boat, Camper, Trailer and Equipment Storage Area. Boat, camper, trailer and equipment storage area may be permitted in an R-1, R-2 and R-3 zone, provided:

- (A) That no sales are carried on, or any retail business or service operated in connection therewith, nor shall any substantial maintenance or repair of any vehicles or equipment stored thereon be conducted on the premises, whether by the owner or otherwise, unless such work be performed wholly within a building.
- (B) That the front yard and any other yard adjacent to a street shall be landscaped with an evergreen ground cover; further, that this landscaping shall be adequately and permanently maintained.
- (C) That an ornamental sight-obscuring fence, or wall, having a height of at least 6', or a compact evergreen hedge not less than 3' in height when planted and capable of reaching at least 6' within 3 years be placed at the front yard setback line and at the setback line of any other adjacent area to a street, and along all other property lines; provided, however, that the Planning Commission may require additional screening and landscaping where topography or other special conditions indicate such to be necessary to adequately screen the area.
- (D) That the lot be paved in conformity with Chapter 10.52, or graveled and maintained in a manner so that dust shall be reasonably controlled.
- (E) That lighting shall be so oriented to not shine or reflect upon abutting properties nor into the traveling lanes of any street in such a manner so as to constitute a nuisance.
- (F) That any building used in conjunction with the storage lot shall conform to all yard

setbacks as for the main buildings in a residential zone, and said building shall be architecturally designed and constructed of materials compatible with the residential development of the subdivision or neighborhood. (Ord. 350, §19.7, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.108.040 Standards for Boarding, Lodging or Rooming House And/or Group Care Home. Such uses may be authorized as a conditional use only after consideration of the following factors:

- (A) Sufficient area provided for the building, required yards, related structures, and off-street parking;
- (B) Location of the site relative to the service area;
- (C) Probable growth and needs therefore;
- (D) Site location relative to land uses in the vicinity;
- (E) Adequacy of access to and from principal streets together with the probable effects on the traffic volumes of abutting and nearby streets. (Ord. 350, §19.8, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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Chapter 10.112 DEVELOPMENT PERMITS

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[10.112.010 Authority to Grant or Deny Development Permits](#)

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[10.112.010 Authority to Grant or Deny Development Permits.](#) Development Permits listed in this Title may be permitted, enlarged or otherwise altered upon authorization by the Planning Commission in accordance with the standards and procedures set forth in this Section. Specific development permits may be permitted in accordance with Chapter 10.116. (Ord. 454, §2, 2000)

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[10.112.020 Application and Processing Procedure.](#) An application for a development permit shall be filed in accordance with the provisions of Chapter 10.128 of this Title. (Ord. 454, §2, 2000)

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[10.112.030 Circumstances for Granting Development Permits.](#) The Planning Commission may prescribe restrictions or limitations for the proposed development permit. Any reduction or change of the requirements of the Title must be considered as varying the Title and must be requested and viewed as such. The Planning Commission shall impose conditions only after it has determined that such conditions are necessary for the public health, safety and general welfare, or to protect persons or improvements in the area. The Planning Commission may prescribe such conditions it deems necessary to fulfill the purpose and intent of this Title. The Planning Commission shall analyze the following criteria and incorporate such into their decision:

- (A) There is a public need for the development permit;
- (B) There is an inadequacy of other property to satisfy the public need;
- (C) The development permit conforms to the Comprehensive Plan, all other provisions of this Title, and any applicable street or highway plans;
- (D) The site for the proposed use is adequate in size and shape to accommodate said

use of all yards, spaces, walls and fences, parking, loading, landscaping and other features required to incorporate said use with land uses in the neighborhood;

- (E) The site for the proposed use related to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
- (F) The proposed use will have minimal adverse affect on abutting property or the permitted uses thereof; and
- (G) The conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare. (Ord. 454, §2, 2000)

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10.112.040 Effective Date of Approval. If no public hearing is held by the City Council, the development permit shall be effective 15 days from the date of the decision by the Planning Commission. (Ord. 454, §2, 2000)

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10.112.050 Appeals. A development permit decision of the Planning Commission may be appealed pursuant to the provisions of Section 10.128.190. (Ord. 454, §2, 2000)

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Chapter 10.116 SPECIFIC DEVELOPMENT PERMITS

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10.116.010 Duplex in an R-1 Zone

10.116.020 Multi-family housing

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10.116.010 Duplex in a R-1 Zone. Within an R-1 zone a duplex shall be provided on any lot:

- (A) That the lot shall have at least 9,000 square feet.
- (B) That the use meets all yard and setback requirements of the zone. (Ord. 350, §19.1, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.116.020 Multi-Family Housing. Within an R-3 zone Multi-Family Housing shall be permitted as a development permit provided:

- (A) Height. No building or structure shall exceed 35' at its highest point from natural ground level.
- (B) Yard size requirements. There shall be a side yard, a rear yard and a front yard for every multi-family dwelling, which yard shall have a minimum depth as follows:
 - (1) There shall be a side yard not less than 7½, feet from the main building, except a yard on the street side of a corner lot shall be not less than 20 feet.
 - (2) A front yard shall be not less than 20 feet.
 - (3) A rear yard shall be not less than 20 feet or as required in Section 10.20.060. Any side or rear yard adjacent to a street shall have a minimum yard depth of 20 feet.
- (C) The yard depth between 2 or more main buildings on the same lot shall be equal to that side yard depth measured to an assumed property line drawn between the buildings. The yard depth between the assumed property line and the building shall be not less than as provided in this Title.
- (D) Landscaped yards. Criteria for a Multi-Family Development Permit shall include landscaped yards provided according to or in excess of the following:
 - (1) For each multi-family dwelling unit, 500 square feet of landscaped yard shall be provided for each unit plus 100 square feet for each additional bedroom over 3

in each unit.

- (2) All required yards adjacent to a street shall be landscaped, save that portion devoted to off-street parking. Such landscaping may be counted in fulfilling the requirements of the preceding subsection.
 - (3) The Commission may require additional site amenities such as children's playgrounds, fencing, additional landscaping, garbage area screening and provision for rubbish control and building spacing if the scale of the project warrants additional amenities for the general livability of the community and of the proposed project.
- (E) Lot Area and Width. The minimum lot area for multi-family use shall be 8,000 square feet for a two family dwelling; each additional dwelling unit shall require 1,500 square feet of lot area. No main building or group of main buildings shall occupy more than 40% of the lot area, and no detached accessory structure may occupy more than 25% of any side or rear yard.
 - (F) Parking Requirements. All multi-family uses shall conform to the requirements of Chapter 10.52 of this title. (Ord. 350, §19.3, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.116.030 Standards for Towers And/or Antennas. In all zones, the following minimum requirements shall apply to all towers and/or antennas:

- (A) All towers and/or antennas shall be fenced. Landscaping shall be required around the outside of the fence to visually reduce the impact of the tower and/or antenna at ground level;
- (B) In all zones, all equipment placed on the site with the tower and/or antenna shall be placed within an enclosed building;
- (C) The tower and/or antenna shall not be placed in any required set back area.
- (D) Towers and/or antennas shall be so located, designed and installed as to minimize their conflict with solar access and scenic values of the area.
- (E) No direct or indirect lighting of towers and/or antennas shall be permitted unless required by State or Federal law. (Ord. 350, §19.9, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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Chapter 10.120 MOBILE HOME PARKS

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[10.120.010 Mobile Home Parks](#). Mobile Home Parks may be permitted in an R-2 and R-3 zone as a development permit subject to the conditions and provisions as herein set forth in Chapter 10.116. The Planning Commission or the Council may prescribe such additional conditions for mobile home parks as the particular circumstances may require for the protection of the health, safety and welfare of the residents in the vicinity of the development consistent with the intent and provisions of this Title. (Ord. 350, §19.6(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.120.020 Application Procedure](#). Any person wishing to establish, enlarge or alter a mobile home park shall file written application therefore with the Planning Commission and furnish a layout or plot plan, drawn to scale showing existing and proposed structures, and mobile home parking areas, surrounding land uses, and streets and existing public facilities including water and sewer. The applicant shall further furnish evidence on how the requirements of Chapter 10.112 of this title will be met, a list of all property owners and addresses located within 300 feet of the proposed park and any other information requested by the Planning Commission. All fees shall be paid upon filing said application. The Planning Commission shall consider the application in accordance with Chapter 10.128. (Ord. 350, §19.6 (part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.120.030 General Development Standards. Unless otherwise approved, the following development standards shall apply to all mobile home parks:

- (A) Any lot or site used for a mobile-home park and any modifications to a mobile home park shall comply with the provisions of ORS 446.002 to ORS 446.210 and Mobile Home Park Standards, adopted as Oregon Administrative Rule, Chapter 814, Subdivision 3, Mobile Home Parks, Sections 28.010 to 28.170, inclusive, as amended.
- (B) Any lot or site used for a mobile-home park, and any modifications to a mobile home park shall comply with the following standards and requirements.
 - (1) the minimum area of lot or site shall be five (5) acres;
 - (2) the minimum number of mobile-home spaces completed and ready for occupancy before first occupancy is permitted shall be twenty-five (25);
 - (3) no mobile home in a mobile-home park shall be located elsewhere than in a mobile-home space;
 - (4) the maximum density of a mobile home park shall not exceed ten (10) unit per gross acre.
- (C) The minimum area to be contained on a mobile space by a mobile home and its accessory structures shall be 4,000 square feet.
- (D) In a mobile-home park, only a mobile home and permissible additions shall be allowed in a mobile-home space.
- (E) In a mobile home park, one family only per mobile home space shall be permitted.
- (F) No space shall be rented for the residential use of a mobile home in a mobile-home park, except for periods of one (1) month or more.
- (G) The minimum width of improved streets shall be 22 feet without parking and 34 feet where parking is permitted on both sides.
- (H) Convenience commercial facilities, including food stores and coin-operated laundries, may be permitted in mobile home parks, provided such facilities and the off-street parking and loading areas primarily related to their operations shall not occupy more than five (5) percent of the gross area of the park; shall be sized, laid out and designed to serve the frequent trade or service needs only of the persons residing in the park; and shall present no visible evidence of their commercial character from any residential zoning district outside the park.
- (I) No travel trailer shall be permitted in any mobile-home park, unless such travel trailer meets the definition of a mobile home in Chapter 10.08 of this title.
- (J) No part of any mobile-home park shall be used for the parking or storage of any heavy equipment or trucks.
- (K) No home occupation or business shall be permitted to operate from a mobile home.
- (L) The owner of land comprising a mobile-home park shall provide from that land a community recreation area, exclusive of the required buffer area or service roadway or parking areas, equal in size to at least ten (10) percent of the gross land area proposed for development; and the recreation area shall be visibly designated as such and delineated for recreation purposes, and no parking or storage of vehicles or other mobile

equipment shall form one parcel within the mobile-home park. The Planning Commission may require this area to be protected from streets, parking areas, or the like, by a fence or the equivalent, at least 30 inches in height. Unless otherwise approved, no required open space area shall contain less than 5,000 square feet.

- (M) All contiguous lots of record proposed for the development of a mobile-home park under one ownership or management shall be consolidated into a single lot of record prior to the issuance of any building permit.
- (N) A responsible caretaker, owner or manager shall be in charge to keep the mobile-home park, its facilities and equipment in a clean, orderly and sanitary condition, and he shall be answerable with the owner for any violation of the provisions of this or any other regulation. (Ord. 350, §19.6(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.120.040 Application Requirements. All applications for approval of plans and specifications for any mobile home park shall be made on forms prescribed by the City and shall contain:

- (A) The documentation required for any application as set forth in Mobile Home Park Standards, adopted as Oregon Administrative Rule, Chapter 814, Subdivision 3, Mobile Home Parks, Sections 28.010 to 28.170, inclusive shall be observed, as amended;
- (B) Provisions for landscaping and screen planting of buffer areas and landscaping and provision of all other open space, including the mobile-home area;
- (C) Plans, profiles, and cross-sections of all roadways, underground utilities, and rough and finish grading of the site; and
- (D) Plans and specifications of the modules to be utilized for permissible additions. (Ord. 350, §19.6(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.120.050 Layout and Design Specifications. The following layout and design specifications shall apply in respect to any mobile-home park.

- (A) Land which is subject to flooding, poor drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will be harmful to the safety, health and general welfare of the future inhabitants of the mobile home park shall not be developed. Existing features which would add value to the development or the City as a whole, such as trees, watercourses, historic and archeological sites, and similar irreplaceable assets, shall be preserved in the design.
- (B) A buffer area shall be provided immediately within all boundaries, all of which shall be loamed, seeded, and planted with grass and at least one row of deciduous and/or evergreen trees spaced not more than twenty (20) feet apart, and one or more rows of

bushy shrubs or hedging capable of attaining a height of at least five (5) feet within three (3) years. Planting shall be hardy, appropriate for use and location, and planted so as to thrive with normal maintenance. The required buffer area shall be a minimum of twenty (20) feet in depth within all boundaries common to a public street, other than an alley; and the required buffer area shall be a minimum of ten (10) feet in depth within all other boundaries.

- (C) No recreation or service area, except for waterfront recreation, may be located within a buffer area.
- (D) No mobile home area may be located within a buffer area.
- (E) No building or structure may be erected or placed within a buffer area, except a sign, fence or wall.
- (F) No refuse-disposal area shall be located within a buffer area.
- (G) Within a buffer area, except for emergency access, no plant material may be removed, nor may any substance of which land is composed be deposited or removed, except as a part of a recognizable landscaping scheme.
- (H) Only streets (roads) which cross as close to right angles as practicable and connect directly with the street (road) system contained within the remainder of the park shall be permitted within a buffer area. No street (road) shall traverse the buffer area and give direct access from any public street (road) to any mobile-home space.
- (I) The street (road) system shall comply with modern subdivision design practice as prescribed by the City of Yamhill Street Standards as amended.
- (J) A walkway system shall provide safe, convenient, all-season pedestrian access from each mobile home to the driveway. All walks must be hard-surfaced, well drained and not less than 36 inches in width. All walks adjacent to driveways and thoroughfares shall be curb-line walks.
- (K) Off-street parking spaces shall be provided at the rate of one (1) space for each mobile home space plus one (1) guest space per mobile home space. Group parking bays shall be located within one-hundred fifty (150) feet of the mobile home spaces served. Required car parking spaces shall be located for convenient access to the mobile home spaces. Insofar as practicable, one (1) car space shall be located in each mobile-home space and the remainder located in adjacent bays.
- (L) All recreation areas shall be grassed, hard-surfaced, or dust free, and shall drain properly.
- (M) Within a mobile-home area, all mobile-home space boundaries shall be so delineated by suitable permanent markers that the boundaries of any space can be readily ascertained.
- (N) Within a mobile-home area, each mobile-home space shall have sufficient unobstructed access, to, or frontage on, a street, so as to permit the movement of mobile homes.
- (O) Within a mobile-home area, each mobile-home stand shall have a compacted (rolled) gravel base of twelve (12) inches and shall drain properly.
- (P) Within a mobile-home area, no mobile home with a floor area of seven hundred fifty (750) square feet or less, exclusive of permissible additions, shall be permitted.

- (Q) All driveways shall be paved with an asphaltic material or concrete and shall be a minimum of 10 feet in width. In addition, if parking is to be permitted along the driveway, a minimum width of 20 feet is required. All driveways shall be adequately designed as to permit safe, easy access by emergency vehicles.
- (R) All refuse containers shall be located within a fenced enclosure and be secured to prevent overturning.
- (S) All utilities, including electrical, sewer and telephone lines, serving a mobile-home park shall be installed underground. All water and sewer lines shall be maintained by the park owner to City standards and requirements.
- (T) A community sanitary-sewer system serving a mobile-home park shall be connected to a municipal sanitary-sewer system.
- (U) All streets (roads), walkways, grouped-bay parking and service areas shall be provided with night lighting adequate to ensure the safety of vehicular and pedestrian traffic.
- (V) All night lighting shall be arranged so as to reflect light away from mobile homes.
- (W) Not more than 45% of a mobile home space may be occupied by a mobile home and its accessory structures, whether or not it is attached to the home.
- (X) Storage Area. A storage space in a building must have a gross floor area of at least 60 square feet and shall be constructed and completed prior to occupancy of the mobile home for storing the outdoor equipment and accessories necessary to residential living.
- (Y) Appearance. The mobile home spaces shall be maintained in a neat and clean condition at all times. There shall be no refuse or stray materials, debris, trash or other unsightly things left outside of a building or mobile home.
- (Z) Skirting. All mobile homes shall have continuous, non-corrosive, non-decaying skirting around the exterior of the mobile home extending 6-inches into the ground or they may be situated upon a continuous foundation meeting the approval of the City building code. (Ord. 350, §19.6(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.120.060 Sitting Requirements. The minimum distance between a mobile home and:

- (A) any other mobile home shall be 15 feet.
- (B) any building or accessory structure on an adjacent space shall be 10 feet.
- (C) any property line (excluding mobile home space boundaries) shall be five feet.
- (D) any public street shall be 20 feet.
- (E) any common walk (excluding those in a mobile home space) shall be 5 feet. (Ord. 350, §19.6(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.120.070 Additions to Mobile Homes. Carports, cabanas, ramadas, awning and all

other structures, whether defined herein or not, which are situated upon a mobile home space and are attached to the mobile home, shall conform to the requirements of the City Building Code. Such additions and structures shall be considered as a portion of the mobile home for determining the extent of lot coverage, setback lines, and all other requirements for mobile homes, as if such additions and structures were a part of such mobile home. (Ord. 350, §19.6 (part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.120.080 Optional Siting. In lieu of the minimum requirements set forth in section 10.120.060, the developer may show how the mobile home and any accessory structure will be located on any or all sites that do not conform to such requirements, except the required lot area shall not be diminished. The optional sitings may include locating the mobile homes and structures on mobile home space boundary lines and mobile homes and accessory structures may be attached under this provision. When the Planning Commission has approved the siting plans, such plans shall be the basis on which the permits for the mobile homes and accessory structures will be issued. Optional sitings will be shown on the plan which is to be used as the basis for the public hearing. (Ord. 350, §19.6(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.120.090 Expansion or Alteration of Mobile Home Parks. Existing mobile home parks may be expanded or altered after approval is obtained from the Planning Commission. The application, filed by the owner or other party in interest, will be filed and processed in the same manner as an application for a new mobile home park. (Ord. 350, §19.6(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.120.100 Building Code and Building Permits. All structures within a mobile home park shall comply with the provisions of the Uniform Building Code, in accordance with Title 9 of this Code. Building permits shall be obtained prior to construction of any portion of the mobile home park facilities. (Ord. 350, §19.6(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.120.110 Varying Requirements. The Planning Commission may vary one or more of the requirements of this Title upon application being filed pursuant to Chapter 10.100. However, when such variance is requested at the same time as the application for the park is filed, such variance request may be processed concurrently with the application, and will not

require a separate public hearing, or separate notice of public hearing. No waiver may be made for any provision required by ORS Chapter 446 or other state laws, as amended. (Ord. 350, §19.6(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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Chapter 10.124 PLANNED UNIT DEVELOPMENT

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[10.124.010 Purpose](#). The purpose of the planned unit development is to provide a greater flexibility in development of land; to encourage a variety in the development pattern of the community; encourage developers to use a creative approach in land development; conserve natural land features; facilitate a desirable aesthetic and efficient use of open space; create public and private common open spaces and flexibility and variety in the location of improvements on lots with diversity in the use of land. The planned unit development is not intended to be simply a means of avoiding normal zoning requirements for a single use in a particular area. (Ord. 350, §19.5(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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[10.124.020 Adoption of Planned Unit Development](#). Any property may be designated as a planned unit development in accordance with the provisions of this article; provided that the Planning Commission adopts the final development plan for such property in accordance with this article. (Ord. 350, §19.5(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.124.030 Permitted Uses. The following uses may be permitted in a planned unit development:

- (A) Planned residential developments:
 - (1) single family dwellings
 - (2) multifamily dwellings and duplexes
 - (3) public and private non-profit parks and playgrounds, community centers and recreation facilities
 - (4) common public and private open spaces
 - (5) hiking and riding trails
 - (6) private non-commercial clubs, such as golf, swimming, tennis, and country clubs
 - (7) accessory structures and uses

- (B) Planned commercial and industrial districts:
 - (1) uses permitted in the underlying district
 - (2) other uses as approved by the Planning Commission consistent with the development plan and program approved by the Planning Commission
 - (3) accessory buildings and uses

- (C) Planned civil, public service, and educational development districts:
 - (1) municipal and civic centers, libraries, parks and recreational facilities or such uses owned by any other political subdivision
 - (2) educational institution, public or private
 - (3) hospitals, including retirement homes
 - (4) research facilities limited to academic research functions
 - (5) service uses including but not limited to civic theaters, museums, churches, convents, and monasteries. (Ord. 350, §19.5(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.124.040 Development Improvement Prohibited Pending Compliance. No excavating, grading, construction, improvement, building or permits therefore shall be authorized or issued within the planned unit development pending compliance with the following:

- (A) full compliance with all provisions of this article including execution and filing of all documents required herein
- (B) compliance with the subdivision code of the City of Yamhill, improvement regulations of the City of Yamhill, and building code of the City of Yamhill
- (C) full compliance with the final development plan and program. (Ord. 350, §19.5(part),

1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.124.050 Development Standards.

- (A) In general. To insure effective development of the city, the following development standards are adopted as part of the planned unit development section in addition to all other development standards provided for in this Title and the subdivision regulations. In cases of conflict between standards set forth in this section and other parts of the City code, the standards provided for in such other Code sections shall control unless the planning commission grants a variance from said standards in the approval of the final plan or subdivision plat as provided in this article.
- (B) Minimum development district size. Planned unit developments shall be established only on parcels of land which are suitable for the proposed development and of sufficient size to be planned and developed in the manner consistent with the purposes of this section. A planned unit development shall not be established on less than four acres of contiguous land unless the planning commission finds that property of less than four acres is suitable as a planned unit development by virtue of its unique character, topography or landscaping features, or by virtue of its qualifying as an isolated problem area or unique opportunity as determined by the planning commission.
- (C) Compatibility with Neighborhood. The development plan and program submitted by the developer as provided in this article shall present an organized arrangement of buildings, service facilities, open spaces, and improvements such as recreation facilities, landscaping, and fencing to insure compatibility with the comprehensive plan and character of the neighborhood. Adequate services normally rendered by the City to its citizens must be available to the proposed development at the time of development. The City, at the time of approval of the final plan or subdivision plat within a planned unit development, may require the developer to provide special or oversize sewer lines, water lines, roads and streets or other service facilities to serve the planned unit development, and the City shall not be required at the time of such approvals to expend additional capital or operating funds to undertake additional building programs or equipment acquisitions to insure special road, sewer, lighting, water, fire or police service that may be specially required by the nature or size of the planned unit development.
- (D) Building Coverage. The building coverage for any planned unit development shall not exceed 40 percent of the land area being developed exclusive of public and private streets.
- (E) Residential density. The maximum number of dwelling units permissible in a Planned Residential Unit Development shall be derived as follows:
 - (1) determine gross development land area: subtract from the gross area (1) publicly owned land and (2) commercial or industrial land
 - (2) apply the following maximum density guidelines to the gross development land

area:

- (a) R-1 - 6 units per acre
 - (b) R-2 - 9 units per acre
 - (c) R-3 12 units per acre
-
- (F) Peripheral Yards. Along the periphery of any planned unit development, a yard at least as deep as that required by the front yard regulations of each underlying zone shall be provided on the periphery of the Planned Unit Development, unless the planning commission determines that equal protection will be accorded adjoining properties in varying the yard requirements. open space may serve as peripheral yards and/or buffer strips to separate one planned residential district from another if the planning commission interprets such a dual purpose use of the land to be in compliance with this section.
 - (G) Open Space. Open space within a planned unit development means the land area to be used for scenic, landscaping, or open recreational purposes within the development. Open space shall be adequate for the recreational and leisure needs and use of the occupants and users of the planned unit development. To the maximum extent possible the development plan and program shall assure that natural features of the land are preserved and landscaping is provided. In order to insure that open space will be permanent, dedication of the development right to the City of Yamhill may be required. Such instruments and documents guaranteeing the maintenance of open space must be approved as form by the City Attorney. Failure to maintain the open space or any other property set forth in the development plan and program shall empower the City of Yamhill to enter the property and bring said property up to standards set forth in the development plan and program and the City may assess the real property and improvements thereon located within the planned unit development for the cost of creating and maintaining said open and recreational lands as set forth in the development plan and program at its option.
 - (H) Commercial development in planned residential developments. Commercial uses in a planned residential development may be allowed. only those commercial uses which are designed to serve the residents of the planned residential development may be conditionally allowed subject to all requirements of the zoning and subdivision codes of the city.
 - (I) Construction standards. The provisions of the Zoning, Subdivision, and the Building Code shall apply and control all design and construction of improvements within a planned unit development except as specifically varied by the Planning Commission in approval of the final plan and subdivision plat as provided for in this section.
 - (J) Street and utilities. All construction of streets and utilities within planned unit developments shall comply with City standards. All streets shall be deeded public rights-of-way or as approved by the Planning Commission, and the applicant shall provide to the City easements for all public utilities (sewer, water) on the subject property or as approved by the Planning Commission. (Ord. 350, §19.5(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.124.060 Procedure.

- (A) In general:
 - (1) Any owner of real property desiring to develop a planned unit development shall submit a preliminary development plan and program to the City of Yamhill together with the preliminary filing fee. For the purpose of this section "owner" shall mean and include any public body, corporation or holder of a written option to purchase property. An owner of land located outside of, but contiguous to a city boundary may submit a preliminary development plan and the planning commission may review it in accordance with the provisions of this Title. Such preliminary development plan and program shall consist of a preliminary plan in schematic design and a written program jointly containing the following information:
 - (2) Identification and description - proposed name of the planned unit development, location by legal description, names addresses of applicant and designers of the planned unit development; scale of plan (1 inch to 100 feet); date of plan and program; and north point.
 - (3) Existing conditions - contours at an interval of one foot for ground slopes less than five percent (5%), two feet contour intervals for ground slopes between five percent (5%) and ten percent (10%), five feet contour intervals for ground slopes exceeding ten percent (10%), location and direction of all water courses; natural features, such as rock outcropping, marshes, wood areas, etc.; location and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures and their uses, permanent easements and city boundaries within five hundred feet of the development; existing sewers, water mains, culverts and other underground facilities within the development, indicating pipe sizes, grades, manholes and their exact location; and the land ownership.
- (B) Proposed Development. A preliminary plan shall show the following in addition to other requirements of the Planning Commission:
 - (1) proposed land uses and densities
 - (2) building types and coverage of real property
 - (3) circulation pattern of vehicular and pedestrian traffic
 - (4) parks, playgrounds, open spaces
- The preliminary written program shall contain the following information in addition to other requirements of the planning commission:
 - (1) proposed ownership pattern
 - (2) operation and maintenance proposal (neighborhood easements,

- condominiums, coops, neighborhood associations, etc.)
 - o (3) waste disposal facilities
 - o (4) lighting
 - o (5) water supply, public transportation, community protection, shopping
 - o (6) general time table of development
 - o (7) names and addresses of the proposed design team for preparation of the final plan and program together with their qualifications.
- (C) Staff Review. Upon filing of the preliminary development plan and program and receipt of the initial filing fee, the professional staff shall review the preliminary development plan and program and shall prepare for submission to the planning commission a planning staff report containing the following information in addition to such other information as is pertinent:
 - o (1) a map showing the existing zoning of the subject property and adjoining properties within or without
 - o (2) existing land use map of the area within 1,000 feet of the subject property
 - o (3) report comments on consistency of the proposed planned unit development with the comprehensive general plan, the zoning, subdivision regulations of the City of Yamhill and a prospective effect of said planned unit development on land use, traffic, city services, etc. (Ord. 350, §19.5(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.124.070 Planning Commission Review. Following receipt by the Planning Commission of the staff report upon the preliminary development plan and program, the Planning Commission shall hold a public hearing in accordance with the provisions of Chapter 10.128. (Ord. 350, §19.5(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.124.080 Decision. Upon review at the public hearing, or any continuance thereof, the Planning Commission may approve the principal of the preliminary plan and program, require amendment and modification thereto, or reject said planned unit development in accordance with this section. (Ord. 350, §19.5(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.124.090 Appeals. The decision of the Planning commission regarding the preliminary plan and program may be appealed in the manner provided for in Chapter 10.128. (Ord. 350, §19.5(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.124.100 Final Development Plan and Program.

- (A) Time Limit for Filing. Upon acceptance in principle by the planning commission or acceptance in principle with modifications required by the planning commission of planned unit development, the owner-applicant shall file with the Planning Commission within one year of the preliminary approval of the planning commission, a final development plan and program. The planning commission may grant an extension for filing of an additional 180 days upon request by the owner-applicant. In addition, the developer may submit such additional data as may be required by the subdivision code of the city seeking contemporaneous approval of the subdivision plat within approval of the final plan and program.
- (B) Required information. The final development plan and program shall contain the following information:
 - (1) Land use:
 - (a) a land use plan indicating all proposed uses within the planned unit development
 - (b) all areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings or otherwise dedicated or reserved to the public
 - (c) open space that is to be maintained and controlled by the owners of the property and their successors in interest available for the recreational and leisure use of the occupants and users of the Planned Unit Development.
 - (2) Contours and drainage:
 - (a) contours as they will be after development
 - (b) drainage system and sanitary sewers and treatment facilities as required.
 - (3) Circulation:
 - (a) a street system and lot design with appropriate dimensions. A subdivision plat if the land is to be subdivided shall comply with this requirement and the Subdivision Regulations.
 - (b) a traffic flow map showing, circulation patterns within and adjacent to the proposed development. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of the circulation pattern shall be shown
 - (c) location and dimension of pedestrian walkways, malls and foot and horse trails.
 - (4) Parking and loading:

- (a) location, arrangement, number, and dimension of automobile garages, parking spaces and the widths of aisles, bays, and angle of parking (b) location, arrangements, and dimensions of truck loading spaces and docks
- (5) Architectural sketches. The developer shall submit preliminary architectural sketches depicting the types of buildings and their approximate location on lots. The sketches shall also depict the general height, bulk, and type of construction and proximity of structures on lots.
- (6) Landscaping. Developer shall submit a preliminary landscaping plan depicting tree plantings, ground cover, grades, slopes, screen plantings and fences, etc, and showing existing trees in excess of eight inches in diameter measured two feet from ground level and showing the location of trees to be removed by the development.
- (7) Program elements. The written program shall contain the following elements:
 - (a) table showing the total number of acres and their distribution by use, the percentage designated for each dwelling type and for nonresidential uses, including off street parking, streets, parks, playgrounds, schools, and open spaces as shown in the proposed development plan
 - (b) table showing the over all density of the proposed residential development and showing density by dwelling types
 - (c) drafts of appropriate restrictive covenants and all other documents providing for the maintenance of any public open spaces and recreational areas not dedicated to the city including agreements by property owners associations, dedicatory deeds, or reservations of public open spaces
 - (d) a time schedule showing construction commencement, rate of development, and approximate completion date for each phase of construction and type of structure
 - (e) the stages for development of private and public facilities planned
 - (f) written consent of all persons owning any interest in the real property within the planned unit development to the final development plan and program
 - (g) such other information as the planning commission may require. (Ord. 350, §19.5(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.124.110 Final Development Plan--Planning Commission Action. Upon receipt and review by the professional staff of the final development plan and program, the planning commission at a regular public meeting shall either:

- (A) consider the final development plan and program as being in compliance with the requirements and intent of this Title with its recommendation that the planned unit

development district be established on the property in question

- (B) continue the public hearing to a date certain and refer the final development plan to the professional staff with recommendations as to amending the proposed development plan and program
- (C) disapprove the final development plan and program as inconsistent with the approved preliminary plan and program. (Ord. 350, §19.5(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.124.120 Final Development Plan--Appeals. The decision of the planning commission regarding the development plan may be appealed in the manner provided for in Chapter 10.64. (Ord. 350, §19.5(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.124.130 Filing of approved final plan and program. Following approval, the owner-applicant shall file with the recorder of the City of Yamhill and the planning commission of the City of Yamhill, a conformed and approved final development plan and program together with all documents approved as to form by the city attorney relating to dedication, improvements, maintenance agreements, covenants, deed restrictions, and bylaws of neighborhood associations, cooperatives, and improvement of the district. (Ord. 350, §19.5 (part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.124.140 Control of the Development after Completion. The final development plan shall continue to control the planned unit development after it is finished and the following shall apply:

- (A) the building official in issuing a certification of completion of the planned unit development shall note the issuance on the recorded final development plan
- (B) after the certificate of completion has been issued, the use of the land and the construction, modification or alteration of a building or structure within the planned-unit development shall be governed by the approved final development plan
- (C) after the certificate of completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:
 - (1) minor modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan and do not increase the cubic footage of a building or structure
 - (2) a building or structure that is totally or substantially destroyed may be

reconstructed without approval of an amended planned unit development, if it is in compliance with the purpose and intent of the final development plan

- (D) an amendment to a completed planned unit development may be approved if it is required for the continued success of the planned unit development, if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the comprehensive plan or related land use regulations.
- (E) no modification or amendment to a completed planned unit development is to be considered as a waiver of the covenants limiting the use of the land, building, structures and improvements within the area of the planned unit development; and all rights to enforce these covenants against any change permitted by this section are expressly reserved. (Ord. 350, §19.5(part), 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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Chapter 10.128 ADMINISTRATIVE PROVISIONS

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10.128.010 Administration. The City Planning Commission shall have the power and duty to enforce the provisions of this Title. An appeal from a ruling by the Planning Commission regarding a requirement of the Title may be made only to the City Council. (Ord. 350, §15.1, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.020 Review Procedures. The Planning Commission shall have the authority to

review any application or tentative plan accepted by staff, and shall prepare a report containing all pertinent information relative to the proposal if required. The City shall maintain a written record of the action taken, including appropriate findings, by the appropriate hearing body, relative to every application. Such records shall be readily available for public inspection. (Ord. 350, §15.2, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.030 Citizen Involvement. To provide opportunities for public input in the planning process, the City shall, through the mechanisms provided in the Citizen Involvement Program, submit all applications to the citizens for comment and review. (Ord. 350, §15.3, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.040 Agency Involvement. To assure affected agency involvement in the planning process, when appropriate, applications shall be submitted to appropriate local, state and federal agencies for their review and comment.

- (A) Applications for Change of Zone, Annexations, Plan Amendments, and Subdivisions to be referred to Oregon Department of Transportation (ODOT).
- (B) Any Application having an impact on a county road or state highway may be referred to Yamhill County Public Works and/or ODOT.
- (C) Any Application which might have an impact on jurisdictional wetlands to be referred to the Division of State Lands (DSL).
- (D) Referrals will be sent to interested agencies such as City departments, police and fire, school district, utility companies, and applicable state and federal agencies at City's option. (Ord. 350, §15.4, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.050 Application Processing Procedure. Any application for land use shall be filed in the following manner:

- (A) An application shall be initiated by the property owner or an authorized agent by submittal of the appropriate forms Provided by the City.
- (B) Applications must be filed with the City Recorder at least 30 days prior to any public hearing required, or 20 days prior to the scheduled Planning Commission meeting.
- (C) The application must be accompanied with a filing fee as specified by Council Resolution.
- (D) The application shall contain the signature of all registered owners of the affected property.

- (E) A list of names and addresses, from the last preceding County tax roll, of all owners of property situated within the following radii, including public rights-of-way, of the external boundaries of the affected property must be submitted with the application.
 - (1) Variance: 200 feet.
 - (2) Conditional Use Permit: 300 feet.
 - (3) Partition 300 feet.
 - (4) Change of Zone: 500 feet.
 - (5) Annexations: 500 feet.
 - (6) Development Permit 300 feet.
 - (7) Development Plan Review: 300 feet.
 - (8) Plan Amendments: 500 feet.

- Upon receipt of an Application, fee, and fifteen (15) copies of a scaled plan, City Staff shall review the application for completeness.
 - (1) Incomplete Applications shall not be reviewed until all required information has been submitted by the Applicant.
 - (2) If incomplete, the Applicant shall be notified and provided additional time of up to thirty (30) days to submit supplemental information as necessary.
 - (3) The Application shall be deemed complete for the purposes of scheduling the Public Hearing and all related timing provisions either:
 - (a) Upon receipt of the additional information; or if the Applicant refuses to submit the information;
 - (b) On the 31st day after the original submittal the Application shall be deemed complete for review purposes.

 - (4) Upon receiving a complete Application, notwithstanding appeals, the City shall render a decision for approval or denial within a 120 day period. (Ord. 350, §15.5, 1984; Reso. 111, §(part), 1986; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.060 Notification--Planning Commission. Unless otherwise specified by this Title, notice of a public hearing shall be published in a newspaper of general circulation at least once, ten days prior to the date of the hearing. Property ownership notices shall be mailed at least 10 days prior to the date of the public hearing. (Ord. 350, §15.6A, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.070 Notification--City Council. Unless otherwise specified by this Title, notice of a public hearing shall be published in a newspaper of general circulation at least once, ten days prior to the date of the hearing. Property ownership notices shall be mailed at least 10

days prior to the date of the public hearing. (Ord. 350, §15.6B, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.080 Failure to Receive Notice. Failure of a person to receive the prescribed hearing notification shall not impair the validity of the public hearing. (Ord. 350, §15.7, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.090 Continuance of Hearing. A hearing may be continued to obtain additional information or to serve further notice upon other property owners or persons who may be interested in the proposal being considered. Prior to recessing, the time and date when the hearing is to be resumed shall be announced. (Ord. 350, §15.8, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.100 Burden of Proof. The burden of proof is upon the applicant.

- (A) All evidence not objected to may be received unless excluded by the hearings body.
- (B) All evidence offered and received shall be made a part of the record of the case, and, except for the facts which are noticed, no other factual information or evidence shall be considered in the determination of the issue. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.
- (C) Every party shall have the right of cross-examination of witnesses who testify and shall have the right to submit rebuttal evidence. Other participants permitted to testify or present evidence shall have such rights as are determined by the hearings body. (Ord. 350, §15.9, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.110 Standing. The following persons are affected parties and shall be entitled to appear of record either by themselves or through their designated representatives at a hearing:

- (A) All persons entitled to personal notice by mail;
- (B) A community planning organization duly certified by the Council;
- (C) Any person who demonstrates to the hearings body that his legal rights are affected by the outcome of the hearing;
- (D) Any person within reasonably close proximity to the property that is the subject of a

hearing who demonstrates to the hearings body that he could sustain economic or aesthetic injury as a result of a proposed land use action. (Ord. 350, §15.10, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.120 Determination of Standing. Whenever possible, the matter of the standing of any person shall be determined prior to a hearing before the hearings body. Where a question of standing arises during a hearing, the hearings body may determine the issue of standing at that time or may continue the hearing until the issue of standing is resolved. (Ord. 350, §15.11, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.130 Record.

- (A) A record of the hearing shall be made by written or mechanical means. The hearings body shall keep minutes of its proceedings.
- (B) All physical and documentary evidence presented shall be marked to show the identity of the person offering the evidence and whether presented on behalf of the proponent or opponent. Evidence may be received subject to a later ruling as to its admissibility.
- (C) All exhibits received shall be retained by the hearings body until after applicable appeal period has expired. The exhibit shall then be released upon demand to the person identified thereon upon receipt of an acceptable facsimile thereof.
- (D) The Planning Department shall permanently file and retain the record, and all exhibits and documentary evidence received. (Ord. 350, §15.12, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.140 Challenge for Bias, Prejudgment or Personal Interest.

- (A) Prior to or at the commencement of a hearing, any party may challenge the qualifications of the hearings body or a member thereof for bias, prejudgment, or personal interest. The challenge shall be documented with specific reasons supported by facts.
- (B) No member of a hearings body shall participate in a hearing, except under the rule of necessity if:
 - (1) He has a direct or substantial financial interest in the subject of the hearing;
 - (2) He is related to the applicant or opponent in the manner provided for in ORS 227.035;

- (3) He is in business with the applicant;
 - (4) He cannot be impartial because of pre-hearing contacts;
 - (5) For any other reason he determines affects his impartiality.
- (C) Should the qualifications of the hearings body be challenged, it or the member challenged shall either disqualify itself, withdraw, or make a statement of its capacity to hear, which statement shall be a part of the record. (Ord. 350, §15.13, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.150 Hearing Procedure.

- (A) A hearing shall be conducted in the following order, or in such other manner as may be ordered by the hearings body, so long as the parties are provided a reasonable opportunity to present their cases:
 - (1) Open the Public Hearing and Announce the Purpose. The hearings body shall explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties;
 - (2) A statement by the hearings body regarding pre-hearing, contacts, bias, prejudice, or personal interest shall be made. Call for Abstentions;
 - (3) Ask for Objections to Jurisdiction. Challenges to the hearings body's qualifications to hearing the matter shall be stated;
 - (4) Order of presentation:
 - (a) Staff Report
 - (b) Proponents:
 - (1) Principal/Applicant
 - (2) Others
 - (c) Opponents
 - (d) Questions of Proponents and Opponents from the floor and Commission/Council directed through the Chair/Mayor
 - (e) Public Agencies
 - (f) Letters
 - (g) Proponent Rebuttal
 - (h) Staff Recommendations
 - (5) Close of hearing and deliberation. The hearings body shall either make its decision and state the findings of fact or continue deliberation to a subsequent date, the time and date of which shall be announced. No additional testimony or evidence shall be taken after closing of the hearing. (Ord. 350, §15.14, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.160 Review by the City Council.

- (A) A review of the Planning Commission's decision may be initiated by the council;
- (B) The review shall be ordered within 15 days of the date of the final written decision of the Planning Commission;
- (C) A review hearing shall be conducted in the same manner provided for in appeals. (Ord. 350, §15.15, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.170 Staff Report.

- (A) Within ten (10) days prior to the date of the initial hearing of an application for a land use permit the Planning Commission may render a staff report setting forth its findings and recommendations, if any.
- (B) A copy of the staff report shall be mailed or otherwise delivered to the applicant, to the hearings body, and to persons requesting the same who shall pay a reasonable fee for the costs of the duplication, mailing, and administrative overhead.
- (C) The applicant shall reply in writing to the findings and recommendations set forth in said report, citing exceptions, if any, and the reasons therefor, no later than three (3) days before the date of the initial hearing.
- (D) A copy of the applicant's reply shall be delivered to the staff and hearings-body, and to persons requesting the same who shall pay a reasonable fee for the costs of the duplication, mailing, and administrative overhead. (Ord. 350, §15.16, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.180 Time Limit on a Permit for a Conditional Use, Variance, Development Permit, and Restricted Development Review. Authorization shall be void after six months from the approval date unless substantial construction pursuant thereto has taken place. However, the Commission may, in its discretion, extend authorization for an additional six months on request. (Ord. 350, §15.17, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.190 Appeal from Commission Ruling. An action or ruling of the Planning Commission pursuant to this ordinance may be appealed to the Council within 15 days after

the Commission has rendered its decision. Written notice of the appeal shall be filed with the City Recorder. If the appeal is not taken within the 15 day period, the decision of the Commission shall be final. If the appeal is filed, the Council shall receive a report and recommendation thereon from the Planning Commission and shall hold a public hearing on the appeal. Every notice of appeal shall contain:

- (A) a statement of the petitioner establishing standing to appeal;
- (B) a reference to the application sought to be reviewed, including the date of the final decision of the hearings body;
- (C) the specific grounds relied upon for appeal;
- (D) a statement showing how the hearings body erred in its decision. (Ord. 350, §15.18, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.200 Notice of Hearing on Appeal.

- (A) A published notice of the hearing and a record of proceedings or review shall be the same as required for an initial hearing.
- (B) If the hearing is to be held de novo, notice of such fact shall also be given
- (C) The review of the initial hearing shall be confined to the record of the proceeding which shall include:
 - (1) All materials submitted and considered by the hearings body as evidence.
 - (2) The tape recording and the minutes of the hearing if requested by the reviewing body.
 - (3) A transcript of the hearing if requested and paid for by the appellant.
 - (4) The decision of the hearings body and the notice of appeal.
- (D) De Novo Review:
 - (1) A party may request a de novo hearing by filing a written motion with the City Council within 15 days following the date of the final written determination by the Planning Commission. The motion shall state the reasons for the requested de novo hearing, and why the appellant had no prior opportunity to present the evidence sought to be introduced at the de novo hearing.
 - (2) The City Council may grant or deny the motion for a de novo hearing. If the motion is granted, a hearing date shall be set no sooner than 14 days following the granting of the motion. Notice of the de novo hearing shall be mailed to individuals within the notification area of the original application; shall be published in a newspaper of general circulation in the City of Yamhill; and those individuals who have established standing at the time of the initial hearing. All notice shall be mailed or published no later than ten days prior to the de novo hearing date.

- (3) A de novo hearing on review shall be conducted in conformance with Section 10.128.150.
- (4) The City Council may affirm, reverse, or amend the action taken at the initial hearing. The matter may be remanded back to the Planning Commission for further review or information.
- (5) The Council's decision shall become final on the fifteenth day following the date of the final written determination. (Ord. 350, §15.19, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.210 Revocation. The commission may revoke or modify any permit granted under the provisions of this Title on any one or more of the following grounds:

- (A) A permit may be revoked on the basis of fraud, concealment, or misrepresentation, or on the basis of wrong information given to the commission
- (B) A permit may be revoked on the basis that the use for which such permit was granted is not being exercised within the time limit set forth by the commission or this Title.
- (C) A permit may be revoked on the basis that the use for which such permit was granted has ceased to exist or has been suspended for six months or more.
- (D) A permit may be revoked or modified on the basis that the permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, code, resolution, law or regulation.
- (E) A permit may be revoked or modified on the basis that the use for which the permit was granted was so exercised as to be detrimental to the public health, safety or welfare, or in such a manner as to constitute a nuisance.
- (F) Any permit granted pursuant to this Title shall become null and void if not exercised within the time period specified in the permit.
- (G) The commission shall hold a public hearing on any proposed revocation after giving written notice to the permittee and other affected persons as set forth in this Title. The commission shall render its decision within 30 days after the conclusion of the hearing. In the case where the permittee is not satisfied with the action of the commission, he may appeal the commission's decision to the City Council in the manner provided in Section 10.128.190 of this Title. (Ord. 350, §15.20, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.220 Filing Fees. Fees shall be paid to the City Recorder upon the filing of an application. Such fees shall not be refundable. Fees shall be established by the City Council by resolution. (Ord. 350, §15.21, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.128.230 Professional Expenses. In addition to any other fees prescribed by the City regulations, there is imposed upon an applicant before the Planning Commission or City Council an additional fee for professional review of the application.

Said fee shall be in accordance with Yamhill Municipal Code Section 1.32.100. (Ord. 350, §15.22, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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Chapter 10.132 CHANGE OF ZONE, COMPREHENSIVE PLAN AMENDMENT

Sections:

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10.132.010 Initiation of Zone Change. A zone change may be initiated in any of the following manners:

- (A) A zone change may be initiated by resolution by the City Council.
- (B) A zone change may be initiated by recommendations by the Planning Commission. After the public hearing, the Planning Commission shall refer its recommendation to the City Council.
- (C) A zone change may be initiated by petition by property owners or by persons purchasing property under contract. (Ord. 350, §17.1, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.132.020 Authority to Grant or Deny a Change of Zone. The Planning Commission shall conduct a public hearing for a proposed zone change and shall submit a recommendation to the City Council. The City Council shall then conduct a public hearing on the proposed zone change. If the decision of the Council is contrary to the Planning Commission's decision, the Council shall refer the proposal back to the Planning Commission for further review. The Planning Commission and Council must make written findings of its decision, and if the Council approves the zone change, such action shall be confirmed by resolution. (Ord. 350, §17.2, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.132.030 Application and Processing Procedure. An application for a zone change shall be filed in accordance with the provisions of Chapter 10.128 of this Title. (Ord. 350, §17.3, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.132.040 Findings Required for Granting a Zone Change. The Planning Commission shall analyze the following points and, in a written form, incorporate such findings in its decision.

- (A) That there is a public need for the change of zone.
- (B) That there is an inadequacy of other comparatively zoned property to satisfy the public need.
- (C) That the change of zone is in conformance with the Comprehensive Plan, this Title, and any applicable street and highway plans.
- (D) That the proposed property is adequate in size and shape to facilitate those uses allowed in the proposed zone.
- (E) That the proposed property is properly related to streets and highways to adequately serve the type of traffic that will be generated by the uses in the proposed zone.
- (F) That the proposed change of zone will have no adverse affect on abutting property or the permitted uses thereof. (Ord. 350, §17.4, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.132.050 Effective Date of Approval. The zone change shall be effective upon the passage of the resolution by the City Council changing the zone. (Ord. 350, §17.5, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.132.060 Initiation of Comprehensive Plan Amendment. A comprehensive plan amendment may be initiated in any of the following manners:

- (A) A comprehensive plan amendment may be initiated by resolution by the City Council.
- (B) A comprehensive plan amendment may be initiated by recommendations by the Planning Commission. After the public hearing, the Planning Commission shall refer its recommendations to the City Council.
- (C) A comprehensive plan amendment may be initiated by petition by property owners or by persons purchasing property under contract. (Ord. 350, §17.6, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.132.070 Authority to Grant or Deny a Comprehensive Plan Amendment.

The Planning Commission shall conduct a public hearing for a proposed comprehensive plan amendment and shall submit a recommendation to the City Council. The City Council shall then conduct a public hearing on the proposed comprehensive plan amendment. If the decision of the Council is contrary to the Planning Commission's decision, the Council shall refer the proposal back to the Planning Commission for further review. The Planning Commission and Council must make written findings of its decision, and if the Council approves the comprehensive plan amendment, such action shall be confirmed by resolution. (Ord. 350, §17.7, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.132.080 Application and Processing Procedure. An application for a comprehensive plan amendment shall be filed in accordance with the provisions of Chapter 10.128 of this Title. (Ord. 350, §17.8, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.132.090 Findings Required for Granting a Comprehensive Plan Amendment. The Planning Commission and City Council shall analyze the following points and, in a written form, incorporate such findings in its decision.

- (A) That there is a public need for a comprehensive plan amendment.
- (B) That there was an error in the original comprehensive plan.
- (C) That there is a need to change the currently adopted comprehensive plan.
- (D) That there is an inadequacy of other comparatively planned and/or zoned land currently available to satisfy the public need.
- (E) That the property proposed to be changed is the best property available for the comprehensive plan amendment.
- (F) That the proposed comprehensive plan amendment is in conformance with all Statewide Goals, and any applicable street, highway and/or utility plans for the area.
- (G) That the proposed property is adequate in size and shape to facilitate those uses allowed in the proposed zone upon adoption of the comprehensive plan amendment.
- (H) That the proposed property is properly related to streets and highways to adequately serve the type of traffic that will be generated by the uses in the proposed zone upon adoption of the comprehensive plan amendment.
- (I) That the proposed comprehensive plan amendment will have no adverse affect on abutting property or the permitted uses thereof. (Ord. 350, §17.9, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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10.132.100 Effective Date of Approval. The comprehensive plan amendment shall be effective upon the passage of the resolution by the City Council changing the Plan. (Ord. 350, §17.10, 1984; Ord. 420, §3, 1997; Ord. 454, §2, 2000)

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