

ORDINANCE NO. 271

AN ORDINANCE ADOPTING THE ZONING ORDINANCE OF THE CITY OF TROUTDALE.

BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT the following attached zoning ordinance be hereby adopted, thereby amending the prior zoning ordinance, and deleting and repealing all prior portions and amendments in conflict herewithin to the extent of such conflict.

SECTION 14.000 ENACTMENT


This ordinance shall be declared to be in full force and effect from the date of passage.

Adopted by the Common Council of the City of Troutdale, in the County of Multnomah, State of Oregon on this 10th day of October, 1978.

YEAS: 5

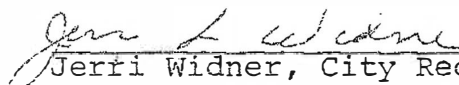
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Signed by the mayor this 11th day of October, 1978.



R. M. Sturges, Mayor

ATTEST:

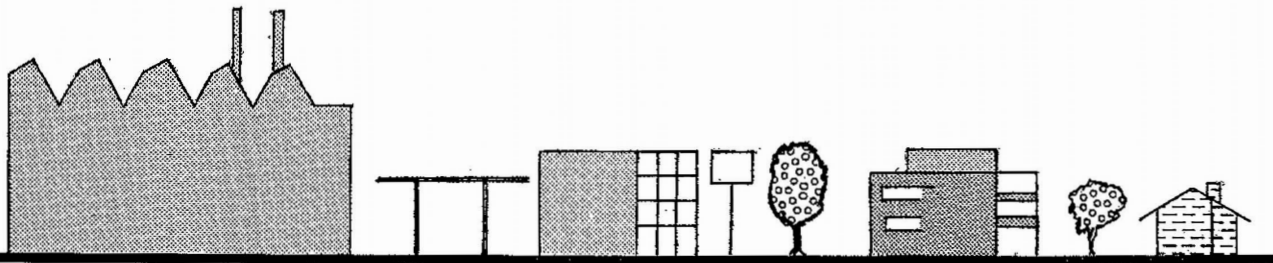


Jerri Widner, City Recorder

1978

ZONING

ORDINANCE



CITY OF TROUTDALE

**Department of Community Development
104 Kibling St., Troutdale, Oregon**

CITY COUNCIL

ROBERT STURGES, MAYOR

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FRANK KAISER

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DAN LOWE

C. EDWARD FINEGAN

FRED WEISSENFLUH

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JAMES ALEXANDER

BRENDA GRUBBS

DONNA BURLINGAME

CAROL KLINGER

DR. FRANK CARD

VEDA PARSLEY

NORMA GREENLEY

EDY WILDE

FINANCED, IN PART, THROUGH A LAND CONSERVATION AND DEVELOPMENT COMMISSION GRANT

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1.000 TITLE

This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Troutdale, Oregon".

2.000 PREAMBLE

The Common Council of the City of Troutdale, in the County of Multnomah, State of Oregon ordains as follows:

This ordinance is enacted for the purpose of promoting the public health, safety, morals, comfort, and general welfare; to conserve, stabilize, and protect property values; to encourage the most appropriate use of land; to protect property rights of individual owners and the surrounding community; to provide adequate light, air, and access; to prevent overcrowding of land; to secure safety from fire and other dangers; to insure sanitary conditions; to lessen traffic congestion; and to facilitate adequate and economical provisions for public improvements, all in accordance with the Comprehensive Plan of the City; and to provide a method of administration - all as authorized by the provisions of Section 227.010 through 227.310 of the Oregon Revised Statutes.

3.000 GENERAL DEFINITIONS

For the purpose of this ordinance, the following terms are hereby defined:

3.001 ACCESSORY BUILDING:

A subordinate building, the use of which is clearly incidental to that of the main building on the same lot.

3.002 AGRICULTURAL LAND:

Land used for agriculture which is:

- a) predominantly Class I, II, III or IV soils as defined in the Soil Capability Classification System of the United States Soil Conservation Service;
- b) suitable for farm use, taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, and accepted farming practices; and

- c) in other soil classes which is necessary to permit farm practices to be undertaken on or adjacent to nearby lands.

3.003 AGRICULTURE:

The tilling of the soil, the raising of crops, dairying and/or animal husbandry, but not including animals unless such is clearly incidental to the principal use of the property for the raising of crops.

3.004 AIRPORT OR AIRCRAFT LANDING FIELD:

Any landing area, runway, or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft and including all necessary taxiways, aircraft storage, tie-down area, hangars, and other necessary buildings and open spaces.

3.005 ALLEY:

A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

3.006 ALTERATION:

An "alteration" may be a change in construction or a change of occupancy. Where the term "alteration" is applied to a change of construction, it is intended to apply to any change, addition, or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another or from one division of trade or use to another.

3.007 ALTERATION, STRUCTURAL:

Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

3.008 APARTMENT:

Any building or portion thereof which is designed, built, rented, or leased, occupied as residence of

three (3) or more families, living independently of each other and doing their own cooking in the said building.

3.009 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 less than the vertical distance from grade to ceiling.

3.010 BOARD OF ADJUSTMENT:

The Planning Commission shall act as the Board of Adjustment and they may grant temporary permits, conditional use permits, and variances from the requirements of this ordinance with or without conditions according to the provisions of Section 11.060 of this ordinance.

3.011 BOARDING, LODGING OR ROOMING HOUSE:

Any building or portion thereof, containing not more than five guest rooms which are used by not more than five guests, at one time, where rent is paid in money.

3.012 BUILDING:

Any structure used or intended for supporting or sheltering any use or occupancy.

3.013 BUILDING DIVISION:

A division of the Department of Community Development, charged with the administration and enforcement of the Uniform Building Code, including Oregon Amendments.

3.014 BUILDING HEIGHT:

The vertical distance above grade as defined herein to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a five

foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

3.015 BUILDING LINE:

A building limit fixed at a specific distance from the front or side boundaries of a lot beyond which a structure cannot lawfully extend.

3.016 CARWASH, CONVENIENCE:

Mechanical facilities for the washing, or waxing of private automobiles, light trucks, and vans but not commercial fleets, as an accessory use to an automobile service station.

3.017 CARWASH, FULL SERVICE OR SELF SERVICE:

Mechanical facilities for the washing, waxing and vacuuming of automobiles, heavy trucks, and buses.

3.018 CARWASH, INDUSTRIAL:

Mechanical facilities for the washing, waxing and vacuuming of automobiles, heavy trucks, and buses.

3.019 CELLAR:

That portion of a building between floor and ceiling which is wholly or partly below grade, and 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.

3.020 CITY ADMINISTRATOR:

The appointed chief administrative officer of the City who is responsible for the administration of all City ordinances, and who may make final determinations on all administrative decisions made by the Department of Community Development.

3.021 COMMUNITY DEVELOPMENT, DIRECTOR OF:

The appointed department head who is responsible to the City Administrator for the enforcement of zoning and related ordinances.

3.022 COURT:

An open unoccupied space, other than a yard, on the same lot with a building and bounded on two (2) or more sides by such building.

3.023 DORMITORY:

A room for sleeping purposes for more than four (4) persons, which is rented.

3.024 DWELLING, APARTMENT:

A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

3.025 DWELLING, DUPLEX OR TWO-FAMILY:

A building designed exclusively for occupancy by two (2) families living independently of each other.

3.026 DWELLING, ONE-FAMILY OR SINGLE FAMILY:

A detached building designed for occupancy by one (1) family.

3.027 DWELLING UNIT:

One or more rooms designed for occupancy by one (1) family for living purposes and having only one (1) cooking facility.

3.028 EXISTENCE:

To continue to be in being; to remain.

3.029 FENCE, SIGHT OBSCURING:

A fence, consisting of wood, metal, or masonry, arranged in such a way as to obstruct or obscure vision when viewed horizontally between two and eight feet above the average ground level.

3.030 FLOOR AREA:

The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.

3.031 FRONTAGE:

All the property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway and/or dead-end street, or City boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

3.032 GRADE:

The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

3.033 GRAZING:

The use of land for pasture of horses, cattle, sheep, goats, and/or other domestic herbivorous animals, along or in conjunction with agricultural pursuits.

3.034 HIGHWAY, STATE:

Any road or highway designated as such by law or by the Oregon Transportation Commission and includes both primary and secondary state highways.

3.035 HEDGE, SIGHT OBSCURING:

A planting which is at least eighty (80) percent opaque when viewed horizontally from between two and eight feet above the average ground level.

3.036 HISTORICAL BUILDING:

Any building or structure designated under a local government landmark or historic district ordinance, or entered in the National Register of Historic Places, or listed in the Oregon State Inventory of Historical Sites, buildings, and properties approved for nomination as the National Register of Historical Places by the State of Oregon Advisory Committee on Historic Preservation.

3.037 HOME OCCUPATION:

Any lawful activity, not otherwise specifically provided for in this ordinance, commonly carried

on within a dwelling by a member or members of a family, no employee or other person being engaged in the same, and in which said activity does not require more than 25% of the gross floor area of the dwelling unit; provided that there is no display of merchandise or advertising visible from the street and that no sale or sales of merchandise shall be made in such dwelling or on the premises connected therewith. The activity shall generate little or no odor, dust, smoke, noise, glare or vibration detectable at any property line, and generate low traffic volumes.

3.038 HORTICULTURE:

The cultivation of plants, garden crops, trees and/or nursery stock.

3.039 HOTEL:

A building or portion thereof designed or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

3.040 HOUSING PROJECT:

An area of four (4) or more acres arranged according to a site plan on which the amount of land to be devoted to housing facilities, their arrangement thereon, together with the arrangement of access streets and alleys, and other public facilities is shown.

3.041 INSTITUTION, EDUCATIONAL:

A college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instruction as approved by a recognized accrediting agency, excluding elementary and high schools, and trade and commercial schools.

3.042 JUNK YARD:

The use of more than two hundred (200) square feet of any lot for the dismantling or "wrecking" or for the storage or keeping of junk, including scrap metals or other scrap materials.

3.043 KENNEL:

Any lot or premises on which four (4) or more dogs, more than six (6) months of age are kept.

3.044 LOADING SPACE:

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

3.045 LOT:

A plot, parcel, or area of land owned by or under the lawful control of one distinct ownership.

3.046 LOT AREA:

The total horizontal area enclosed within the lot lines of a lot.

3.047 LOT COVERAGE:

The area covered by primary and accessory buildings. Lot coverage shall be expressed as a percentage of the total lot area.

3.048 LOT DEPTH, AVERAGE:

The average distance from the narrowest frontage to the lot line opposite.

3.049 LOT LINE:

The line bounding a lot.

3.050 LOT LINE, FRONT:

For an interior lot, a line separating the lot from the street; and for a corner lot, a line separating either (but not both) frontage of the lot from the street.

3.051 LOT LINE, REAR:

The line dividing one lot from another on the opposite side of the lot from the front lot line; and in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line.

3.052 LOT LINE, SIDE:

For interior lots, a line separating one lot from the abutting lot or lots fronting on the same

street; for corner lots, a line other than the front lot line separating the lot from the street or a line separating the lot from the abutting lot along the same frontage.

3.053 LOT SIZE:

Same as "Lot Area", as defined in Section 3.046, and generally expressed in square feet.

3.054 LOT WIDTH:

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

3.055 LOT WIDTH, AVERAGE:

The average horizontal distance between the side lot lines.

3.056 MAY:

As used in this ordinance, MAY is permissive and SHALL is mandatory.

3.057 MOBILE HOME:

A detached single-family dwelling unit with the following characteristics:

- a) A factory-built home designed to be transported after fabrication on its own wheels or detachable wheels.
- b) A dwelling unit which is designed for long term occupancy once the mobile home is installed on a site.

3.058 MOBILE HOME PARK:

Land designated for the permanent location of mobile homes.

3.059 MOTEL:

One or more buildings designed, or used as temporary living quarters for automobile transients.

3.060 NON-CONFORMING USE:

A use to which a building or land was lawfully put at the time this ordinance became effective and which does not conform with the use regulations of the district in which it is located.

3.061 NON-CONFORMING SIGN:

A sign that does not conform to the requirements of this ordinance.

3.062 PARKING SPACE:

A minimum gross area available for the parking of a standard American automobile.

3.063 PLANNING DIRECTOR:

The Director of the Department of Community Development.

3.064 PREMISES:

A lot with or without buildings.

3.065 PRINCIPAL USE:

The main use to which the premises are devoted and the primary purpose for which the premises exists.

3.066 PROFESSIONAL OFFICE:

An office containing the activities such as those offered by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist, teacher, real estate, or insurance sales.

3.067 ROAD, COUNTY:

Every dedicated public way, thoroughfare, road, street or easement within the County used or intended for use by the general public for vehicular travel but excluding private driveways.

3.068 ROOMING HOUSE:

Same as "Boarding House".

3.069 SCHOOL, COMMERCIAL:

A building or land where instruction is given to pupils in arts, crafts, or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxations.

3.070 SCHOOL, PRIMARY, ELEMENTARY, OR HIGH:

Includes private or parochial but not nursery school, kindergarten or day nursery, except when operated in conjunction with a school.

3.071 SHALL:

As used in this ordinance SHALL is mandatory and MAY is permissive.

3.072 SIGN AREA:

The greatest width multiplied by the greatest height of the display portion of a sign (one side).

3.073 SIGN, PUBLIC:

A non-commercial sign erected by a public officer or employee in the performance of a public duty which shall include but not be limited to motorist information signs and warning signs.

3.074 SIGN, USEFUL LIFE SPAN:

Five years or the time period placed on a sign for Federal Tax purposes, at the end of such time the sign is regarded, for accounting purposes, as valueless. Useful life span is commonly referred to as depreciation and is evidenced by depreciation schedules.

3.075 STORY:

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six feet above grade, as defined herein, at any point, such basement, cellar or unused under-floor space shall be considered as a story.

3.076 STORY, HALF:

A story under a gable, hip, or gambrel roof, the wall plates of which on the least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

3.077 STREET, CITY:

A dedicated public way which provides vehicular and pedestrian access to adjacent properties. It shall include the terms street, highway, road, avenue, boulevard, lane, place and other such terms.

3.078 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.

3.079 TIMBER GROWING:

The growing of trees for the production of timber.

3.080 TOURIST COURT:

See "Motel".

3.081 TRAILER:

A mobile shelter, usually smaller than a mobile home, which is usually used for camping and outings rather than as a permanent dwelling.

3.082 TRAILER PARK:

Land designed or used for the temporary or permanent parking of two (2) or more vehicles used for human habitation.

3.083 TRANSITIONAL AREA:

An area consisting of a lot, lots, or parts of lots, which has been designated as transitional in nature by the City's Comprehensive Plan. The boundaries of this area are delineated on the Comprehensive Plan's Plan Map.

3.084 TRANSITIONAL USES:

A use allowed in a transitional area.

3.085 YARD:

An open space, on a lot with a building and bounded on one (1) or more sides by such building, such space being unoccupied and unobstructed from thirty (30) inches above the ground upward.

3.086 YARD, FRONT:

A yard extending across the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

3.087 YARD, REAR:

A yard extending across the full width of the lot between the most rear building and the rear lot line; the depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the nearest part of the building. Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten (10) foot line parallel to the front lot line, measured from one side line to the other.

3.088 YARD, SIDE:

A yard between any building and the side lot line; 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 building.

4.000 OUTLINE OF DISTRICTS

The City of Troutdale is hereby divided into the following districts, in each of which the use, height, and area regulations are uniform:

<u>DISTRICT NAMES</u>	<u>SHORT TITLE</u>	<u>DISTRICT DESCRIPTION</u>
Residential	S-R	Single-Family Residential District; minimum lot size of forty thousand or twenty thousand (40,000 or 20,000) square feet per dwelling.
	R-10	Single-Family Residential District; minimum lot size of ten thousand (10,000) square feet per dwelling.
	R-7	Single-Family Residential and Limited Two-Family Residential District; minimum lot size of seven thousand (7,000) square feet per single-family dwelling and ten thousand (10,000) square feet for each two-family dwelling.
	R-4	Two-Family Residential District; minimum lot size of five thousand (5,000) square feet for a single-family dwelling; eight thousand (8,000) square feet for a two-family dwelling; and five thousand (5,000) square feet for dwelling groups.
	A-2	Apartment - Residential District.
	A-1-B	Apartment - Business Office District.
	Commercial	C-4
C-3		Retail - Commercial District.
C-2		General - Commercial District.

<u>DISTRICT NAMES</u>	<u>SHORT TITLE</u>	<u>DISTRICT DESCRIPTION</u>
Industrial	M-4	Industrial Park District.
	M-3	Light Manufacture District.
	M-2	General Manufacturing District.
Special or Overlay	L-F	Airport Landing Field District.
	O-P	Off-Street Parking and Loading.
	P-D	Planned Development District.
	F-H	Flood Hazard District.
	C-S	Community Service District.

5.000 ZONING MAP

The designations, locations, and boundaries of the respective districts and certain combinations thereof described in this ordinance are established as shown by appropriate color designation, symbols or short title identifications upon the "Troutdale Zoning Map." The Zoning Map and all pertinent information shown thereon is incorporated herein and is to be deemed as much a part of this ordinance as if fully set forth; however, if a conflict appears between the Zoning Map and the written portion of this ordinance, the written portion shall control.

6.000 AMENDMENTS TO ZONING MAP

The Zoning Map and each amendment thereto as made in accordance with the provisions of Section 12.020, shall be and remain on file in the office of the Community Development Department.

7.000 RESIDENTIAL DISTRICTS
7.010 SUBURBAN-RESIDENTIAL
7.011 LAND USE

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the following uses:

- .01 Single-Family dwellings.
- .02 Accessory buildings such as garages, carports, studios, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.
- .03 On lots of forty thousand (40,000) square feet or larger, dwelling or dwellings for owner, operator and/or help required to carry out grazing, agriculture, horticulture or the growing of timber.
- .04 Grazing, agriculture, horticulture, or the growing of timber, provided that no retail or wholesale business sales office is maintained on a lot of less than two (2) acres and provided that no poultry or livestock, other than normal household pets, shall be housed within one hundred (100) feet of any residence other than a dwelling on the same lot.
- .05 Special Uses:
 - (a) Parks, playground or community centers, and other uses of a similar nature as provided in the Community Service Section when approved by the Planning Commission.
 - (b) Churches and schools, subject to approval of the Planning Commission.

(7.011)

- 7.06 Temporary structures may be allowed in this district if these structures relate to the building or sale of land or homes, provided however, that a temporary permit shall be issued for these structures by the Board of Adjustment.
- 7.07 Uses customarily incident to any of the above uses, including home occupations.

7.012 SIGNS

The following non-illuminated signs shall be permitted in this district:

- (a) A sign advertising the sale or rental of a premises; of a temporary nature, with a maximum area on one side of eight (8) square feet, when erected at least ten (10) feet behind the property line.
- (b) A temporary sign advertising the sale of a tract of land or a legally approved subdivision or partition; with a maximum area on one side of thirty-two (32) square feet, when erected at least ten (10) feet behind the property line and which shall not be left standing for more than one year. Any such sign shall be approved by the Building Division as to location in regard to health, safety, view obstruction, and type of construction.
- (c) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two (2) square feet.
- (d) On lots of two (2) acres or larger, not more than two (2) signs, with a maximum total area of eighteen (18) square feet, advertising the sale of agricultural products raised or grown on the property.

7.013 RESTRICTIONS

.01 Lot Size

When topography, character and other considerations are favorable, and the following minimum standards are met, the minimum lot size in this district shall be:

MINIMUM LOT AREA	MINIMUM STANDARDS
Forty thousand (40,000) square feet	<ol style="list-style-type: none"> 1. Approved water supply (public or private). 2. Approved individual sewage disposal system. 3. Approved public access.
Twenty thousand (20,000) square feet	<ol style="list-style-type: none"> 1. Approved public water supply. 2. Approved public sewage system. 3. Approved public access. 4. Approved plan for future re-subdivision of total tract when urban conditions develop.

- (a) Approval of water supply and sewage disposal facilities shall be by the County's Department of Public Health. All approvals shall be consistent with the purposes of this ordinance.
- (b) Any further reduction in lot sizes shall require a change in district boundaries. Any changes may be considered on the basis of established character and community facilities in addition to the above factors.
- (c) The minimum average lot width shall be seventy (70) feet, and the minimum lot width at the building line shall be seventy (70) feet. The minimum lot depth shall be one hundred (100) feet. The minimum lot frontage shall be twenty (20) feet.

102. Setbacks

- (a) Front yard setback shall have a minimum depth of thirty (30) feet, unless a previous building line less than this has been established, in

which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot plus one-half the remaining distance to the required thirty (30) foot setback. If neither of the abutting side lots of tracts are occupied by a structure, the setback shall be thirty (30) feet.

- (b) Side yard setback shall be a minimum of ten (10) feet.
- (c) Rear yard setback shall be a minimum of twenty-five (25) feet to the main building.
- (d) Setbacks for insufficient right-of-way. The minimum front, side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

.03 Lot Coverage. The maximum area that may be covered by the dwelling unit and accessory buildings shall not exceed thirty percent (30%) of the total area of the lot.

.04 A wholesale or retail sales office, limited to the sale of agricultural products raised or grown on the premises, may be maintained on a lot of two (2) acres or larger, with a minimum front yard depth of sixty (60) feet and a maximum ground floor area of four hundred (400) square feet. Such maximum floor area shall include lath houses over five (5) feet in height used for display or sales.

.05 Accessory Buildings. Accessory buildings may be allowed if they fulfill the following requirements:

- (a) If attached to the main building or separated by a breezeway, they shall fulfill the front and side yard requirements of the main building.
- (b) If detached and located behind the rear-most line of the main building, or a minimum of fifty-five (55) feet from the front lot line, whichever is greater, any one (1) story accessory building may be located adjacent to a rear and/or side lot line not fronting on a street, when in compliance with the Building Code.
- (c) Detached accessory buildings shall have a minimum setback of five (5) feet from the rear and/or side lot line.

.06 Height Restrictions. Maximum height of any structure shall be two and one-half (2-1/2) stories or thirty-five feet, whichever is less.

.07 Off-Street Parking. Two (2) off-street parking spaces shall be provided as required in Section 10.020.

.08 All lots in this district shall abut a street, or shall have such other access held suitable by the Planning Commission.

.09 No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this district. These requirements shall apply to lots that abut a future street as indicated on an approved and recorded subdivision plat.

7.014 EXCEPTIONS

.01 Waiver of Yard Requirements. When a developer of four (4) or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area and other conditions in harmony with the neighborhood, the Planning Commission may waive the front, side or rear yard requirements if they find that the proposed design is

in the best interest of the public and adequate to provide desirable places in which to live, In such case the lot area, width and depth requirements shall remain the same as for this residential district.

,02 : Waiver of Minimum Lot Area. Where a lot less than the minimum size required, in this section was held under separate ownership, and was on public record at the time this Ordinance became effective, such lot may be occupied by any use permitted in this district. In no case, however, shall a dwelling unit have a lot area of less than three thousand (3,000) square feet. All other requirements of this district shall apply with the exception of the minimum lot area requirement.

7.020 SINGLE-FAMILY RESIDENTIAL

7.021 LAND USE

No building, structure, or land shall be used and no building or structure shall be hereafter erected, altered, or enlarged in this district except for the following uses:

- .01 Single-Family dwellings.
- .02 Accessory buildings such as garages, carports, studios, private workshops, playhouses, private greenhouses, or other similar structures related to the dwelling in design, whether attached or detached.
- .03 Agricultural or horticultural uses, provided no office is maintained on the premises, and provided that no poultry or livestock, other than normal household pets shall be permitted within one hundred (100) feet of any residence other than the dwelling on the same lots.
- .04 Special uses such as parks, playgrounds, or community centers, churches, schools, and uses of a similar nature as provided in the Community Service Section when approved by the Planning Commission.
- .05 Temporary structures may be allowed in this district if these structures relate to the building or sale of land or homes, provided however, that a temporary permit shall be issued for these structures by the Board of Adjustment.
- .06 In the areas designated by the Comprehensive Plan as transitional, the following uses are permitted:
 - (a) Limited retail uses and convenience markets on a conditional use basis.
 - (b) Offices on a conditional use basis.
 - (c) Parking, as required in Section 10.020.
 - (d) Other uses of a similar nature as determined by the Planning Commission.

- .07 The transitional uses shall conform to all other requirements of this ordinance which apply.
- .08 Uses customarily incident to any of the above uses, including home occupations.

7.022 SIGNS

The following signs shall be permitted in this district:

- (a) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two (2) square feet.
- (b) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight (8) square feet, when erected at least ten (10) feet behind the property line.
- (c) A sign advertising the sale of a tract of land or a legally approved subdivision or partition; not artificially illuminated, of a temporary nature, with a maximum area on one side of thirty-two (32) square feet, when erected at least ten (10) feet behind the property line. Any such sign shall be approved by the Building Division as to location in regard to health, safety, view obstruction, type of construction and shall not be left standing for more than one year.
- (d) In transitional areas a sign, illuminated or otherwise, but not a flashing or a rotating type, shall have a maximum area on one side of no more than twenty (20) square feet and shall not project more than 18 inches from the wall or above the wall to which it is attached. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- (e) No off-site advertising shall be permitted in this district except as provided in Section 11.070.

7.023 ADDITIONAL CONDITIONS

The Planning Commission may attach additional conditions as to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping, which may be deemed necessary to protect the public health, safety and welfare, the adjacent property owners and the public interest.

7.024 RESTRICTIONS

.01 Lot Size

- (a) The minimum lot size shall be ten thousand (10,000) square feet.
- (b) The minimum average lot width shall be seventy (70) feet, and the lot shall be seventy (70) feet wide at the building line.
- (c) The minimum average lot depth shall be one hundred (100) feet.
- (d) The minimum lot frontage shall be twenty (20) feet.

.02 Setbacks

- (a) Front yard setback shall have a minimum depth of twenty-five (25) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required twenty-five (25) foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be twenty-five (25) feet.
- (b) Side yard setback shall be a minimum of ten (10) feet.

(c) Rear yard setback shall be a minimum of twenty-five (25) feet to the main building.

(d) Setbacks for insufficient right-of-way. The minimum front, side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way width and the additional yard or setback requirements in such cases.

.03 Lot Coverage. The lot coverage shall not exceed thirty (30) percent of the total area of the lot.

.04 Height Limitations. The maximum height of a structure shall be thirty-five (35) feet or two and one-half (2-1/2) stories, whichever is less.

.05 Off-Street Parking. Two (2) off-street parking spaces shall be provided as required in Section 10.020.

.06 All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.

.07 Accessory Buildings. Accessory buildings may be allowed if they fulfill the following requirements:

(a) If attached to the main building or separated by a breeze-way they shall fulfill the front and side yard requirements of the main building.

(b) If detached and located behind the rear most line of the main building, or a minimum of fifty-five (55) feet from the front lot line, whichever is greater, any one (1) story accessory building may be located adjacent to a rear and/or side lot line not fronting on a street, when in compliance with the Building Code.

- (c) Detached accessory buildings shall have a minimum setback of five (5) feet from the rear and/or side lot line.

.08 No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard, or setback requirements of this district.

7.025 EXCEPTIONS

.01 Waiver of Yard Requirements. When a developer of four (4) or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area, and other aesthetic conditions in harmony with the neighborhood, the Planning Commission may waive the front, side, or rear yard requirements if it is deemed that the proposed design is in the best interest of the public and adequate to provide desirable places in which to live. In this case the lot area, width, and depth requirements shall remain the same as for this residential district.

.02 Waiver of Minimum Lot Area. Where a lot has been a deed of record of less than seventy (70) feet in width or an area of less than ten thousand (10,000) square feet, and was held under separate ownership or was on public record at the time this ordinance became effective, such lot may be occupied by any use permitted in this district. In no case, however, shall a dwelling unit have a lot area of less than three thousand (3,000) square feet. All other requirements of this district shall apply with the exception of the minimum lot area requirement.

7.030 SINGLE-FAMILY AND LIMITED TWO-FAMILY RESIDENTIAL**7.031 LAND USE**

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the following uses:

- .01 Single-Family dwellings.
- .02 Two-Family dwellings at intersections of any two streets of at least neighborhood collector status, as approved by the Planning Commission, and when in conformance with the Comprehensive Plan.
- .03 Accessory buildings such as garages, carports, studios, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.
- .04 Special uses, such as parks, playgrounds or community centers, churches, schools and uses of a similar nature, as provided in the Community Service Section when approved by the Planning Commission.
- .05 Temporary structures may be allowed in this district if these structures relate to the building or sale of land or homes, provided however, that a temporary permit shall be issued for these structures by the Board of Adjustment.
- .06 In the areas designated by the Comprehensive Plan as transitional, the following uses are permitted:
 - (a) Limited retail uses and convenience markets on a conditional use basis.
 - (b) Offices on a conditional use basis.
 - (c) Parking as required in Section 10.020.
 - (d) Other uses of a similar nature as determined by the Planning Commission.
- .07 The transitional uses shall conform to all requirements of this ordinance which apply.

7.032 SIGNS

The following signs shall be permitted in this district:

- (a) A sign stating the name of the owner or occupant of the property; with a maximum area, on one side, of two (2) square feet.
- (b) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area, on one side, of eight (8) square feet when erected at least ten (10) feet behind the property line.
- (c) A sign advertising the sale of a tract of land or a legally approved subdivision or partition; not artificially illuminated, of a temporary nature, with a maximum area, on one side, of thirty-two (32) square feet, when erected at least ten (10) feet behind the property line. Any such sign shall be approved by the Building Division as to location in regard to health, safety, view obstruction, type of construction and shall not be left standing for more than one year.
- (d) In transitional areas a sign illuminated or otherwise, but not a flashing or a rotating type, shall have a maximum area, on one side, of not more than twenty (20) square feet and shall not project more than eighteen (18) inches from the wall or above the wall to which it is attached. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- (e) No off-site advertising shall be permitted in this district except as provided in Section 11.070.

7.033 ADDITIONAL CONDITIONS

The Planning Commission may attach additional conditions as to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping, which may be deemed nec-

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essary to protect the public health, safety and welfare, the adjacent property owners and the public interest.

7.034 RESTRICTIONS

.01 Lot Size

- (a) The minimum lot size shall be seven thousand (7,000) square feet for a single-family dwelling and ten thousand (10,000) square feet for a two-family dwelling.
- (b) The minimum average lot width shall be sixty (60) feet and the lot shall be sixty (60) feet wide at the building line.
- (c) The minimum average lot depth shall be eighty (80) feet.
- (d) The minimum lot frontage shall be twenty (20) feet.

.02 Setbacks

- (a) Front yard setback shall have a minimum depth of twenty (20) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot plus one-half the remaining distance to the required twenty (20) foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be twenty (20) feet.
- (b) Side yard setback shall be a minimum of seven and one-half (7-1/2) feet and ten (10) feet on corner lots abutting the street.
- (c) Rear yard setback shall be a minimum of twenty-five (25) feet to the main building.

- (d) Setbacks for insufficient right-of-way. The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.
- .03 Lot Coverage. The lot coverage shall not exceed thirty-five (35) percent of the total area of the lot.
- .04 Height Limitation. The maximum height of a structure shall be thirty-five (35) feet or two and one half (2-1/2) stories, whichever is less.
- .05 Off-Street Parking. Two (2) off-street parking spaces shall be provided as required in Section 10.020.
- .06 All lots shall have frontage or approved access to public streets, public water, and public sewers before development is allowed.
- .07 Accessory Buildings. Accessory buildings may be allowed if they fulfill the following requirements:
- (a) If attached to the main building or separated by a breeze-way they shall fulfill the front and side yard requirements of the main building.
 - (b) If detached and located behind the rear-most line of the main building, or a minimum of fifty (50) feet from the front lot line, whichever is greater, any one (1) story accessory building may be located adjacent to a rear and/or side lot line not fronting on a street, when in compliance with the Building Code.
 - (c) Detached accessory buildings shall have a minimum setback of five (5) feet from the rear and/or side lot line.
- .08 No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard, or setback requirements of this district.

(7.034)

- .09 Design Review. The design of two-family dwellings within this district shall be reviewed by the staff of the Department of Community Development and approved by the Director. The applicant may appeal the decision to the Design Review Board.

7.035 EXCEPTIONS

- .01 Waiver of Yard Requirements. When a development program, with the objective of providing suitable view, ample yard area and other aesthetic conditions in harmony with the neighborhood, the Planning Commission may waive the front, side or rear yard requirements if it holds that the proposed design is in the best interest of the public and adequate to provide desirable places in which to live. In this case, the lot area, width, and depth requirements shall remain the same as for this residential district.
- .02 Waiver of Minimum Lot Area. Where a lot has been a deed of record of less than sixty (60) feet in width, or an area of less than seven thousand (7,000) square feet, and was held under separate ownership, or was on public record at the time this ordinance became effective, such lot may be occupied by any use permitted in this district. In no case, however, shall a dwelling unit have a lot area of less than three thousand (3,000) square feet. All other requirements of this district shall apply with the exception of the minimum lot area requirement.

7.040 TWO-FAMILY RESIDENTIAL

7.041 LAND USE

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered, or enlarged in this district except for the following uses:

- .01 Single-Family dwellings.
- .02 Two-Family dwellings.
- .03 Dwelling groups when developed according to the provisions of Section 7.045.02 and the standards of this district which apply.
- .04 Accessory buildings such as garages, carports, studios, private workshops, playhouses, private greenhouses, or other similar structures related to the dwelling in design, whether attached or detached.
- .05 Special uses such as parks, playgrounds or community centers, churches, schools, and uses of similar nature, as provided in the Community Service Section, when approved by the Planning Commission.
- .06 Temporary structures may be allowed in this district, if these structures relate to the building or sale of land or homes, provided however, that a temporary permit shall be issued for these structures by the Board of Adjustment.
- .07 In areas designated by the Comprehensive Plan as transitional, the following uses are permitted:
 - (a) Limited retail uses and convenience markets on a conditional use basis.
 - (b) Offices on a conditional use basis.
 - (c) Parking as required in Section 10.020.
 - (d) Other uses of a transitional nature as determined by the Planning Commission.
- .08 The transitional uses shall conform to all the requirements of this ordinance which apply.
- .09 Uses customarily incident to any of the above uses, including home occupations.

7.042 SIGNS

The following signs shall be permitted in this district:

- (a) A sign stating the name of the owner or occupant of the property; with a maximum area, on one side, of two (2) square feet.
- (b) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area, on one side, of eight (8) square feet, when erected at least ten (10) feet behind the property line.
- (c) A sign advertising the sale of a tract of land or a legally approved subdivision or partition; not artificially illuminated; of a temporary nature; with a maximum area, on one side, of thirty-two (32) square feet, when erected at least ten (10) feet behind the property line. Any such sign shall be approved by the Building Division as to location in regard to health, safety, view obstruction, type of construction, and shall not be left standing for more than one year.
- (d) In transitional areas a sign, illuminated or otherwise, but not a flashing or a rotating type, shall have a maximum area, on one side, of no more than twenty (20) square feet and shall not project more than eighteen (18) inches from the wall or above the wall to which it is attached. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- (e) No off-site advertising shall be permitted in this district, except as provided for in Section 11.070.

7.043 ADDITIONAL CONDITIONS

The Planning Commission may attach additional conditions as to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping, which may be deemed necessary to protect the public health, safety and welfare, the adjacent property owners and the public interest.

7.044 RESTRICTIONS

.01 Lot Size

- (a) The minimum lot size shall be eight thousand (8,000) square feet for a two-family dwelling, five thousand (5,000) square feet for a single-family dwelling and five thousand (5,000) square feet for each dwelling unit in dwelling groups permitted under Section 7.045.02.
- (b) The minimum average lot width shall be sixty (60) feet and the lot shall be sixty (60) feet wide at the building line.
- (c) The minimum average lot depth shall be eighty (80) feet.
- (d) The minimum lot frontage shall be twenty (20) feet.

.02 Setbacks

- (a) Front yard setback shall have a minimum depth of twenty (20) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required twenty (20) feet.
- (b) Side yard setback shall be a minimum of seven and one-half (7-1/2) feet, and ten (10) feet on the side of a corner lot abutting the street.
- (c) Rear yard setback shall be a minimum of twenty-five (25) feet to the main building.
- (d) Setbacks for insufficient right-of-way. The minimum front, side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-

way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

- .03 Lot Coverage. Lot coverage shall not exceed forty (40) percent of the total area of the lot.
- .04 Height Limitation. The maximum height of a structure shall be thirty-five (35) feet or two and one-half (2-1/2) stories, whichever is less. Maximum height of any structure in a dwelling group permitted under Section 7.045.02 shall be one (1) story, unless the Planning Commission shall determine that a greater height is in harmony with the neighborhood.
- .05 Off-Street Parking. Two (2) off-street parking spaces shall be provided as required in Section 10.020.
- .06 All lots shall have frontage or approved access to public streets, public water, and public sewers before development is allowed.
- .07 Accessory Buildings. Accessory buildings may be allowed if they fulfill the following requirements:
- (a) If attached to the main building or separated by a breeze-way they shall fulfill the front and side yard requirements of the main building.
 - (b) If detached and located behind the rear-most line of the main building, or a minimum of fifty (50) feet from the front lot line whichever is greater, any one (1) story accessory building may be located adjacent to a rear and/or side lot line not fronting on a street, when in compliance with the Building Code.
 - (c) Detached accessory buildings shall have a minimum setback of five (5) feet from the rear and/or side lot line.
- .08 Landscaping. Landscaping shall meet the following requirements:
- (a) The setback yards of duplexes and dwelling groups shall be landscaped with major trees,

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shrubs, and ground covers.

- (b) No more than forty (40) percent of the existing trees six (6) inch diameter or larger shall be removed from any site without specific approval by the Planning Commission. The removal of existing trees shall require replacement trees of a specie, number and location deemed appropriate by the Planning Director.

.09 No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard, or setback requirements of this district.

.10 Design Review. The design of two-family dwellings within this district shall be reviewed by the staff of the Department of Community Development, and approved by the Director. Dwelling groups within this district shall be reviewed by the Design Review Board for their approval. The applicant may appeal the decision to the Design Review Board.

7.045 EXCEPTIONS

.01 Waiver of Yard Requirements. When a developer of four (4) or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area, and other aesthetic conditions in harmony with the neighborhood, the Planning Commission may waive the front, side, or rear yard requirements if it is deemed that the proposed design is in the best interest of the public and adequate to provide desirable places in which to live. In this case the lot area, width, and depth requirements shall remain the same as for this residential district.

.02 Waiver of Minimum Lot-Area. Where a lot has been a deed of record of less than sixty (60) feet in width, or an area of less than eight thousand (8,000) square feet, and was held under separate ownership, or was on public record at the time this ordinance became effective, such lot may be occupied only by a use permitted in an R-4 district. In no case, however, shall a dwelling unit have a lot area of less than three thousand (3,000) square feet. All other requirements of this district shall apply with the exception of the minimum lot area and width requirements.

(7.045)

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.03 Dwelling groups may be located in this district when approved by the Planning Commission. In approving such dwelling groups, the Planning Commission shall consider:

- (a) The present and potential character of the area;
- (b) The need for adequate access, circulation and parking, privacy, and useable open spaces; and
- (c) Other factors which will assure a desirable living environment.

7.050 APARTMENT RESIDENTIAL**7.051 LAND USE**

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the following uses:

- .01 Single-Family dwellings.
- .02 Two-Family dwellings.
- .03 Apartment dwellings.
- .04 Accessory buildings such as garages, carports, studios, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.
- .05 Special uses, such as parks, playgrounds or community centers, churches, schools, and uses of similar nature, as provided in the Community Service Section when approved by the Planning Commission.
- .06 Temporary structures may be allowed in this district if these structures relate to the building or sale of land or homes, provided however, that a temporary permit shall be issued for these structures by the Board of Adjustment.
- .07 In the areas designated by the Comprehensive Plan as transitional, the following uses are permitted:
 - (a) Limited retail uses and convenience markets on a conditional use basis.
 - (b) Offices on a conditional use basis.
 - (c) Parking as required in Section 10.020.
 - (d) Other uses of a transitional nature as determined by the Planning Commission
- .08 The transitional uses shall conform to all the requirements of this ordinance which apply.
- .09 The following uses may be permitted after a public hearing before the Planning Commission.

(7.051)

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- (a) Boarding houses.
- (b) Mobile home parks.

.10 Uses customarily incident to any of the above uses, including home occupations.

7.052 SIGNS

The following signs shall be permitted in this district:

- (a) A sign stating the name of the owner or occupant of the property; with a maximum area, on one side, of two (2) square feet.
- (b) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area, on one side, of eight (8) square feet.
- (c) A sign advertising the sale of a tract of land or a legally approved subdivision or partition; not artificially illuminated, of a temporary nature, with a maximum area, on one side, of thirty-two (32) square feet, when erected at least ten (10) feet behind the property line. Any such sign shall be approved by the Building Division as to location in regard to health, safety, view obstruction, type of construction and shall not be left standing for more than one year.
- (d) In transitional areas a sign, illuminated or otherwise, but not a flashing or a rotating type, shall have a maximum area, on one side, of twenty (20) square feet. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- (e) No off-site advertising signs shall be permitted in this district except as provided in Section 11.070.

7.053 ADDITIONAL CONDITIONS

The Planning Commission may attach additional conditions as to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping, which may be deemed necessary to protect the public health, safety and welfare, the adjacent property owners and the public interest.

7.054 RESTRICTIONS

.01 Lot Size and Coverage

(a)	<u>Number of Dwelling Units</u>	<u>Minimum Lot Size in Square Feet</u>	<u>Percent Lot Coverage</u>
	1	7,000	35%
	2	8,000	40%
	3	11,000	40%
	4	14,000	45%
	5	16,500	45%
	6	19,000	45%
	7 - 10	21,500 + 2,250 for each unit over 7	45%
	11 - 20	30,500 + 2,000 for each unit over 11	45%
	21 - 37	50,750 + 1,750 for each unit over 21	50%
	38 - 63	79,500 + 1,500 for each unit over 38	55%
	64 - UP	118,500 + 1,000 for each unit over 64	55%

Where the number of dwelling units erected on a lot is calculated in accordance with this Section, no greater number of units shall in any event be permitted at any time except as may be approved under the Planned Development District.

- (b) The minimum average lot width shall be ~~sixty~~ (60) feet wide at the building line.
- (c) The minimum average lot depth shall be eighty (80) feet.
- (d) The minimum lot frontage shall be twenty (20) feet.

.02 Setbacks

- (a) Front yard setback shall have a minimum depth of twenty (20) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required twenty (20) foot

setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be twenty (20) feet.

- (b) Side yard setback for building one (1) or two (2) stories in height shall be a minimum of seven and one-half (7-1/2) feet. For buildings exceeding two stories in height, the side yard shall be a minimum of one (1) foot horizontally for every three (3) feet of building height. On corner lots the side yard for all structures shall be a minimum of ten (10) feet on the side abutting the street.
- (c) Rear yard setback shall be a minimum of fifteen (15) feet.
- (d) In a transitional area the setbacks shall be that of the most restrictive adjoining residential district.
- (e) Setbacks for insufficient right-of-way. The minimum front, side or other setbacks as stated herein shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.
- (f) Distance between buildings. A minimum distance of fifteen (15) feet shall be maintained between buildings designed for dwelling purposes on the same lot. A minimum distance of ten (10) feet shall be maintained between a building designed for dwelling purposes and other buildings on the same lot.

.03 Height Limitations. The maximum height of a structure shall be thirty-five (35) feet or two and one-half (2-1/2) stories, whichever is less. All structures exceeding thirty-five (35) feet, or two and one-half stories, may be permitted after a public hearing before the Planning Commission.

- .04 Off-Street Parking. Off-street parking shall be provided as required in Section 10.020.
- .05 All lots shall have frontage or approved access to public streets, public water, and public sewers before development is allowed.
- .06 Accessory Buildings. Accessory buildings may be allowed if they fulfill the following requirements:
- (a) If attached to the main building or separated by a breeze-way they shall fulfill the front and side yard requirements of the main building.
 - (b) If detached and located behind the rear-most lot line of the main building, or a minimum of forty-five (45) feet from the front lot line, whichever is greater, any one story accessory building may be located adjacent to a rear and/or side lot line not fronting on a street, when in compliance with the Building Code.
 - (c) Detached accessory buildings shall have a minimum setback of five (5) feet from the rear and/or side lot line.
- .07 No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this district.
- .08 Recreation Areas and Landscaping.
- (a) Useable recreation areas shall be provided for each multi-family development which contains more than five (5) dwelling units. A single site containing a minimum of two hundred (200) square feet per dwelling unit shall be provided. The Planning Commission may require improvements in these recreational areas.
 - (b) Landscaping and screening will be provided on each site and shall satisfy the following requirements:
 - (1) All areas on an apartment site not occupied by paved roadways, walkways, patios, or buildings shall be landscaped.

(7.054)

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- (2) Screen planting, masonry walls, or fencing shall be provided to screen objectionable views within five (5) months of occupancy of a related building. Views to be screened include garbage and trash collection stations and other similar uses.
- (3) Landscape materials shall be of adequate size, quality, and character so as to provide both an attractive setting and privacy for the residents.
- (4) It shall be the owners responsibility to maintain the landscaping installed on the site.

.09 Access. No more than one forty-five (45) foot wide curb cut driveway per one hundred fifty (150) feet of street frontage, or fraction thereof, shall be permitted per site.

.10 Design Review. Proposed land uses in this district, except single family dwellings on individual lots, shall be reviewed by the Design Review Board for their approval.

7.055 MOBILE HOME PARKS

A mobile home park may be approved by the Planning Commission and shall be subject to all of the above restrictions except the minimum lot size. In addition, mobile home parks shall comply with the following requirements:

.01 A development plan shall accompany each application and shall contain details on the following items: topography, public utilities, parking, streets, landscaping, and any other reasonable information required by the Planning Commission.

.02 The development plan shall comply with all applicable codes and ordinances and the following minimum standards:

- (a) Each site shall be adequately served by public services and facilities such as water, sewers, sidewalks and improved streets. Each mobile home unit shall be provided with water, sewer and electrical connections.

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- (b) Each mobile home park shall have a minimum frontage of one hundred (100) feet, a minimum depth of one hundred and fifty (150) feet, and an area of not less than four (4) acres.
- (c) There shall not be more than 10 mobile home units per acre.
- (d) All mobile homes shall be located at least twenty-five (25) feet from any public street or highway and at least ten (10) feet from a side or rear property line.
- (e) No structure shall exceed twenty-five (25) feet in height.
- (f) There shall be a minimum of two (2) off-street parking spaces for every mobile home unit.
- (g) Accessways or driveways shall be lighted in accordance with the City street lighting standards for local residential streets or as approved by the Planning Commission.
- (h) Primary access shall be from major streets and shall be designed to cause minimum interference with traffic movement. Where necessary additional right-of-way shall be dedicated to maintain adequate traffic circulation. All mobile home parks containing a total area of ten (10) acres or more should provide secondary access into the park. Such secondary access shall enter the public street system at least one hundred and fifty (150) feet from the primary access.
- (i) Cul-de-sacs shall not exceed five hundred (500) feet in length.
- (j) Driveways shall be designed to provide for all maneuvering and parking of mobile homes without encroaching on a public street.
- (k) A sight-obscuring fence, evergreen hedge, or wall, not less than five (5) feet nor more than eight (8) feet in height, may be required by the Planning Commission in

order to surround or partially surround each mobile home park site.

- (l) The Planning Commission may require a public access walkway.
- (m) Each mobile home space shall contain a minimum of two thousand five hundred (2,500) square feet, however, the owner has the option to reduce the minimum size to two thousand (2,000) square feet if an area of two hundred and fifty (250) square feet, for each mobile home, is provided as recreation area. Recreational area requirements are detailed in subsection (n) of this Section. Each mobile home space shall be a minimum of twenty-five (25) feet in width, and shall abut on a drive with unobstructed access to a street. Mobile homes shall be sited so as to have a minimum of fifteen (15) feet between each unit.
- (n) Recreation areas, which may be required under the conditions of subsection (m) of this Section, shall be suitably equipped and restricted to such uses. Such areas shall be protected from streets and parking areas. The minimum size of each recreation area shall be two thousand five hundred (2,500) square feet.
- (o) No mobile home shall remain in a mobile home park unless space is available.
- (p) Permanent structures located on any mobile home space shall be used for storage purposes only. These structures shall have a minimum area of twenty-five (25) square feet, be located not less than six (6) feet from any mobile home and shall be subject to all of the applicable provisions of the City's Building Code. These structures shall be uniform and included in the plan submitted to and approved by the Planning Commission.

.03 The Planning Commission may approve, disapprove or modify any application and attach reasonable conditions to the development plan. No building permit shall be issued except for construction conforming to the Development Plan.

7.056 EXCEPTIONS

- .01 Waiver of Minimum Lot Area. Where a lot has been a deed of record of less than sixty (60) feet in width, or an area of less than eight thousand (8,000) square feet, and was held under separate ownership, or was on public record at the time this ordinance became effective, such lot may be occupied only by a use in an A-2 district. In no case, however, shall a single family dwelling unit have a lot area of less than three thousand (3,000) square feet. All other requirements of this district shall apply with the exception of the minimum lot area requirement.

7.060 APARTMENT-BUSINESS OFFICE

7.061 LAND USE

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered, or enlarged in this district except for the following uses:

.01 Apartments and/or business office buildings containing apartments in the upper story according to the standards of this Section.

.02 The following uses shall be permitted in this district when developed in accordance with the standards of this Section:

(a) Offices, studios or clinics of the following professions or occupations:

- (1) Accountants
- (2) Architects
- (3) Artists
- (4) Attorneys
- (5) Authors
- (6) Dentists
- (7) Designers
- (8) Engineers
- (9) Investment Counselors
- (10) Management Consultants
- (11) Physicians and Surgeons
- (12) Psychologists and Psychiatrists

(b) Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations whose activities are such that few visitors, other than employees, have reason to come on the premises.

(c) Any other office use held similar in nature to the preceding uses when approved by the Planning Commission.

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- (d) Accessory building or uses customarily incidental to such uses, when located on the same lot.

.03 Limitations:

- (a) Except for those items necessarily related to the business or profession, no goods, wares or merchandise shall be displayed, sold or serviced on any lot in this district.
- (b) All uses and operations shall be confined, contained and conducted wholly within completely enclosed buildings, except off-street parking and loading areas.

.04 Special uses such as parks, playgrounds or community centers, churches, schools, and uses of a similar nature, as provided in the Community Service Section, when approved by the Planning Commission.

.05 Temporary structures may be allowed in this district if the structures relate to the building or sale of land or homes, provided however, that a temporary permit shall be issued for these structures by the Board of Adjustment.

7.062 SIGNS

The following signs shall be permitted in this district:

- (a) A sign stating the name of the owner or occupant of the property; with a maximum area, on one side, of two (2) square feet.
- (b) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area, on one side, of eight (8) square feet.
- (c) A sign advertising the sale of a tract of land or a legally approved subdivision or partition; not artificially illuminated, of a temporary nature, with a maximum area, on one side, of thirty-two (32) square feet, when erected at least ten (10) feet behind the property line. Any such sign shall be approved by the Building Division as to location in regard to health, safety, view obstruction, type of construction, and shall not be left standing for more than one year.

(7.062)

- (d) Business office signs shall meet the following restrictions:
- (1) Wall or free-standing signs, illuminated or otherwise, but not a flashing or rotating type, shall have a maximum sign area, on one side, of twenty (20) square feet. Any external sign displayed shall pertain only to the use conducted within the building and shall not advertise incidental products.
 - (2) Painted signs. A wall sign painted directly onto a wall surface shall not exceed 10% of the gross area of the wall upon which it is painted. Signs placed within one foot of the windows, and designed to be viewed from the exterior of the building, shall be included in determining the amount of the area covered by the painted wall signs.
 - (3) A free-standing sign shall not exceed ten (10) feet in height.
 - (4) No more than three (3) signs shall be permitted per structure. Any combination of the preceding types of signs may be used, however, only one free-standing sign shall be permitted per structure. In the event a structure contains more than one use, each use shall be permitted to have one wall and one painted sign.
 - (5) Lighted entry and exit signs for off-street parking shall have a maximum sign area, on one side, of four (4) square feet and shall not exceed six (6) feet in height.
 - (6) Artificially illuminated signs shall not be permitted if they face an abutting residential district.
 - (7) No off-site advertising signs shall be permitted in this district except as provided in Section 11.070.

7.063 ADDITIONAL CONDITIONS

The Planning Commission may attach additional conditions as to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and

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landscaping, which may be deemed necessary to protect public health, safety and welfare, the adjacent property owners and the public interest.

7.064 RESTRICTIONS

Except as otherwise specified herein, all apartments shall fulfill the applicable restrictions of the A-2 Section of this ordinance. All other uses permitted by this Section shall meet the following requirements:

.01 Setbacks

- (a) Front yard setback shall have a minimum depth of twenty (20) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side, if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required twenty (20) foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be twenty (20) feet.
- (b) Side yard setback for buildings one (1) or two (2) stories in height shall be a minimum of seven and one-half (7-1/2) feet. For buildings exceeding two (2) stories in height, the side yard setback shall be a minimum of one (1) foot horizontally for every three (3) feet of building height. On corner lots the side yard for all structures shall be a minimum of ten (10) feet on the side abutting the street.
- (c) Rear yard setback shall be a minimum depth of fifteen (15) feet to the main building.
- (d) Setbacks for insufficient right-of-way. The minimum front, side or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

- (e) In a transitional area the setbacks shall be that of the most restrictive adjoining residential district.
- .02 Lot Coverage. The lot coverage shall not exceed forty-five (45) percent.
- .03 Height Limitations. The maximum height of any structure shall be two and one-half (2-1/2) stories or thirty-five (35) feet, whichever is less. All structures exceeding thirty-five (35) feet, or two and one-half (2-1/2) stories, may be permitted following a public hearing before the Planning Commission.
- .04 Off-Street Parking. Off-street parking shall be provided as required in Section 10.020.
- .05 All lots shall have frontage or approved access to public streets, public water, and public sewers before development is allowed.
- .06 Landscaping. Landscaping and screening will be provided on each site and shall satisfy the following requirements:
- (a) All areas of the site not occupied by paved roadways, walkways, patios or buildings shall be landscaped with ground covers, shrubs, and decorative or ornamental trees.
 - (b) Landscape materials shall be of adequate size, quality, and character so as to provide an attractive setting.
 - (c) It shall be the owners responsibility to maintain the landscaping installed on the site.
 - (d) Screen planting, masonry walls, or fencing shall be provided to screen objectionable views within five (5) months of occupancy of a related building. Views to be screened include garbage and trash collection stations and other similar uses.
- .07 No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this district.

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- .08 Design Review. Proposed land uses within this district shall be reviewed by the Design Review Board for their approval.
- .09 Access. No more than one forty-five (45) foot wide curb cut driveway per one hundred fifty (150) feet of street frontage, or fraction thereof, shall be permitted per site.

7.065 EXCEPTIONS

- .01 Waiver of Yard Requirements. When a developer of four (4) or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area and other aesthetic conditions in harmony with the neighborhood, the Planning Commission may waive the front, side, or rear yard requirements if it holds that the proposed design is in the best interest of the public and adequate to provide desirable places in which to live and work.

8.000 COMMERCIAL DISTRICTS

8.010 NEIGHBORHOOD COMMERCIAL

8.011 LAND USE

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered, or enlarged in this district except for the following uses:

- .01 Any use permitted in an A-1-B district except residences.
- .02 Any of the following uses which are to be conducted wholly within a completely enclosed building except off-street parking and loading:
 - (a) Bakery, provided that all goods made at the establishment are sold on the premises.
 - (b) Barber Shop or Beauty Parlor.
 - (c) Book or Stationery Store.
 - (d) Clothes Cleaning Agency.
 - (e) Candy Store.
 - (f) Dressmaking Shop.
 - (g) Drug Store.
 - (h) Film Exchange.
 - (i) Florist or Gift Shop.
 - (j) Grocery, Fruit, or Vegetable Store.
 - (k) Hardware or Electric Appliance Store.
 - (l) Laundry Agency.
 - (m) Meat Market or Delicatessen.
 - (n) Photographer.
 - (o) Off-Street Parking and Loading Areas when located and developed as required in Section 10.020.

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- (p) Radio and Television Sale and Service.
- (q) Self-Service Laundry.
- (r) Shoe Store or Shoe Repair Shop.
- (s) Clothing or Wearing Apparel Shop.
- (t) Accessory Buildings when located on the same lot.

.03 Any other use held similar in nature to the preceding uses when approved by the Planning Commission.

8.012 SIGNS

The following signs shall be permitted in this district:

- (a) A sign stating the name of the owner or occupant of the property; with a maximum area, on one side, of two (2) square feet.
- (b) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area, on one side, of eight (8) square feet.
- (c) A sign advertising the sale of a tract of land or a legally approved subdivision or partition; not artificially illuminated, of a temporary nature, with a maximum area, on one side, of thirty-two (32) square feet, when erected at least ten (10) feet behind the property line. Any such sign shall be approved by the Building Division as to location in regard to health, safety, view obstruction, type of construction and shall not be left standing for more than one year.
- (d) Business office and commercial signs shall meet the following restrictions:
 - (1) Wall and free-standing signs, illuminated or otherwise, but not a flashing or rotating type, shall have a maximum sign area, on one side, of twenty (20) square feet. Any external sign displayed shall pertain only to the use conducted within the building and shall not advertise incidental products.

- (2) Painted signs. A wall sign painted directly onto a wall surface shall not exceed ten (10) percent of the gross area of the wall upon which it is painted. Signs placed within one foot of the windows, and designed to be viewed from the exterior of the building, shall be included in determining the amount of the area covered by painted wall signs.
- (3) No more than three (3) signs shall be permitted per structure. Any combination of the preceding types of signs may be used, however, only one free-standing sign shall be permitted per structure. In the event a structure contains more than one use, each use shall be permitted to have one wall and one painted sign.
- (4) A wall sign shall not project more than eighteen (18) inches from the wall or above the wall to which it is attached.
- (5) A free-standing sign shall not exceed ten (10) feet in height.
- (6) Lighted entry and exit signs are permitted for off-street parking and they shall have a maximum sign area, on one side, of four (4) square feet and shall not exceed six (6) feet in height.
- (7) Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- (8) A non-conforming sign may be allowed to exist for five (5) years or for the useful life span of the sign. After this time, a non-conforming sign shall be removed.
- (9) No off-site advertising signs shall be permitted in this district except as provided for in Section 11.070.

8.013 ADDITIONAL CONDITIONS

The Planning Commission may attach additional conditions as to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping, which may be deemed necessary to protect the public health, safety and welfare, the adjacent property owners and the public interest.

8.014 RESTRICTIONS

.01 Lot Size and Coverage

- (a) The maximum lot size shall be forty thousand (40,000) square feet.
- (b) The maximum floor space for a single use shall be four thousand (4,000) square feet.
- (c) Lot coverage shall not exceed fifty (50) percent of the site.

.02 Setbacks

- (a) Front yard setback shall be a minimum of twenty (20) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required twenty (20) foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be twenty (20) feet.
- (b) Side yard setback. None, except property abutting a residential or apartment district, in which case the side yard on the abutting side shall be the same as the abutting property. On a corner lot, the side abutting the street shall have a minimum setback of ten (10) feet.
- (c) Rear yard setback. None, except property abutting a residential or apartment district, in which case the rear yard shall be the same as the abutting property.
- (d) Setbacks for insufficient right-of-way. The minimum front, side or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-

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of-way widths and the additional yard or setback requirements in such cases.

- .03 Height Limitation. The maximum height of a structure shall be thirty-five (35) feet or two and one-half (2-1/2) stories, whichever is less.
- .04 Off-Street Parking. Off-street parking shall be provided as required in Section 10.020.
- .05 All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- .06 Landscaping. Landscaping and screening will be provided on each site and shall satisfy the following requirements:
- (a) All areas of the site not occupied by paved roadways, walkways, patios or buildings shall be landscaped with ground covers, shrubs, and decorative or ornamental trees.
 - (b) It shall be the owners responsibility to maintain the landscaping installed on the site.
 - (c) Screen planting, masonry walls or fencing shall be provided to screen objectionable views within five (5) months of occupancy of a related building. Views to be screened include garbage and trash collection stations and other similar uses.
 - (d) Within transitional areas these additional landscaping requirements shall apply:
 - (1) A minimum of fifteen (15) percent of the gross site shall be landscaped with major trees, shrubs and ground covers as approved by the Planning Director.
 - (2) No more than forty (40) percent of the existing trees six (6) inches diameter or larger shall be removed without permission of the Planning Commission.

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Replacement trees shall be planted at the time of development. The Planning Director shall approve the location, number and specie of the trees.

- .07 Access. No more than one forty-five (45) foot wide curb cut driveway per one hundred fifty (150) feet of street frontage, or fraction thereof, shall be permitted per site.
- .08 No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard, or setback requirements of this district.
- .09 Design Review. Proposed land uses within this district shall be reviewed by the Design Review Board for their approval.

8.020 RETAIL COMMERCIAL

8.021 LAND USE

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered, or enlarged in this district except for the following uses:

- .01 Any use permitted in a C-4 district.
- .02 Any of the following uses which are to be conducted wholly within a completely enclosed building except off-street parking and loading:
 - (a) Retail Store or Business.
 - (b) Automobile Service Station, if no major repair work is conducted.
 - (c) Bank.
 - (d) Bakery, retail only.
 - (e) Business School or Private School operated as a commercial enterprise.
 - (f) Blueprint or Photostat Shop.
 - (g) Catering Establishment.
 - (h) Cleaning Establishment.
 - (i) Department or Furniture Store.
 - (j) Frozen Food Locker, excluding wholesale storage.
 - (k) Interior Decorating Store.
 - (l) Medical or Dental Clinic or Laboratory.
 - (m) Motel, Hotel.
 - (n) Motion Picture Theater.
 - (o) Music Instruction Establishment.
 - (p) Newsstand
 - (q) Nursery, Flower or Plant Store, provided that all incidental equipment and supplies are kept within a building or suitable lattice cover.

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- (r) Pet Shop.
 - (s) Restaurant or Tavern.
 - (t) Second-Hand Store, if conducted wholly within a completely enclosed building.
 - (u) Studio: Art, Dance, etc.
 - (v) Trade or Commercial School, if not objectionable due to noise, odor, vibration or similar causes.
 - (w) Wholesale Merchandise Brokerage Office, excluding wholesale storage.
 - (x) Uses customarily incidental to any of the preceding uses when located on the same lot, provided that such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration or similar causes.
 - (y) Accessory buildings when located on the same lot.
- .03 Any other use held similar in nature to the preceding uses when approved by the Planning Commission.

8.022 SIGNS

The following signs shall be permitted in this district:

- (a) A sign stating the name of the owner or occupant of the property; with a maximum area, on one side, of two (2) square feet.
- (b) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area, on one side, of eight (8) square feet.
- (c) A sign advertising the sale of a tract of land or a legally approved subdivision or partition; not artificially illuminated, of a temporary nature, with a maximum area, on one side, of thirty-two (32) square feet, when erected at least ten (10) feet behind the property line. Any such sign shall be approved by the Building Division as to location in regard to health, safety, view obstruction, type of construction and shall not be left standing for more than one year.

- (d) Business office and commercial signs shall meet the following restrictions:
- (1) Wall and free-standing signs, illuminated or otherwise, but not a flashing or rotating type, shall have a maximum sign area, on one side, of twenty (20) square feet. Any external sign displayed shall pertain only to the use conducted within the building and shall not advertise incidental products.
 - (2) Painted signs. A wall sign painted directly onto a wall surface shall not exceed ten (10) percent of the gross area of the wall upon which it is painted. Signs placed within one foot of the windows, and designed to be viewed from the exterior of the building, shall be included in determining the amount of the area covered by painted wall signs.
 - (3) No more than three (3) signs shall be permitted per structure. Any combination of the preceding types of signs may be used, however, only one free-standing sign shall be permitted per structure. In the event a structure contains more than one use, each use shall be permitted to have one wall and one painted sign.
 - (4) A wall sign shall not project more than eighteen (18) inches from the wall or above the wall to which it is attached.
 - (5) A free-standing sign shall not exceed twenty (20) feet in height.
 - (6) Lighted entry and exit signs are permitted for off-street parking and they shall have a maximum sign area, on one side, of four (4) square feet and shall not exceed six (6) feet in height.
 - (7) Artificially illuminated signs shall not be permitted if they face an abutting residential district.
 - (8) A non-conforming sign may be allowed to exist for five (5) years or for the useful life span of the sign. After this time a non-conforming sign shall be removed.
 - (9) No off-site advertising shall be permitted in this district except as provided in Section 11.070.
 - (10) All structures which are located within two hundred (200) feet of the right-of-way of a freeway

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or four hundred (400) feet from the center-line of the nearest freeway travel lane, whichever is less, shall be permitted the following exceptions:

- (a) Each structure's free-standing sign may be increased in size. The sign area, on one side, may be increased to a maximum of fifty (50) square feet and shall not exceed fifty (50) feet in height above the ground elevation.
- (b) In addition, each structure may have one "freeway" sign. The "freeway" sign, illuminated or otherwise, but not a flashing or rotating type, shall have a maximum sign area, on one side, of two hundred (200) square feet and shall not exceed fifty (50) feet in height above the freeway elevation.
- (c) In those cases where the "freeway" sign and free-standing sign are combined on the same support columns, then the total sign area of both signs may be two hundred and fifty (250) square feet.

8.023. ADDITIONAL CONDITIONS

The Planning Commission may attach additional conditions as to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping, which may be deemed necessary to protect the public health, safety and welfare, the adjacent property owners and the public interest.

8.024 RESTRICTIONS

.01 Setbacks

- (a) Front yard setback shall be a minimum of twenty (20) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required twenty (20) foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be twenty (20) feet.

- (b) Side yard setback. None, except property abutting a residential or apartment district, in which case the side yard on the abutting side shall be the same as the abutting property. On a corner lot, the side abutting the street shall have a minimum setback of five (5) feet.
 - (c) Rear yard setback. None, except property abutting a residential or apartment district, in which case the rear yard shall be the same as the abutting property.
 - (d) Setbacks for insufficient right-of-way. The minimum front, side or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.
- .02 Height Limitation. The maximum height of a structure shall be forty-five (45) feet or three (3) stories, whichever is less.
- .03 Off-Street Parking. Off-street parking shall be provided as required in Section 10.020.
- .04 All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- .05 Landscaping. Landscaping and screening will be provided on each site, where possible, and shall satisfy the following requirements:
- (a) All areas of the site not occupied by paved roadways, walkways, patios or building shall be landscaped with ground covers, shrubs, and decorative or ornamental trees.
 - (b) It shall be the owners responsibility to maintain the landscaping installed on the site.
 - (c) Screen planting, masonry walls or fencing shall be provided to screen objectionable views within five (5) months of occupancy of a related building. Views to be screened include garbage and trash collection stations and other similar uses.
- .06 Access. No more than one forty-five (45) foot wide curb cut driveway per one hundred fifty (150) feet of street frontage, or fraction thereof, shall be permitted per site.

- .07 No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on a remainder of a lot with less than the minimum lot, yard or setback requirement of this district.
- .08 Design Review. Proposed land uses within this district shall be reviewed by the Design Review Board for their approval.

8.030 GENERAL COMMERCIAL

8.031 LAND USE

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the following uses:

- .01 Any use permitted in a C-3 Retail Commercial District.
- .02 Any of the following uses:
 - (a) Amusement Enterprise, including pool hall, bowling alley, and boxing arena, conducted wholly within a completely enclosed building.
 - (b) Auditorium.
 - (c) Automobile Service Station, provided that any tire repairing, battery changing, lubrication or washing and storage of merchandise and supplies not conducted wholly within a building, shall be permitted only if a sight-obscuring fence, not less than six (6) feet nor more than seven (7) feet in height, is erected and maintained between such uses and any adjoining residential, apartment, or neighborhood commercial district.
 - (d) Automobile and Trailer Sales Area, provided that:
 - (1) a sight-obscuring fence, not less than six (6) feet nor more than seven (7) feet in height, is erected and maintained between such uses and any adjoining residential, apartment, or neighborhood commercial district; and
 - (2) any incidental repair of automobiles or trailers shall be conducted and confined wholly within a building.
 - (e) Car Wash, Full-Service or Self-Service, subject to the following requirements:
 - (1) Car wash structures shall be located not less than three hundred (300) feet from the boundary of an "R" of "A" district.

(8.031)

- (2) Noise levels generated by the car wash shall not exceed standards established by the Department of Environmental Quality or City Ordinance.
- (f) Carpenter Shop or Cabinet Shop, Upholstering of furniture, if conducted wholly within a completely enclosed building.
- (g) Custom Cannery.
- (h) Lumber Yard, retail sales only. In addition, all open storage shall be enclosed with a sight-obscuring fence, not less than six (6) feet nor more than seven (7) feet in height unless otherwise specified by the Board of Adjustment.
- (i) Drive-In Theater.
- (j) Plumbing Shop, if conducted wholly within a completely enclosed building.
- (k) Printing, Lithographing or Publishing.
- (l) Automobile repairing and incidental automobile body and fender work, painting, or upholstering, if all operations are conducted wholly within a completely enclosed building.
- (m) Sign Painting Shop, if conducted wholly within a completely enclosed building.
- (n) Tire Shop, if operated wholly within a completely enclosed building.
- (o) Animal Hospital and Boarding Kennel, if these uses are conducted wholly within a completely enclosed building.
- (p) Uses customarily incident to any of the above uses when located on the same lot, provided that such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration or other similar causes.
- (q) Accessory buildings when located on the same lot.

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- .03 Any other use held similar in nature to the preceding uses when approved by the Planning Commission.

8.032 SIGNS

The following signs shall be permitted in this district:

- (a) A sign stating the name of the owner or occupant of the property; with a maximum area, on one side, of two (2) square feet.
- (b) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area, on one side, of eight (8) square feet.
- (c) A sign advertising the sale of a tract of land or a legally approved subdivision or partition; not artificially illuminated, of a temporary nature, with a maximum area, on one side, of thirty-two (32) square feet, when erected at least ten (10) feet behind the property line. Any such sign shall be approved by the Building Division as to location in regard to health, safety, view obstruction, type of construction and shall not be left standing for more than one year.
- (d) Business office and commercial signs shall meet the following restrictions:
 - (1) Wall and free-standing signs, illuminated or otherwise, but not a flashing or rotating type, shall have a maximum sign area, on one side, of thirty-two (32) square feet. Any external sign displayed shall pertain only to the use conducted within the building and shall not advertise incidental products.
 - (2) Painted signs. A wall sign painted directly onto a wall surface shall not exceed ten (10) percent of the gross area of the wall upon which it is painted. Signs placed within one foot of the windows, and designed to be viewed from the exterior of the building, shall be included in determining the amount of the area covered by painted wall signs.
 - (3) No more than three (3) signs shall be permitted per structure. Any combination of the preceding types of signs may be used,

(8.032)

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however, only one free-standing sign shall be permitted per structure. In the event a structure contains more than one use, each use shall be permitted to have one wall and one painted sign.

- (4) A wall sign shall not project more than thirty-two (32) inches from the wall or above the wall to which it is attached.
- (5) A free-standing sign shall not exceed thirty (30) feet in height.
- (6) Lighted entry and exit signs for off-street parking shall have a maximum sign area, on one side, of four (4) square feet and shall not exceed six (6) feet in height.
- (7) Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- (8) A non-conforming sign may be allowed to exist for five (5) years or for the useful life span of the sign. After this time a non-conforming sign shall be removed.
- (9) No off-site advertising signs shall be permitted except as provided for in Section 11.070.
- (10) All structures which are located within two hundred (200) feet of the right-of-way of a freeway or four hundred (400) feet from the centerline of the nearest freeway travel lane, whichever is less, shall be permitted the following exceptions:
 - (a) Each structure's free-standing sign may be increased in size. The sign area, on one side, may be increased to a maximum of fifty (50) square feet and shall not exceed fifty (50) feet in height above the ground elevation.
 - (b) In addition, each structure may have one "freeway" sign. The "freeway" sign, illuminated or otherwise, but not a flashing or rotating type, shall have a maximum sign area, on one side, of two hundred (200) square feet and shall not exceed fifty (50) feet in height above the freeway elevation.
 - (c) In those cases where the "freeway" sign and free-standing sign are combined on the same support columns, then the total sign area of both signs may be two hundred and fifty (250) square feet.

8.033 ADDITIONAL CONDITIONS

The Planning Commission may attach additional conditions as to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping, which may be deemed necessary to protect the public health, safety and welfare, the adjacent property owners and the public interest.

8.034 RESTRICTIONS

.01 Setbacks

- (a) Front yard setback shall be a minimum of twenty (20) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required twenty (20) foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be twenty (20) feet.
- (b) Side yard setback. None, except property abutting a residential or apartment district, in which case the side yard on the abutting side shall be the same as the abutting property. On a corner lot, the side abutting the street shall have a minimum setback of five (5) feet.
- (c) Rear yard setback. None, except property abutting a residential or apartment district, in which case the rear yard shall be the same as the abutting property.
- (d) Setback for insufficient right-of-way. The minimum front, side or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

.02 Height Limitations. The maximum height of a structure shall be forty-five (45) feet or three (3) stories, whichever, is less.

.03 Off-Street Parking. Off-street parking shall be provided as required in Section 10.020.

.04 All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.

(8.034)

- .05 Landscaping. Landscaping and screening will be provided on each site, where possible, and shall satisfy the following requirements:
- (a) All areas of the site not occupied by paved roadways, walkways, patios or buildings shall be landscaped with ground cover, shrubs, and decorative or ornamental trees.
 - (b) It shall be the owners responsibility to maintain the landscaping installed on the site.
 - (c) Screen planting, masonry walls or fencing shall be provided to screen objectionable views within five (5) months of occupancy of a related building. Views to be screened include garbage and trash collection stations and other similar uses.
- .06 Access. No more than one forty-five (45) foot wide maximum curb cut driveway per one hundred fifty (150) feet of street frontage, or fraction thereof, shall be permitted per site.
- .07 No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of a lot with less than the minimum lot, yard or setback requirements of this district.
- .08 Design Review. Proposed land uses within this district shall be reviewed by the Design Review Board for their approval.

9.000 MANUFACTURING DISTRICTS

9.010 INDUSTRIAL PARK

9.011 LAND USE

No building, structure or land shall be used, and no building or structure shall be hereafter erected, altered or enlarged in this district, except for the following uses:

.01 Any use permitted in a C-2, General Commercial District may be permitted after a public hearing before the Planning Commission.

.02 Any of the following uses which are to be conducted wholly within a completely enclosed building except off-street parking and loading:

- (a) Professional, executive and administrative offices.
- (b) Research, experimental, or testing laboratories.
- (c) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs including the manufacture of small parts, such as coils, condensers, and transformers.
- (d) Trade or commercial school, if not objectionable due to noise, odor, vibration or other similar cause.
- (e) Other assembly or limited manufacture uses of a similar nature when located and arranged according to a plan providing for aesthetic or other conditions in harmony with the neighborhood, and approved by the Planning Commission.
- (f) Uses customarily incident to any of the above uses when located on the same lot, provided that such uses, operations, or products are not objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

(9.011)

- (g) Accessory buildings when located on the same lot.

9.012 SIGNS

The following signs shall be permitted in this district:

- .01 Signs which are intended to advertise the sale or rental of property shall meet the following restrictions:
- (a) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area, on one side, of eight (8) square feet, when erected at least ten (10) feet behind the property line.
 - (b) A sign advertising the sale of a tract of land or a legally approved subdivision or partition; not artificially illuminated, of a temporary nature, with a maximum area, on one side, of thirty-two (32) square feet, when erected at least ten (10) feet behind the property line. Any such sign shall be approved by the Building Division as to location in regard to health, safety, view obstruction, type of construction and shall not be left standing for more than one year.
- .02 Business office, commercial and manufacturing firm signs shall meet the following restrictions:
- (a) Wall and free-standing signs, illuminated or otherwise, but not a flashing or rotating type, shall have a maximum sign area, on one side, of thirty-two (32) square feet. Any external sign displayed shall pertain only to the use conducted within the building and shall not advertise incidental products.
 - (b) Painted signs. A wall sign painted directly onto a wall surface shall not exceed ten (10) percent of the gross area of the wall upon which it is painted. Signs placed within one foot of the windows, and designed to be viewed from the exterior of the building, shall be included in determining the amount of the area covered by painted wall signs.

- (c) No more than three (3) signs shall be permitted per structure. Any combination of the preceding types of signs may be used, however, only one free-standing sign shall be permitted per structure. In the event a structure contains more than one use, each use shall be permitted to have one wall and one painted sign.
- (d) A wall sign shall not project more than eighteen (18) inches from the wall or above the wall to which it is attached.
- (e) A free-standing sign shall not exceed thirty (30) feet in height.
- (f) Lighted entry and exit signs for off-street parking shall have a maximum sign area, on one side, of four (4) square feet and shall not exceed six (6) feet in height.
- (g) Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- (h) A non-conforming sign may be allowed to exist for five (5) years or for the useful life span of the sign. After this time a non-conforming sign shall be removed.
- (i) No off-site advertising signs shall be permitted in this district except as provided for in Section 11.070.
- (j) All structures which are located within two hundred (200) feet of the right-of-way of a freeway or four hundred (400) feet from the centerline of the nearest freeway travel lane, whichever is less, shall be permitted the following exceptions:
 - (1) Each structure's free-standing sign may be increased in size. The sign area, on one side, may be increased to a maximum of fifty (50) square feet and shall not exceed fifty (50) feet in height above the ground elevation.
 - (2) In addition, each structure may have one "freeway" sign. The "freeway" sign, illuminated or otherwise, but not a flashing or rotating type, shall have a maximum sign area, on one side, of two hundred (200) square feet and shall not exceed fifty (50) feet in height above the freeway elevation.

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- (3) In those cases where the "freeway" sign and free-standing sign are combined on the same support columns, then the total sign area of both signs may be two hundred fifty (250) square feet.

9.013 ADDITIONAL CONDITIONS

The Planning Commission may attach additional conditions as to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping, which may be deemed necessary to protect the public health, safety and welfare, the adjacent property owners and the public interest.

9.014 RESTRICTIONS

.01 Lot Size and Coverage

- (a) The minimum lot size shall be two (2) acres.
- (b) The minimum lot width shall be one hundred fifty (150) feet.
- (c) Lot coverage shall not exceed fifty (50) percent of the site.

.02 Setbacks

- (a) Front yard setback shall have a minimum depth of thirty (30) feet.
- (b) Side yard setback shall have a minimum depth of twenty (20) feet. On a corner lot, the side yard shall be a minimum of thirty (30) feet on the side abutting a street.
- (c) Rear yard setback shall have a minimum depth of twenty (20) feet.
- (d) Setbacks for insufficient right-of-way. The minimum front, side or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.
- (e) If any use in this district abuts or faces any residential or apartment district, a setback of fifty (50) feet shall be required on the side abutting or facing the residential or apartment district.

(9.014)

- .03 Height Limitations. The maximum height of a structure shall be thirty-five (35) feet or two and one-half (2-1/2) stories, whichever is less. The Board of Adjustment may determine that a greater height is in keeping with the general character of the district and the surrounding area.
- .04 All lots shall have access to public streets, public water, and public sewer before development is allowed.
- .05 Off-Street Parking. Off-street parking shall be provided as required in Section 10.020.
- .06 Landscaping.
- (a) All areas of the site not occupied by paved roadways, walkways or buildings shall be landscaped.
 - (b) It shall be the owners responsibility to maintain the landscaping installed on the site.
 - (c) Screen planting, masonry walls or fencing shall be provided to screen objectionable views within five (5) months of occupancy of a related building. Views to be screened include garbage and trash collection stations, truck loading areas, and other similar uses.
- .07 Access. No more than one forty-five (45) foot wide curb cut driveway, per one hundred fifty (150) feet of street frontage, or fraction thereof, shall be permitted per site.
- .08 No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard, or setback requirements of this district.
- .09 Design Review. Proposed land uses within this district shall be reviewed by the Design Review Board for their approval.

9.020 LIGHT MANUFACTURING

9.021 LAND USE

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district, except for the following uses:

- .01 Any use permitted in an M-4 Industrial Park District.
- .02 Any of the following uses which are to be conducted wholly within a completely enclosed building except for off-street parking and loading:
 - (a) The manufacture, compounding, processing, packaging of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food and beverage products except sauerkraut, vinegar or pickles.
 - (b) The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt fibre, fur, glass, hair, horn, lacquer, leather, paper, plastics, precious and semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns, and paint not employing a boiling process.
 - (c) The manufacture of pottery and other similar ceramic products, using only previously pulverized clay.
 - (d) The manufacture and maintenance of electric and neon signs, billboards or commercial advertising structures.
 - (e) The manufacture of musical instruments, toys, novelties, or rubber or metal stamps.
 - (f) Machine shop not using drop-hammer or punch press.
 - (g) Distribution plant or parcel delivery with off-street loading bay.

(9.021)

- (h) Electroplating shop.
 - (i) Laundry for carpet, overalls, and rug cleaning, using non-explosive and non-flammable cleaning fluid.
 - (j) Spinning or knitting of cotton, wool or other fibrous material.
 - (k) Veterinary or dog or cat hospital.
 - (l) Wholesale business, storage buildings, and warehouses.
 - (m) Lumber yards, retail and wholesale. Any open storage is to be enclosed within a sight-obscuring fence not less than six (6) feet nor more than seven (7) feet in height unless otherwise specified by the Board of Adjustment.
 - (n) Accessory buildings when located on the same lot.
- .03 Any other use held similar in nature to the preceding uses when approved by the Planning Commission.

9.022 SIGNS

The following signs shall be permitted in this district:

- .01 Signs which are intended to advertise the sale or rental of property shall meet the following restrictions:
- (a) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature with a maximum area, on one side, of eight (8) square feet, when erected at least ten (10) feet behind the property line.
 - (b) A sign advertising the sale of a tract of land or a legally approved subdivision or partition; not artificially illuminated, of a temporary nature, with a maximum area, on one side, of thirty-two (32) square feet, when erected at least ten (10) feet behind the property line. Any such sign shall be approved by the Building Division as to location in regard to health, safety, view

(9.022)

obstruction, or type of construction and shall not be left standing for more than one year.

.02 Business office, commercial and manufacturing firm signs shall meet the following restrictions:

- (a) Wall and free-standing signs, illuminated or otherwise, but not a flashing or rotating type, shall have a maximum sign area, on one side, of thirty-two (32) square feet. Any external sign displayed shall pertain only to the use conducted within the building and shall not advertise incidental products.
- (b) Painted signs. A wall sign painted directly onto a wall surface shall not exceed ten (10) percent of the gross area of the wall upon which it is painted. Signs placed within one foot of the windows, and designed to be viewed from the exterior of the building, shall be included in determining the amount of the area covered by painted wall signs.
- (c) No more than three (3) signs shall be permitted per structure. Any combination of the preceding types of signs may be used, however, only one free-standing sign shall be permitted per structure. In the event a structure contains more than one use, each use shall be permitted to have one wall and one painted sign.
- (d) A wall sign shall not project more than eighteen (18) inches from the wall or above the wall to which it is attached.
- (e) A free-standing sign shall not exceed thirty (30) feet in height.
- (f) Lighted entry and exit signs for off-street parking shall have a maximum sign area, on one side, of four (4) square feet and shall not exceed six (6) feet in height.
- (g) Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- (h) A non-conforming sign may be allowed to exist for five (5) years or for the useful life span of the sign. After this time a non-conforming sign shall be removed.
- (i) No off-site advertising signs shall be permitted except as provided for in Section 11.070.

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- (j) All structures which are located within two hundred (200) feet of the right-of-way of a freeway or four hundred (400) feet from the centerline of the nearest freeway travel lane, whichever is less, shall be permitted the following exceptions:
- (1) Each structure's free-standing sign may be increased in size. The sign area, on one side, may be increased to a maximum of fifty (50) square feet and shall not exceed fifty (50) feet in height above the ground elevation.
 - (2) In addition, each structure may have one "freeway" sign. The "freeway" sign, illuminated or otherwise, but not a flashing or rotating type, shall have a maximum sign area on one side, of two hundred (200) square feet and shall not exceed fifty (50) feet in height above the freeway elevation.
 - (3) In those cases where the "freeway" sign and free-standing sign are combined on the same support columns, then the total sign area of both signs may be two hundred and fifty (250) square feet.

9.023 ADDITIONAL CONDITIONS

The Planning Commission may attach additional conditions as to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping, which may be deemed necessary to protect the public health, safety and welfare, the adjacent property owners and the public interest.

9.024 RESTRICTIONS

.01 Setbacks

- (a) Front yard setback shall have a minimum depth of twenty (20) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required twenty (20) foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be twenty (20) feet.
- (b) Side yard setback shall be a minimum of ten (10) feet.

(9.024)

- (c) Rear yard setback. None
 - (d) If any use in this district abuts or faces any residential or apartment district, a setback of fifty (50) feet on the side abutting or facing the residential or apartment district shall be required.
 - (e) Setbacks for insufficient right-of-way. Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and the setback requirements in such cases.
- .02 Height Limitations. The maximum height for any structure shall be forty-five (45) feet or three (3) stories, whichever is less. The Board of Adjustment may determine that a greater height is in keeping with the general character of the district and surrounding area.
- .03 Off-Street Parking. Off-street parking shall be provided as required in Section 10.020.
- .04 All lots shall have access to public streets, public water, and public sewer before development is allowed.
- .05 Landscaping.
- (a) All areas of the site not occupied by paved roadways, walkways, or buildings shall be landscaped.
 - (b) It shall be the owners responsibility to maintain the landscaping installed on the site.
 - (c) Screen planting, masonry walls or fencing shall be provided to screen objectionable views within five (5) months of occupancy of a related building. Views to be screened include garbage and trash collection stations, truck loading areas, and other similar uses.
- .06 Access. No more than one forty-five (45) foot wide curb cut driveway, per one hundred fifty (150) feet of street frontage, or fraction thereof, shall be permitted per site.
- .07 No sale or conveyance of any portion of a lot, for other than public purposes, shall leave a structure on the remainder of the lot with less than the minimum lot, yard, or setback requirements of this district.
- .08 Design Review. Proposed land uses within this district shall be reviewed by the Design Review Board for their approval.

9.030 GENERAL MANUFACTURING**9.031 LAND USE**

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district, except for the following uses:

- .01 Any use permitted in an M-3 Light Manufacturing District.
- .02 Any of the following uses which are to be conducted wholly within a completely enclosed building except for off-street parking and loading:
 - (a) Automobile Wrecking.
 - (b) Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping and battery manufacture.
 - (c) Machine Shop with drop hammer or punch press.
 - (d) Bottle Manufacturing Plant.
 - (e) Can Manufacturing Plant.
 - (f) Car Wash.
 - (1) Car wash structures shall be located not less than three hundred (300) feet from the boundary of an "R" or "A" district.
 - (2) Noise levels generated by the car wash shall not exceed standards established by the Department of Environmental Quality or City Ordinance.
 - (g) Dry Cleaning or Dyeing using explosive materials.
 - (h) Emery Cloth or other abrasive material manufacturing.
 - (i) Enameling and Metal Coating (galvanizing).
 - (j) Feed and Fuel Storage.

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- (k) Fish Smoking, Curing and Canning.
- (l) Fabrication Plant and Ornamental Metal Works.
- (m) Flour Milling, Grain Storage or Elevator.
- (n) Junk, paper or metal storage, sorting, collecting or bailing.
- (o) Mattress Factory, building and renovating.
- (p) Pickle, Sauerkraut, or Vinegar Manufacturing.
- (q) Planing Mill
- (r) Plastic Manufacturing.
- (s) Poultry or Rabbit Slaughter.
- (t) Rubber Manufacturing.
- (u) Sheet Metal Shop and other manufacturing of a similar nature.
- (v) Soap and Cleaning compound manufacturing other than those that are highly combustible, explosive or offensive in smell.
- (w) Tool and Hardware Manufacturing.
- (x) Weaving of cotton, wool and other fibrous material using power looms.
- (y) Wool pulling or scouring.
- (z) Welding Shop.
- (aa) Yeast Plant.
- (ab) Accessory buildings when located on the same lot.

.03 Any of the following uses:

- (a) Subject to approval of the Planning Commission, based upon compatibility with the area, and provided a sight-obscuring fence not less than six (6) feet in height surrounds the open storage area except for suitable access and egress openings.

(9.031)

- (1) Automobile wrecking storage yard. Removal of parts from vehicles shall be by hand tools or cutting torch only. Demolition of vehicles shall not be conducted outside a building.
- (2) Building materials sales yard, including the sales of rock, sand, gravel and similar activities.
- (3) Contractor's or logger's equipment and truck storage yard, plant, repair, rental or sales.
- (4) Engine and equipment manufacturing.
- (5) Freight or trucking yards or terminals.
- (6) Lumber yards including incidental mill work.
- (7) Small boat building.

.04 Any other use held similar in nature to the preceding uses when approved by the Planning Commission.

9.032 SIGNS

The following signs shall be permitted in this district:

- .01 Signs which are intended to advertise the sale or rental of property shall meet the following restrictions:
- (a) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area, on one side, of eight (8) square feet, when erected at least ten (10) feet behind the property line.
 - (b) A sign advertising the sale of a tract of land or a legally approved subdivision or partition; not artificially illuminated, of a temporary nature with a maximum area, on one side, of thirty-two (32) square feet, when erected at least ten (10) feet behind the property line. Any such sign shall be approved by the Building Division as to location in regard to health, safety,

(9.032)

view obstruction, type of construction and shall not be left standing for more than one year.

.02 Business office, commercial, and manufacturing firm signs shall meet the following restrictions:

- (a) Wall and free-standing signs, illuminated or otherwise, but not a flashing or rotating type, shall have a maximum sign area, on one side, of thirty-two (32) square feet. Any external sign displayed shall pertain only to the use conducted within the building and shall not advertise incidental products. No off-site advertising sign, of any form, shall be permitted in this district.
- (b) Painted signs. A wall sign painted directly onto a wall surface shall not exceed ten (10) percent of the gross area of the wall upon which it is painted. Signs placed within one foot of the windows, and designed to be viewed from the exterior of the building, shall be included in determining the amount of the area covered by painted wall signs.
- (c) No more than three (3) signs shall be permitted per structure. Any combination of the preceding types of signs may be used, however, only one free-standing sign shall be permitted per structure. In the event a structure contains more than one use, each use shall be permitted to have one wall and one painted sign.
- (d) A wall sign shall not project more than eighteen (18) inches from the wall or above the wall to which it is attached.
- (e) A free-standing sign shall not exceed thirty (30) feet in height.
- (f) Lighted entry and exit signs for off-street parking shall have a maximum sign area, on one side, of four (4) square feet and shall not exceed six (6) feet in height.
- (g) Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- (h) A non-conforming sign may be allowed to exist for five (5) years or for the useful life span of the sign. After this time a non-conforming sign shall be removed.

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- (i) No off-site advertising signs shall be permitted except as provided for in Section 11.070.
- (j) All structures which are located within two hundred (200) feet of the right-of-way of a freeway or four hundred (400) feet from the centerline of the nearest freeway travel lane, whichever is less, shall be permitted the following exceptions:
 - (1) Each structure's free-standing sign may be increased in size. The sign area, on one side, may be increased to a maximum of fifty (50) square feet and shall not exceed fifty (50) feet in height above the ground elevation.
 - (2) In addition, each structure may have one "freeway" sign. The "freeway" sign, illuminated or otherwise, but not a flashing or rotating type, shall have a maximum sign area, on one side, of two hundred (200) square feet and shall not exceed fifty (50) feet in height above the freeway elevation.
 - (3) In those cases where the "freeway" sign and free-standing sign are combined on the same support columns, then the total sign area of both signs may be two hundred fifty (250) square feet.

9.033 ADDITIONAL CONDITIONS

The Planning Commission may attach additional conditions as to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping, which may be deemed necessary to protect the public health, safety and welfare, the adjacent property owners and the public interest.

9.034 RESTRICTIONS

.01 Setbacks

- (a) Front, side and rear. None unless the property abuts a parcel of land in a more restrictive manufacturing district, or a commercial district, in which case the requirements of the abutting property shall apply. If an established building line exists, the setback may be the same as the established building line following approval by the Planning Commission.
- (b) If any use in this district abuts or faces any residential or apartment district, a setback of fifty (50) feet on the side abutting or facing the residential or apartment district may be required.

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- (c) Setbacks for insufficient right-of-way. Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and the setback requirements in such cases.
- .02 Height Limitations. The maximum height for any structure shall be forty-five (45) feet or three (3) stories, whichever is less. The Board of Adjustment may determine that a greater height is in keeping with the general character of the district and surrounding area.
- .03 Off-Street Parking and Loading. Off-street parking and loading shall be provided as required in Section 10.020.
- .04 All lots shall have frontage or approved access to public streets, public water, and public sewers before development is allowed.
- .05 Landscaping.
- (a) All areas of the site not occupied by paved roadways, walkways or buildings shall be landscaped.
 - (b) It shall be the owners responsibility to maintain the landscaping installed on the site.
 - (c) Screen planting, masonry walls or fencing shall be provided to screen objectionable views within five (5) months of occupancy of a related building. Views to be screened include garbage and trash collection stations, truck loading areas, and other similar uses.
- .06 Access. No more than one forty-five (45) foot wide curb cut driveway, per one hundred fifty (150) feet of street frontage, or fraction thereof, shall be permitted per site.
- .07 No sale or conveyance of any portion of a lot, for other than public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard, or setback requirements of this district.
- .08 Design Review. Proposed land uses within this district shall be reviewed by the Design Review Board for their approval.

10.000 SPECIAL DISTRICTS

In addition to classification as residential, apartment, commercial or industrial district, as provided in Sections 7.000, 8.000, or 9.000 of this ordinance, land may also be classified in one or more of the following special districts. Such classification shall be made in accordance with the provisions of Section 11.000. Land so classified shall be designated by a combination of symbols.

10.010 AIRPORT LANDING FIELD

10.011 LAND USE

- .01 Any use permitted in the zoning district in which the land is located, except as hereinafter provided.
- .02 Air field.

10.012 RESTRICTIONS

- .01 The height of any structure or part of a structure, such as a chimney, tower, antenna, etc., shall be limited according to requirements established by the Planning Commission or by other governmental authorities.
- .02 In approach zones to air fields no meeting place for public or private purposes, which is designed to accomodate more than twenty-five (25) persons at one time, shall be permitted.

10.020 OFF-STREET PARKING AND LOADING

10.021 GENERAL PROVISIONS

At the time of the erection of a new building, or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section.

.01 Continuing Obligation

The provision for and maintenance of off-street parking and loading facilities shall be a continuing obligation of the property owner. No building or any other required permit for a structure or use under this or any other applicable rule, ordinance or regulation shall be issued with respect to off-street parking and loading, or land served by such land, until satisfactory evidence is presented that the property is, and will remain, available for the designated use as a parking or loading facility.

.02 Use of Space

- (a) Required parking spaces shall be available for the parking of vehicles of customers, occupants and employees.
- (b) No parking of trucks, equipment or the conduct of any business activity shall be permitted on the required parking spaces.
- (c) Required loading spaces shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services.
- (d) Excepting residential and local commercial districts only, loading areas shall not be used for any other purpose than for loading or unloading
- (e) In any district it shall be unlawful to store or accumulate goods in a loading area in a manner which would render the area temporarily or permanently incapable of immediate use for loading operations.

.03 Joint Usage of Facilities

Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Commission in the form of deeds, leases, or contracts securing full access to such parking or loading areas for all the parties jointly using them.

.04 Public Transit Loading Facilities

Commercial or industrial firms which employ 25 or more employees and are served by public transit shall provide a shelter at the transit loading site. These shelters shall provide at least four seating spaces and adequate protection from the weather. New firms which are not yet served by public transit will not be required to provide a loading shelter until they are actually served by public transit.

.05 Plans Required

A plot plan shall be submitted in duplicate to the Planning Director with each application for a building permit or for a change of classification to O-P. The plot plan shall include the following information:

- (a) dimension of the parking lot;
- (b) access to streets and location of curb cuts;
- (c) location of individual parking spaces;
- (d) circulation pattern;
- (e) grade and drainage;
- (f) abutting property;
- (g) a landscaping plan which shall include the location and names of all vegetation, and the location and size of fencing or other screening material. This plan shall be approved by the Planning Director.

.06 Location

- (a) Spaces required by this Section shall be provided on the site of the primary use; provided that, when practical difficulties prevent their establishment upon the same site. The Board of Adjustment may permit the facility to be located within three hundred (300) feet therefrom, measured in a straight line (including streets and alleys) from the nearest property line to the nearest parking space; but in any case the location shall meet all provisions of this ordinance which apply.
- (b) Loading spaces and maneuvering area shall be located only on or abutting the property served.

.07 Change of Use

- (a) In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.

10.022 DESIGN STANDARDS

.01 Scope

- (a) These design standards shall apply to all parking, loading and maneuvering areas except those for single and two-family residential dwellings on individual lots.
- (b) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot.

.02 Loading Spaces

- (a) Apartment: each required space shall be at least twelve (12) feet in width and twenty-five (25) feet in length.
- (b) Commercial: each required space shall be at least twelve (12) feet in width and thirty-five (35) feet in length.

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- (c) Industrial; each required space shall be at least twelve (12) feet in width and sixty (60) feet in length.
- (d) Clearance: the height of each required loading space shall provide a minimum vertical clearance of thirteen (13) feet.

.03 Size

- (a) The standard size of a parking space shall be nine (9) feet by eighteen (18) feet.
- (b) Handicapped parking spaces shall be twelve (12) feet by eighteen (18) feet.
- (c) For parallel parking the length of the parking space shall be increased to twenty-two (22) feet.

.04 Aisles

- (a) Aisles shall not be less than:
 - 25'0" in width for 90° parking;
 - 20'0" in width for 60° parking;
 - 20'0" in width for 45° parking;
 - 12'0" in width for parallel parking.

.05 Access

There shall be no more than one (1) forty-five (45) feet wide curb cut driveway per one hundred fifty (150) feet of street frontage, or fraction thereof, permitted per site.

.06 Surfacing and Marking

The surfacing of each parking area shall meet minimum City standards to handle the weight of the vehicles which will use the parking area. All areas used for parking and maneuvering of vehicles shall be marked in accordance with the approved plan and such marking shall be continuously maintained. Handicapped parking spaces shall be marked with a wheelchair symbol.

.07 Drainage and Lighting

Adequate drainage shall be provided to dispose of the run-off generated by the impervious surface area of the parking area. The drainage system shall function so it will not adversely affect adjoining property. Artificial lighting shall be provided in such a manner as to insure the safety of the parking area without interfering with adjoining properties or creating traffic hazards on adjoining streets.

.08 Parking Areas

All parking areas, excluding one- and two-family dwellings shall meet the following requirements, unless otherwise approved by the Design Review Board:

- (a) All parking areas of less than twenty (20) parking spaces shall have one (1) handicapped parking space. Parking areas with more than twenty (20) spaces shall provide one (1) handicapped parking space for every fifty (50) standard parking spaces.
- (b) All parking areas shall be divided into bays of not more than twenty (20) parking spaces. Between, and at the end of each parking bay there shall be planters which have a minimum width of five (5) feet and be at least seventeen (17) feet in length. Each planter shall contain one major structural tree and ground cover which has been deemed appropriate by the Planning Director. Truck loading areas need not comply with the preceding requirements.
- (c) Parking areas shall be separated from the exterior wall of a structure, exclusive of paved pedestrian entrances, by a five (5) foot strip of landscaping.
- (d) Parking areas, which abut a residential or apartment district, shall meet the building setback of the most restrictive adjoining residential or apartment district.
- (e) Adjoining a residential or apartment district there shall be a sight obscuring

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planting which is at least eighty (80) percent opaque when viewed horizontally from between two (2) and eight (8) feet above average ground level. This planting shall be composed of materials which are an adequate size so as to achieve the required degree of screening within twelve (12) months after installation.

- (f) Parking areas shall be setback from a lot line adjoining a street. The setback area shall be landscaped.
- (g) All parking area setbacks shall be landscaped with major trees, shrubs and ground cover as approved by the Design Review Board.
- (h) A minimum of ten (10) percent of the parking area shall be landscaped and the maintenance of the landscaping shall be the owner's responsibility.

10.023 MINIMUM REQUIRED OFF-STREET PARKING SPACES

.01 Residential Uses

- (a) Single-Family Dwelling: Two (2) spaces for each dwelling unit.
- (b) Two-Family Dwelling: Two (2) spaces for each dwelling unit. One of these spaces shall be covered.
- (c) Apartment Dwelling: Two (2) spaces for each dwelling unit. One of these spaces shall be covered. In addition, one (1) visitor space per five (5) dwelling units shall be provided.
- (d) Rooming or Boarding House: Two (2) spaces plus one (1) space for each three (3) guest accommodations.
- (e) Motel or Tourist Court: One (1) space for each guest room.
- (f) Mobile Home Park: Two (2) spaces per each mobile home space.

- (g) Trailer Court: One (1) space for each trailer.
- (h) Convalescent, Nursing and other Health Home and Institution, Home for the Aged, Children's Home and Welfare or Correctional Institution: One (1) space for each four (4) beds for patients plus one (1) additional space per each two (2) employees.

.02 Public and Semi-Public Buildings and Uses

- (a) Auditorium or Meeting Room (except schools): One (1) space for each sixty (60) square feet of floor area in the auditorium or, where seating is fixed to the floor, one (1) space for each four (4) seats or eight (8) feet of bench length.
- (b) Churches: One (1) space for each eighty (80) square feet of floor area in the main auditorium or, where seating is fixed to the floor, one (1) space for each four (4) seats or eight (8) feet of bench length.
- (c) Church Accessory Uses: In addition to spaces required for the church, one (1) space for each ten (10) persons residing in such building.
- (d) Club or Association: These shall be treated as combinations of uses such as hotel, restaurant and tavern, etc., and the required spaces for each separate use shall be provided.
- (e) Hospital: One (1) space for each two (2) beds, including bassinets.

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- (f) Library One (1) space for each four hundred (400) square feet of reading room plus one (1) space for each two (2) employees.
- (g) Senior High School and equivalent Private and Parochial School: One (1) space for each fifty-six (56) square feet in the auditorium or, where seating is fixed to the floor, one (1) space for each eight (8) seats or sixteen (16) feet of bench length or one (1) space for each ten (10) seats in classrooms, whichever is greater.
- (h) College, University, Institution of Higher learning and Equivalent Private or Parochial School; One (1) space for each five (5) seats in classrooms.
- (i) Elementary, Junior High and Equivalent Private or Parochial School: One (1) space for eighty-four (84) square feet of floor area in the main auditorium or one (1) space for each twelve (12) seats or twenty-four (24) feet of bench length, whichever is greater.
- (j) Kindergarten, Day School, Equivalent Private or Parochial School: One (1) driveway designed for continuous flow of passenger vehicles for the purpose of loading and unloading children plus one (1) parking space for each two (2) employees.
- (k) Passenger Terminal (Bus, Air or Rail): One (1) space for each two thousand (2,000) square feet for the first ten thousand (10,000) square feet with one (1) additional ten thousand (10,000) square feet.

.03 Retail Uses

- (a) Store, Supermarket, Department Store and Personal Service Shop: One (1) space for each four hundred (400) square feet of gross floor area plus one (1) space for each two (2) employees.

- (10.023) (b) Service and Repair Shop and Retail Store handling bulky merchandise such as Automobiles and Furniture: One (1) space for each six hundred (600) square feet gross floor area plus one (1) space for each two (2) employees.
- (c) Bank or Office including Medical and Dental except as provided in the A-1-B District: One (1) space for each three hundred (300) square feet plus one (1) space for each two (2) employees.
- (d) Restaurant, Tavern, or Bar: One (1) space for each one hundred (100) square feet of gross floor area plus one (1) space for each two (2) employees.
- (e) Hotel: One (1) space for each two (2) guest rooms.
- (f) Mortuary: One (1) space for each four (4) chapel seats plus one (1) space for each two (2) employees.

.04 Commercial Recreation

- (a) Amusement Park: One (1) space for each one thousand (1,000) square feet of patron serving area.
- (b) Billiards and Pool: One (1) space for each table plus one (1) space for each two (2) employees.
- (c) Bowling Alley: Five (5) spaces for each alley plus one (1) space for each two (2) employees. Combination uses shall be totaled.
- (d) Dance Hall: One (1) space for each fifty (50) square feet of patron area plus one (1) space for each two (2) employees.
- (e) Go-Karts: One (1) space for each kart plus one (1) space for each two (2) employees.
- (f) Golf Driving Range: One (1) space for each ten (10) linear feet of driving line.

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- (g) Gymnasium (except Schools): One (1) space for each fifty (50) square feet of floor area plus one (1) space for each six (6) seats.
- (h) Indoor Arena or Theater: One (1) space for each four (4) seats or eight (8) feet of bench length.
- (i) Miniature Golf: One (1) space for each two (2) holes plus one (1) space for each two employees.
- (j) Moorage (Boat): One (1) space for each two (2) boat berths plus one (1) space for each two (2) employees.
- (k) Moorage (houseboat): Two (2) spaces for each household plus one (1) space for each two (2) employees.
- (l) Race Track: One (1) space for each eight (8) seats or sixteen (16) feet of bench length.
- (m) Skating Rink: One (1) space for each fifty (50) square feet of floor or rink area plus one (1) space for each two (2) employees.
- (n) Shooting Gallery: One (1) space for each five hundred (500) square feet of floor area plus one (1) space for each two (2) employees.
- (o) Stadium: One (1) space for each eight (8) seats or sixteen (16) feet of bench length.
- (p) Swimming Pool: One (1) space for each one hundred (100) square feet of pool plus one (1) space for each two (2) employees.

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(q) Tennis Court: One (1) space for each court.

.05 Industry

(a) Manufacturing: One (1) space for each two (2) employees on the largest shift.

(b) Storage: One (1) space for each five thousand (5,000) square feet for the first twenty thousand (20,000) square feet plus one (1) additional space for each additional fifty thousand (50,000) square feet.

.06 Unspecified Uses

Any use not specifically listed in the foregoing shall have the requirements of the listed use or uses deemed equivalent by the Planning Director.

10.024 MINIMUM REQUIRED OFF-STREET LOADING SPACES

USE	SQUARE FEET OF FLOOR OR LAND AREA	MINIMUM LOADING SPACES REQUIRED		
.01	COMMERCIAL			
	UNDER	5,000	0	
	5,000	24,999	1	
	25,000	59,999	2	
	60,000	99,999	3	
	100,000	159,999	4	
	160,000	249,999	5	
	250,000	369,999	6	
	370,000	579,999	7	
	580,000	899,999	8	
	900,000	2,999,999	9	
	OVER	3,000,000	10	
.02	HOTEL			
	UNDER	30,000	1	
	30,000	69,999	2	
	70,000	129,999	3	
	130,000	219,999	4	
	220,000	379,999	5	
	380,000	699,999	6	
	700,000	1,499,999	7	
	OVER	1,500,000	8	
.03	MANUFACTURING, WHOLESALE STORAGE OR HOSPITAL			
	UNDER	5,000	0	
	5,000	39,999	1	
	40,000	99,999	2	
	100,000	159,999	3	
	160,000	239,999	4	
	240,000	319,999	5	
	320,000	399,999	6	
	400,000	489,999	7	
	490,000	579,999	8	
	580,000	669,999	9	
	670,000	759,999	10	
	760,000	849,999	11	
	850,000	939,999	12	
	940,090	1,029,999	13	
		OVER	1,030,000	14
	.04	APARTMENT RESIDENTIAL:	One (1) loading space for each fifty (50) dwelling units.	

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- .05 Commercial Amusement: Same as Commercial, excluding motion picture theaters.
- .06 Motion Picture Theaters: One (1) space.
- .07 Office or Bank: Same as Commercial.
- .08 Public or Semi-Private Treated as mixed uses. Use:
- .09 Unspecified Uses:

Any use not specifically listed in the foregoing shall have the requirements of the listed use or uses deemed equivalent by the Planning Director.

10.030 PLANNED DEVELOPMENT

10.031 PROCEDURE

.01 Preliminary Development Plan and Program

(A) The applicant shall submit a Preliminary Development Plan and Program to the Planning Commission for an approval in principle. Such presentation shall consist of a preliminary plan in schematic fashion and a written program containing the following elements:

(1) Plan Elements

- (a) proposed land uses and densities;
- (b) building types and intensities;
- (c) circulation pattern;
- (d) parks, playgrounds, open spaces;
- (e) existing natural features;

(2) Program Elements

- (a) applicant's market analysis of proposed use;
- (b) proposed ownership pattern;
- (c) operation and maintenance proposal, i.e. homes association, co-op or other;
- (d) waste disposal facilities;
- (e) lighting;
- (f) water supply;
- (g) public transportation;
- (h) community facilities, i.e. schools, libraries, fire protection and shopping;
- (i) general timetable of development;

- (j) qualifications of the proposed design team for the preparation of the General Plan and Program. The design team shall be designated on the basis of the extent and complexity of the Planned Development and shall consist of one or more persons with qualifications such as an Urban Planner, an Architect, an Engineer, a Landscape Architect, a Designer, an Attorney or other similar professionals or technicians.
- (B) The applicant shall petition for an amendment of the Zoning Map as set forth in Section 12.060. Notice for the hearing shall be given as provided in Section 11.060.
- (C) The Planning Commission shall review the preliminary Development Plan and Program at a regular meeting and may act to grant preliminary approval, approval with recommended modifications or denial. Such action shall be based upon the Comprehensive Plan, the standards of this ordinance and other regulations and the suitability of the proposed development in relation to the character of the area.
- (D) Approval in principle of the Preliminary Development Plan and Program shall be limited to the preliminary acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse precise location of uses nor engineering feasibility. The Planning Commission may require the development of other information.
- (E) The Planning Commission shall review and may recommend expansion, additions or modifications in the qualifications of the proposed design team for the preparation of the General Plan and Program.
- (F) The Planning Commission shall determine the extent of any additional market analysis to be included in the General Development Plan and Program.

Action and Findings

- (A) The Planning Commission may recommend approval of the Planned Development District and the General Development Plan and Program, with or without modifications or may deny the application. A decision to recommend approval of a Planned Development District shall be based upon the following findings:
- (1) That the proposed development is in substantial conformance with the Comprehensive Plan for the City.
 - (2) That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the Development Plan and Program.
 - (3) That the proposal is in harmony with the surrounding area or its potential future use.
 - (4) That the system of ownership and the means of developing, preserving and maintaining open spaces is suitable.
 - (5) That the approval will have a beneficial effect on the area which could not be achieved under other zoning districts.
 - (6) That the proposed development, or a unit thereof, can be substantially completed within four (4) years following approval.
- (B) A resolution for approval shall be considered by the City Council. A Planning Commission action to deny the application may be appealed to the City Council.
- (C) The City Council may, at a public hearing, approve the Planned Development District and the Preliminary Development Plan and Program with or without modifications or may deny the application.

.03 General Development Plan and Program

- (A) After receiving approval in principle of the Preliminary Plan and Program from the City Council, the applicant shall have a General Development Plan and Program prepared by the professional design team having the qualifications recommended or approved by the Planning Commission.

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- (B) Upon receipt of the petition accompanied by the General Development Plan and Program, the Planning Commission shall hold another public hearing.
- (C) The General Development Plan and Program shall contain the following elements:
 - (1) The General Development Plan shall be in conformance with the approved Preliminary Plan.
 - (2) Existing and proposed contour map or maps of the site to a scale comensurate with the size of the development.
 - (3) Location, widths and names of all existing or platted streets or other public ways, railroad and utility rights-of-way, parks or other public open spaces and land uses within five hundred (500) feet of the boundaries of the development.
 - (4) Existing sewers, water mains, and other underground facilities within and adjacent to the development and their certified capacities.
 - (5) Proposed sewers or other disposal facilities, water mains and other underground utilities.
 - (6) A preliminary subdivision plan if the property is proposed to be divided.
 - (7) A land use plan indicating the uses planned for the development.
 - (8) Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings or other uses dedicated or reserved to the public, if any.
 - (9) Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.
 - (10) A traffic flow map showing the circulation pattern within and adjacent to the proposed development.
 - (11) Location and dimensions of pedestrian walkways, malls, trails or easements.

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- (12) Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays and angle of parking.
- (13) Location, arrangement and dimensions of truck loading and unloading spaces and docks, if any.
- (14) Preliminary architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units.
- (15) A preliminary tree planting and landscaping plan including areas of ground cover and approximate finished grades, slopes, banks and ditches. All existing trees over six (6) inches in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.
- (16) The approximate locations, height and materials of all walls, fences and screen plantings. Elevation drawings of typical walls and fences shall be included.
- (17) The stages, if any, of the development construction. Such stages shall be clearly marked on the General Development Plan.

(D) Program Elements

- (1) Narrative statement of the goals and objectives of the Planned Development.
- (2) A completed market analysis, if required by the Planning Commission.
- (3) Evidence of resources available to develop the project.
- (4) Tables showing the total number of acres, the distribution of area by use, the percentage designated for each dwelling type, off-street parking, streets, parks, playgrounds, schools and open spaces as shown on the proposed development plan.
- (5) Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitation of density.

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- (6) Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common open space, of required dedications or reservations of public open spaces and of any dedications of development rights.
- (E) The Planning Commission may approve the General Development Plan and Program with or without modifications.

.04 Final Plan and Program

- (A) Following approval of the Planned Development District and General Development Plan and Program by the Planning Commission, the applicant shall prepare a Final Plan and Program which shall be submitted to the Planning Director to check for compliance with the approved General Development Plan and Program.
- (B) If the Final Plan and Program is found to be in compliance, it shall be so certified by the Planning Director and recorded by the applicant in the offices of the Department of Administrative Services as the Final Development Plan along with all documents relating to dedications, improvements, agreements, restrictions, and associations which shall constitute the Final Program.
- (C) The standards of the Subdivision Regulations shall be met if the property is to be divided or streets are to be dedicated.
- (D) All public site dedications, development rights to open spaces or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any building permit.
- (E) Final copies of all approved articles governing operation and maintenance shall be placed on file with the Planning Department prior to the issuance of any building permit.

10.032 DEVELOPMENT STANDARDS

.01 Application of Standards

- (A) In cases of conflict between standards of the underlying district and the Planned Development District, the standards of the Planned Development District shall apply.

.02 Minimum Site Size

- (A) Planned Development Districts 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 a manner consistent with the purposes of this Section.
- (B) A Planned Development District shall not be established on less than four (4) acres of contiguous land unless the Planning Commission finds that property of less than four (4) acres is suitable as a Planned Development District by virtue of its unique character, topography, or landscaping features, or by virtue of its qualifying as an isolated problem area as determined by the Planning Commission.

.03 Compatibility With Neighborhood

- (A) The plans and program shall present an organized arrangement of buildings, facilities, open spaces and improvements such as recreation facilities, landscaping and fencing to insure compatibility with the Comprehensive Plan and the character of the neighborhood.
- (B) Periphery yards of a Planned Development District site shall be at least as deep as those required by the yard regulations of the adjoining district unless the Planning Commission finds that equal protection will be accorded through specific features of the approved plan.

.04 Lot Coverage

Lot coverage shall be the same as the underlying district unless the Planning Commission finds that an exception is warranted in terms of the character and amenities proposed in the total development.

.05 Open Space

- (A) Open space in a Planned Development District means the land area to be used for scenic, landscaping or open recreational purposes within the development. It shall not include street right-of-way, driveways or open parking areas.
- (B) Open space shall be adequate for the recreational and leisure use of the individuals occupy-

ing the Planned Development District and designed to enhance the present and future value of the development.

- (C) To the maximum extent possible, the plan and program shall assure that natural features of the land are preserved and landscaping is provided.
- (D) In order to assure that open space will be permanent, dedication of development rights to the City of Troutdale for other than open space use may be required.
- (E) Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the Planning Commission. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the City Attorney.
- (F) The Planning Commission may require that instruments of conveyance provide that in the event the open space is permitted to deteriorate or is not maintained in a condition consistent with the approved plan and program, then and in such event the City may at its option cause such maintenance to be done and assess the costs to the affected property owners.

.06 Density

- (A) In order to fulfill the goals and objectives of the Comprehensive Plan the number of dwelling units permitted shall be determined as follows:
 - (1) Divide the net development area by the minimum lot area per dwelling unit required by the underlying district or districts in which the Planned Development is located.
 - (a) Net development area shall be determined by subtracting the area set aside for churches, schools or other non-residential uses from the gross development area and deducting twenty (20) percent of the remainder.
 - (2) Greenway, streams, and steep topography areas will be counted as contributing to the density only to the extent that it can be shown, through a Planning Commission review, that a typical development could be accommodated on

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the site with realistic street configuration, grades and standard lot sizes. The number of dwellings yielded from such a preliminary subdivision review process shall be used as a base in determining the over-all density for the site.

- (3) A greater number of dwelling units may be permitted by the Planning Commission in the event the applicant proposes a development which effectively limits the over-all density of the project to the standard of the underlying district through restrictions on age, family composition or other effective means.
- (a) If the applicant proposes to utilize this provision, full written details shall be presented in the program section of the Preliminary Development Plan.

.07 Subdivision Lot Sizes

Minimum area, width, depth and frontage requirements for subdivision lots in a Planned Development District may be less than the minimums specified in the underlying district if in accordance with the approved General Development Plan and Program and the density standards of this Section. The balance of the total tract area shall be devoted to open space as defined herein.

.08 Staging

- (A) The applicant may elect to develop the site in successive stages in a manner indicated in the General Development Plan and Program. Each such stage shall be substantially complete within itself.
- (B) The Planning Commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

10.033 PERMITTED USES

.01 For Residential Districts

The following uses are permitted in a Planned Development District:

- (A) Housing concepts may include but are not limited to single family residences, duplexes, row houses, townhouses, cluster units or multiple family dwellings.

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- (B) Related commercial uses which are designed exclusively to serve the development of which they are a part, when approved by the Planning Commission.
- (C) Related community service uses which are designed to serve the development of which they are a part, when approved by the Planning Commission.
- (D) Accessory buildings and uses.

.02 For Commercial and Industrial Districts

- (A) Uses permitted in the underlying district.
- (B) Community service uses approved by the Planning Commission.
- (C) Other uses as approved by the Planning Commission as consistent with the Plan and Program.
- (D) Accessory buildings and uses.

10.034 CHANGES AND MODIFICATIONS

.01 Major Changes

Major changes in the General Development Plan and Program after it has been adopted shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this Section.

.02 Minor Changes

- (A) Minor changes in the General Development Plan and Program may be approved by the Planning Director provided that such changes:
 - (1) Do not increase the densities.
 - (2) Do not change boundaries.
 - (3) Do not change any use.
 - (4) Do not change the location or amount of land devoted to specific land uses.
- (B) Such changes may include:
 - (1) Minor shifting of the location of buildings, proposed streets, public or private ways, utility easements, parks or other public open spaces, or other features of the plan.

10.035 EXPIRATION

If substantial construction or development, as determined by the Planning Director, has not taken place within four (4) years from the date of approval of the General Development Plan and Program, the Planning Commission shall review the district at a public hearing to determine whether or not its continuation in whole or in part is in the public interest, and if found not to be, shall recommend to the City Council that the Planned Development District on the property be removed.

10.040 FLOOD HAZARD DISTRICT

10.041 PURPOSE

The purpose of this section is to promote the public health, safety and general welfare and to minimize flood losses by provisions designed to:

- .01 Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause increased flood heights or velocities.
- .02 Require that uses vulnerable to floods, including public facilities which serve such uses, be protected at the time of initial construction.
- .03 Assure the development of land only for those uses which are suitable in relation to flood hazard.

10.042 AREA OF APPLICATION

This district shall apply to selected areas which are subject to periodic flooding by stream and river flows during a regulatory flood.

.01 Findings of Fact

- (a) The flood hazard areas of Troutdale are subject to periodic inundation which often results in the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, and additional public expenditures for flood protection and relief.

.02 General Causes of These Flood Losses are Due To:

- (a) The cumulative effect of obstructions in the floodway which cause an increase in flood heights and velocities.
- (b) The occupancy of flood hazard areas by uses vulnerable to floods or uses which are inadequately elevated to be protected from flood damage.

10.043 GENERAL PROVISIONS

.01 The flood hazard District shall consist of the flood way and flood fringe as determined by the Corps of Engineers or Soil Conservation Service. Streams which have not been studied by their agencies, but are subject to local flooding, shall also be designated as flood hazard areas.

.02 Warning and Disclaimer of Liability

The degree of flood protection required by the Flood Hazard District is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes such as bridge openings restricted by debris. This district does not imply that areas outside the Flood Hazard District boundaries or land use permitted within such district will be free from flooding or flood damage. This section shall not create liability on the part of the City of Troutdale or any employee thereof for any flood damage that result from reliance on this district or any administrative decision lawfully made thereunder.

.03 Uses Permitted - Flood Way

- (a) No uses shall be permitted in the flood way which would cause the level of a one hundred (100) year flood to be increased. Agricultural uses such as general farming, pasturing, outdoor plant nurseries, horticulture, truck farming or sod farming are permitted. Private and public recreational use such as picnic ground, boat ramps, parks, nature preserves, trails and parking areas are permitted.
- (b) Any use allowed in the underlying district provided the use does not require structures, fill or storage of materials or equipment. No new structures are permitted in this area.

.04 Use Permitted - Flood Fringe

- (a) Any use which is permitted in the underlying district may be permitted in this

area so long as the use is adequately flood-proofed. This normally means that the lowest floor including the basement shall be two (2) feet above the elevation for a regulatory flood in the area. The following is a list of the measures which can be used to protect structures:

- (1) Anchorage to resist floatation and lateral movement.
- (2) Installation of water-tight doors, bulkheads, and shutters.
- (3) Reinforcement of walls to resist water pressures.
- (4) Use of paints, membranes, or mortars to reduce seepage of water through walls.
- (5) Addition of mass or weight to structures to resist floatation.
- (6) Installation of pumps to lower water levels in structures.
- (7) Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
- (8) Pumping facilities for subsurface external foundation wall or basement floor pressures.
- (9) Construction to resist rupture or collapse caused by water pressure or floating debris.
- (10) Cut-off valves on sewer lines or elimination of gravity flow basement drains.
- (11) Elevation of structures and uses to above the regulatory flood protection elevation at the location of the proposed development.
- (12) Requirements for construction of channel modification, dikes, levees and other protective measures.

- (b) The Planning Commission may require specific types of flood protection for a structure.
- (c) Every person who wishes to build in the flood fringe shall submit a detailed plan showing how the flood proofing is to be achieved.
- (d) Any fill or materials deposited in the flood fringe shall be shown to be adequate to fulfill the proposed purpose without intruding into the flood way. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulkheading. The fill shall extend a minimum of fifteen (15) feet beyond the limits of any structure or building erected thereon.
- (e) Structures on the filled areas shall be constructed in such a manner as to insure that the lowest floor is two (2) feet above the regulatory flood elevation. Structures, if permitted, shall be constructed and placed on a building site in such a manner as to offer a minimum of obstruction to the flow of flood water.

.05 Uses Permitted in Flood Hazard Area Without a Designated Flood Fringe and Flood Way.

The same restrictions which apply to development in the flood fringe shall apply. It shall be the developer's responsibility to prove that the proposed development can be constructed within the regulations of the flood fringe section of this ordinance, Section 10.043.04, without increasing significantly the hazard to property due to flooding.

10.044 FLOOD HAZARD DISTRICT USE PERMIT

- .01 Any new uses or structures located in the Flood Hazard District shall be required to obtain a permit from the City before construction is started or the use is begun.
- .02 The applicant shall submit the following information with an application:
 - (a) Plans drawn to scale showing the nature, location, dimension, and elevation of the

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lot, existing or proposed structures, fill, storage of material, parking areas, flood proofing measures and the relationship of the above to the location of the channel.

- (b) A typical valley cross-section showing the channel of the stream or river, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development and high water information, if requested.
- (c) A plan (surface view) showing elevations or contours of the ground, pertinent structures, fill or storage elevations, size, location and elevations of streets, water supply, sanitary facilities, existing land uses and vegetation up stream and down stream, soil types, and other pertinent information.
- (d) Profile showing the slope of the bottom of the channel or flow line of the stream or river, if requested.
- (e) Specifications on building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

.03 The Planning Commission shall determine whether the proposed use is located within the Flood Hazard area, determine the specific flood hazard at the site and shall evaluate the suitability of the proposed use in relation to the Flood Hazard. The decision of the Commission shall be based on the following factors:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (b) The danger that materials may be swept onto other lands or downstream to the injury of others.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

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- (d) The susceptability of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (e) The importance of the services provided by the proposed facility to the community.
- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the Comprehensive Plan and flood plain management program for the area.
- (j) The safety of access to property in times of flood for ordinary and emergency vehicles.
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of flood waters expected at the site.
- (l) Such other factors which are relevant to the purposes of this ordinance.

.04 Definitions

For the purpose of the district classifications, the following terms are hereby defined:

- (a) Flood - A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
- (b) Flood Fringe - The Flood Fringe Area is that land area which is outside of the stream's or river's floodway, but is subject to periodic inundation due to periodic flooding.
- (c) Floodway - The channel of a stream and adjacent land areas which are required

- to carry and discharge the flood water or flood flows of any river or stream associated with the regulatory flood.
- (d) Flood-Proofing - A combination of structural provision, changes, or adjustment to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.
 - (e) Obstruction - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structures or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water, might carry the same downstream to the damage of life or property.
 - (f) Reach - A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood hazard area where flood heights are primarily controlled by man-made or natural obstructions or construction. In an urban area, an example of a reach would be the segment of a stream or river between two consecutive bridge crossings.
 - (g) Regulatory Flood - The regulatory flood is a flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream or river. The regulatory flood, for the purposes of this section, generally has an average frequency in the order of the one hundred (100) year re-occurrence interval flood determined from an analysis of floods on a particular stream or river and other streams or rivers in the same general region.

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- (h) Regulatory Flood Protection Elevation - The elevation to which uses regulated by this district are required to be elevated or flood-proofed.
- (i) Structure - For purposes of this section, anything constructed or erected, on the ground or attached including but not limited to the following: buildings, factories, sheds, cabins, mobile homes, and other similar items.

10.050 COMMUNITY SERVICE

10.051 GENERAL PROVISIONS

- .01 Application for approval of a Community Service use shall be made by the property owner or his authorized agent on forms prepared by the City. The application shall be accompanied by a legal description of the property and by such maps, plans, descriptions and exhibits as are necessary to portray the extent of the proposed use.
- .02 The Planning Commission and the City Council shall hold public hearings on each application for a Community Service use, modification thereof, or time extension.
- .03 The approval of a Community Service use shall expire two (2) years from the date of such approval if substantial construction or development has not taken place, unless the Planning Commission shall have established a longer period. Notice shall be given to the property owner of record not less than thirty (30) days prior to expiration of the approval.
- .04 A Community Service approval shall be for the specific use or uses together with the limitation or conditions as determined by the Planning Commission. Any change of use or modification of limitations or conditions shall be subject to Planning Commission approval after a public hearing.

10.052 LAND USE

The following uses, and those of a similar nature, may be permitted in any district; provided such is consistent with the purposes of this ordinance and when approved at public hearings by the Planning Commission and City Council:

- .01 Boat moorage, marina, houseboat.
- .02 Camp or campground.
- .03 Cemetery, crematory, mausoleum, mortuary or funeral home.
- .04 Church.
- .05 Daycare centers.

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- .06 Government building or use.
- .07 Hospital, sanitarium, rest or retirement home.
- .08 Library.
- .09 Park, Playground, sports arena, golf course or recreational use of a similar nature.
- .10 Phalanthropic or eleemosynary institution.
- .11 Power substation or other public utility building or use.
- .12 Private club, fraternal organization, lodge.
- .13 Racetrack.
- .14 Refuse dump or sanitary landfill.
- .15 Radio or television station or tower.
- .16 Resort, hunting or fishing lodge.
- .17 Riding academy.
- .18 School, private, parochial or public; educational institutions.
- .19 Accessory uses to the above when approved by the Planning Commission.

10.053 SIGNS

Any signs in the district shall conform to the requirements of the underlying district.

10.054 ADDITIONAL CONDITIONS

The Planning Commission may attach additional conditions as to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping, which may be deemed necessary to protect the public health, safety, and welfare, the adjacent property owners and the public interest.

10.055 RESTRICTIONS

.01 Setbacks

The minimum setbacks shall be the setbacks required in the underlying district unless the Planning Commission determines that greater

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setbacks are necessary to protect the health, safety and general welfare.

.02 Minimum Site Size

- (a) For day nurseries and kindergartens, an area not less than one hundred (100) square feet per child of outdoor play area shall be located other than in the required front yard.
- (b) For primary (kindergarten through fourth grade), private and parochial schools, an area of one (1) acre for each ninety (90) pupils or one (1) acre for each three (3) classrooms, whichever is greater, shall be provided.
- (c) For elementary public schools, an area of one (1) acre for each seventy-five (75) pupils or one (1) acre for each two and one-half (2-1/2) classrooms, whichever is greater, shall be provided.
- (d) For churches, an area of fifteen thousand (15,000) square feet shall be provided.

.03 Off-Street Parking. Off-street parking and loading shall be provided as required in Section 10.020.

.04 Design Review. Proposed land uses within this district shall be reviewed by the Design Review Board for their approval.

.05 Other restrictions and limitations shall be as required in the underlying district.

11.000 GENERAL PROVISIONS

11.010 NON-CONFORMING USE

11.011 CONTINUATION OF NON-CONFORMING USES OR STRUCTURES

Except as provided in this section, a Non-Conforming Use or Structure may be continued, even though it is not in conformity with the use, height, area and all other regulations for the district in which it is located.

.01 Normal Maintenance and Repairs

(a) Normal maintenance of a non-conforming building or structure containing a non-conforming use is permitted, including structural alterations to the bearing walls, foundation, columns, beams or girders, provided that:

- (1) no change in the basic use of the building occurs that would make the use less conforming to the district;
- (2) no alterations which would enlarge the exterior structure are made.

.02 A Non-Conforming Use may be changed to a use allowable under the underlying district. After a non-conforming use changes to a conforming use, it shall not, thereafter, be changed back to a non-conforming use.

.03 Re-Instatement of a Discontinued Use

A non-conforming use may be resumed if the discontinuation is for a period less than one year. If the discontinuance is for a period greater than one year, the building or land shall, thereafter, be occupied and used only for a conforming use.

11.012 RE-BUILDING, CHANGE, MOVING OF USE

A non-conforming building or use may be re-built, moved, or changed in use to a

use of the same restrictive classification subject to the provisions outlined herein, only if upon public hearing, the Planning Commission finds all of the following to exist:

- (a) that such modifications are necessary because of practical difficulties or public need;
- (b) that such modifications are no greater than are necessary to overcome the practical difficulties or meet the public need;
- (c) that such modifications will not significantly interfere with the use and enjoyment of other land in the vicinity, nor detract from the property value thereof; and
- (d) that such modifications will not endanger the public health, safety, and general welfare.

.01 Re-Building. When a building or structure is damaged by fire or any other cause beyond the control of the owner, it may be re-built, so long as the cost of renewal of the damage does not exceed one hundred (100) percent of the current assessed valuation of the improvements on the property, using new materials. If the estimated cost of renewal is greater than the above, then such building or use shall be discontinued.

.02 Change of Use. A non-conforming use may be changed to a use of the same or a more restrictive classification, but not to a use of a less restrictive classification.

.03 Moving. A non-conforming use may be moved to another location on its lot provided the height and yard requirements of the district in which it is located are met.

11.020 MAJOR VARIANCES

The Board of Adjustment may permit and authorize a variance from the requirements of this ordinance only when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest.

- 11.021 A variance shall be made only when all of the following conditions and facts exist:
- .01 The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - .02 The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
 - .03 Due to the size, shape, topography or location of the site or the location of existing buildings or other conditions, compliance with applicable requirements can only be achieved with practical difficulty or hardship.
 - .04 The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor violate any other provision of the Zoning Ordinance.
- 11.022 A variance so authorized shall become void after the expiration of one (1) year if no substantial construction has taken place.
- The Board of Adjustment may impose whatever reasonable requirements it feels will fulfill the intent of this ordinance.
- 11.023 The Board of Adjustments may permit and authorize variance from the requirements of this ordinance, such as height, setback and lot density, or when such variance is necessary to permit unimpaired access to the sun. A variance shall be granted only when substantially all of the conditions of Section 11.021 are found to exist.

11.030 MINOR VARIANCES

11.031 In lieu of the provisions of Section 11.020, the Planning Director and Planning Commission Chairperson are authorized to grant variances of the setback, yard, height, lot coverage, lot size, width or depth requirements of this ordinance in accordance with the following procedures and conditions:

- .01 Application shall be made on forms provided by the Planning Director and shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property;
- .02 The filing fee for the variance shall be paid; and
- .03 The Planning Director and Planning Commission Chairperson may, without notice or hearing, grant the variance for which the application is made and may attach reasonable conditions thereto.

11.032 A variance pursuant to Section 11.030 shall require a finding by the Planning Director and Planning Commission Chairperson that:

- .01 The requirements of Section 11.020 of this ordinance have been met.

A statement reciting these findings shall be attached by the Planning Director to the variance application.

11.033 The Planning Director and Planning Commission Chairperson shall in no case grant a variance in excess of twenty-five (25) percent of the applicable requirements.

11.034 In lieu of the provisions of Sections 11.020 and 11.031, the Planning Director and Design Review Board Chairperson are authorized to grant variances to the sign requirements of this ordinance. The Planning Director and Design Review Board Chairperson shall in no case grant a variance in excess of twenty-five (25) percent of the applicable requirements.

- .01 A variance pursuant to Section 11.034 shall require a finding by the Planning Director and Design Review Board Chairperson that:

- (a) The requirements of Section 11.020 of this ordinance have been met.

(11.034) A statement detailing these findings shall be attached by the Planning Director to the variance application.

11.035 APPEAL PROCEDURE

- .01 In the event the Planning Director and the Planning Commission Chairperson declines to grant a minor variance requested pursuant to Section 11.030-33, the Director shall notify the applicant stating the reasons for the denial. The applicant may, within ten days after receipt of such notice, file an appeal to the Planning Commission.
- .02 In the event the Planning Director and Design Review Board Chairperson declines to grant a minor variance requested pursuant to Section 11.040, the Director shall notify the applicant stating the reasons for the denial. The applicant may, within ten days after receipt of such notice, file an appeal to the Planning Commission.

11.040 TEMPORARY PERMITS

Notwithstanding the limitations of use as established by this ordinance in each of the several districts, the Board of Adjustment may issue temporary permits.

11.041 Temporary permits shall be valid for a period of not more than one (1) year after issuance.

11.042 Such permits shall be issued for structures or uses which are of a temporary nature, such as:

.01 Storage of equipment during the building of roads or developments.

.02 Real Estate office used for the sale of lots or housing in subdivisions.

.03 Temporary storage of structures or equipment, including boats and trailers.

.04 Sheds used in conjunction with the building of a structure.

.05 Temporary housing.

.06 Other uses of a temporary nature when approved by the Board of Adjustment and the City Council.

11.043 The Board of Adjustment may attach conditions it deems necessary in regard to the proposed use to carry out the intent and purpose of this ordinance.

11.050 PERMITS

11.051 Permits shall be required within the corporate City limits for the following purposes:

.01 Erection of new structures.

.02 Alteration of existing structures.

.03 New land uses.

11.052 In order to avoid possible error of description, the Planning Commission may require a land survey performed by a professional land surveyor or professional engineer as part of the application for a permit or temporary permit.

11.060 CONDITIONAL USE PERMIT

11.061 GENERAL PROVISIONS

- .01 Status. Approval of a conditional use shall not constitute a change of zoning classification and shall be granted only for the specific use requested; subject to such reasonable modifications, conditions, and restrictions as may be deemed appropriate by the City Council, or as specifically provided herein.
- .02 Conditions. The City Council may attach conditions and restrictions to any conditional use approved when the conditional use is proposed for the transitional area of a residential area. The setbacks and limitations of the underlying district shall be applied to the conditional use. Conditions and restrictions may include a specific limitation or uses, landscaping requirements, off-street parking, performance standards, performance bonds and other reasonable conditions, restrictions, or safeguards that would uphold the intent of the Comprehensive Plan and mitigate any adverse effect upon the adjoining properties which may result by reason of the conditional use being allowed.
- .03 Time Limit
- (a) In a transitional area a Conditional Use Permit shall not be issued for a period of time greater than twenty (20) years.
 - (b) In all areas outside of the Transitional areas a Conditional Use Permit shall not be issued for a period of time greater than five (5) years.
- .04 Review
- (a) A Conditional Use Permit granted in a transitional area shall be reviewed at a public hearing every five (5) years in order to establish the degree of compliance of the use with the conditions placed upon the permit.
 - (b) A Conditional Use Permit granted in areas outside of the transitional areas shall be reviewed at a public hearing every year in order to establish the degree of compliance of the use with the conditions placed upon the permit.

11.062 PERMITS

- .01 Conditional Use Permit. A Conditional Use Permit shall be obtained for each conditional use approved before development of the use. The permit shall stipulate any modification, conditions, and restrictions imposed by the City Council, in addition to those specifically set forth in this ordinance. These conditions may be changed after the granting of the permit only by the mutual agreement of the City of Troutdale and the permit holder.
- .02 Suspension or Revocation of a Permit. A Conditional Use Permit may be suspended or revoked by the City Council when any conditions or restrictions imposed are not satisfied.
- (a) A Conditional Use Permit shall be suspended only after a hearing before the City Council. Written notice of the hearing shall be given to the property owner at least ten (10) days prior to the hearing.
 - (b) A suspended permit may be re-instated, if, in the judgement of the City Council, the conditions or restrictions imposed in the approval have been satisfied.
 - (c) A revoked permit may not be re-instated. A new application must be made to the City Council.

11.063 GRANTING THE PERMIT

At a public hearing the Planning Commission shall review the application and recommend a course of action to the City Council. The City Council shall grant or deny the Conditional Use Permit at a public hearing.

11.064 PERMITTED CONDITIONAL USES

- .01 Two-family dwellings, offices, and limited commercial uses may be permitted in a transitional area when in conformance with the standards of the Comprehensive Plan and upon a finding that the granting of the Conditional Use Permit will not be detrimental to the health, safety and general welfare to injurious to other property.
- .02 Other types of uses and uses outside of the transitional areas may be established upon a finding that the granting of the Conditional Use Permit will not be detrimental to the health, safety and general welfare or injurious to other property and is in conformance with the goals and objectives of the Comprehensive Plan.

11.070 NON-CONFORMING, TEMPORARY & DIRECTIONAL SIGNS

11.071 All outdoor advertising signs which are not in conformance with the requirements of the district in which they are located, shall be regarded as non-conforming. The signs shall remain in existence for the longer of the following time periods, provided such non-conforming signs are properly maintained and kept in a good state of repair:

.01 Five (5) years from the effective date of this section, or

.02 For the remainder of its useful life span, subject to Section 11.072 hereof.

11.072 Any owner who claims a useful life span for a non-conforming outdoor advertising sign beyond five (5) years from the effective date of this Section shall file an affidavit within one (1) year of the effective date of this Section with the Planning Director stating the useful life span of such sign. Attached thereto shall be the appropriate federal tax forms, including but not limited to, the depreciation schedules for such sign. The Director shall maintain records appropriate to the useful life of said sign.

11.073 Change of ownership or any improvements to a non-conforming door advertising sign shall not thereby extend the useful life span beyond that which was previously assigned to such sign.

11.074 Abatement of non-conforming signs. Any non-conforming outdoor advertising sign that remains in existence after its date for removal as provided by Section 11.070 of this Section or which is unlawfully erected following the effective date of this Section may be abated as a nuisance.

11.075 TEMPORARY SIGNS

.01 Nothing in this Section shall prohibit the erection of a political sign provided it is erected not more than sixty (60) days prior to an election and is removed within seven (7) days following the election.

.02 Political signs of winning primary election candidates shall be removed within seven (7) days following the primary election and may be erected sixty (60) days prior to the general election.

.03 Political signs shall not be more than four (4) square feet in size.

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.04 Temporary directional outdoor advertising signs which identify the location of a seasonal harvest or sale of agricultural or forest products may be erected pursuant to the following:

- (a) Such signs shall not exceed sixteen (16) square feet, shall not obscure motorist vision and shall be removed within one (1) week from conclusion of the sale or harvest.
- (b) The Planning Director may impose conditions relating to location, character, design and construction necessary to assure compatibility with the surroundings.

11.076 SIGNS FOR ESSENTIAL SERVICES AND PUBLIC FACILITIES

.01 The following signs shall be permitted in all districts:

- (a) City limits signs and public notice signs.
- (b) Police, fire, school and hospital directional signs.
- (c) Park directional signs.
- (d) Traffic and safety signs.

11.080 BOUNDARIES OF DISTRICTS

District boundaries shall be the center line of either streets, alleys waterways, or railroad rights-of-way, unless such boundaries are otherwise indicated on the Zoning Map.

12.000 ADMINISTRATION AND ENFORCEMENT

12.010 AUTHORITY

It shall be the duty of the Director of the Department of Community Development to administer and delegate the enforcement of the provisions of this ordinance.

12.020 CHANGES AND AMENDMENTS

12.021 Changes and amendments to the Zoning Ordinance or map may be proposed in the following manner:

- .01 By motion of the City Council.
- .02 By motion of the Planning Commission.
- .03 By petition of the property owners affected or by their authorized agent.
 - (a) A petition to amend the Zoning Ordinance shall be filed with the Planning Director.
 - (b) A petition to amend the Zoning Map shall include the location of the property to be re-classified and the land shall be described with the degree of certainty required to be contained in an instrument of conveyance.

12.030 BOARD OF ADJUSTMENT

12.031 MEMBERSHIP

The Planning Commission shall also act as and perform the duties of the Board of Adjustment.

12.032 DUTIES

The Board of Adjustment shall consider and act upon the following:

- .01 Applications for temporary permits.

- .02 Variances from the Zoning Ordinance.
- .03 Waiver of requirements for setbacks, height, or sight-obscuring fences.
- .04 Any other duties as provided in this ordinance.

12.033 HEARINGS

- .01 The Board of Adjustment shall conduct public hearings on all matters brought before it.
- .02 Notices of such hearings shall be given to all persons deemed by the Board to be affected.
- .03 Items may be tabled or additional hearings conducted by the Board in order to obtain additional pertinent information. Persons previously notified or persons already heard need not be notified of the resumption of said hearing unless so ordered by the Board.

12.034 APPROVAL OF APPLICATIONS

- .01 Applications approved by the Board of Adjustment shall be by majority vote.

12.040 PLANNING COMMISSION HEARING

A public hearing shall be held by the Planning Commission on all proposed changes and amendments to the Zoning Ordinance or map.

12.041 A resolution to approve a change or amendment must be by majority vote of the entire Planning Commission. Such resolution together with relevant information and drafts of proposed ordinances shall be referred within thirty (30) days from the date of the vote to the City Council.

12.042 The Planning Commission may table any item and continue any hearing on order to obtain additional information. Persons previously notified, as provided herein, need not be notified of the resumption of said hearing unless the Planning Commission so orders.

12.043 NOTICE OF PLANNING COMMISSION HEARING

Notice of the time, place, and purpose of the Planning Commission hearing shall be given in the following manner:

.01 Proposed Amendment To The Zoning Map

- (a) By posting of public notices in three (3) conspicuous places in the affected area at least fifteen (15) days prior to the public hearing.
- (b) By mailing a written notice not less than ten (10) days prior to the date of such hearing to the owners of all property proposed for zoning re-classification. By posting of public notices in three (3) conspicuous places in the affected area at least fifteen (15) days prior to the public hearing. By publication of a notice in a newspaper of general circulation in Multnomah County not less than ten (10) days prior to the date of such hearing.
- (c) Also, the same written notices shall be sent to other owners of property within at least two hundred fifty (250) feet of the boundary of the area proposed for re-classification and said notice shall be mailed ten (10) days prior to the public hearing.
- (d) Names and mailing addresses for the purpose of such written notification shall be obtained from the County Assessor's records.
- (e) Failure to send notice by mail to any such property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with a proposed amendment.

.02 Proposed Amendment To The Written Portion of This Ordinance.

- (a) By posting of public notices in three (3) conspicuous places in the affected area at least fifteen (15) days prior to the public hearing.
- (b) By publication of a notice in a newspaper of general circulation in Multnomah County not less than ten (10) days prior to the date of such hearing.

12.050 CITY COUNCIL HEARING

After receipt of the resolution of the Planning Commission, the City Council shall hold a public hearing to consider such resolution and the findings and recommendations of the Planning Commission.

12.051 The City Council may adopt or reject the amendment, or any portion thereof, as set forth in the resolution, or it may refer the matter back to the Plan-

ning Commission for reconsideration or the preparation of appropriate ordinance drafts.

12.052 The City Council may table any item and continue any hearing in order to obtain additional information. Persons previously notified, as provided herein, need not be notified of the resumption of said hearing unless the City Council so orders.

12.053 NOTICE OF HEARING BY CITY COUNCIL

Notice of the time, place, and purpose of City Council hearings, as provided in Section 12.050, shall be given in the following manner:

.01 Proposed Amendment To The Zoning Map.

- (a) By mailing a written notice not less than ten (10) days prior to the date of such hearing to the owners of all property proposed for zoning re-classification.
- (b) Also, the same written notice shall be sent to other owners of property within at least two hundred fifty (250) feet of the boundary of the area proposed for re-classification and said notice shall be mailed ten (10) days prior to the public hearing.
- (c) By mailing a written notice not less than ten (10) days prior to the date of such hearing to all owners of all property proposed for zoning re-classification. By posting of public notices in three (3) conspicuous places in the affected area at least fifteen (15) days prior to the public hearing. By publication of a notice in a newspaper of general circulation in Multnomah County not less than ten (10) days prior to the date of such hearing.
- (d) Names and mailing addresses for the purpose of such written notification shall be obtained from the County Assessor's records.
- (e) Failure to send notice by mail to any such property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with a proposed amendment.

.02 Proposed Amendment To The Written Portion Of This Ordinance

- (a) By publication of a notice in a newspaper of general circulation in Multnomah County not less than five (5) days prior to the date of such hearing.

12.060 RE-APPLICATION FOR AMENDMENT TO ZONING MAP

No petition for amendment of the Zoning Map which is similar to a petition previously denied shall be considered by the Planning Commission, within six (6) months of the date of the Planning Commission reviewed the petition, unless substantial changes have been made in the petition or in the area adjacent to the site.

12.070 APPEAL PROCEDURES

12.071 APPEAL OF BOARD OF ADJUSTMENT ACTION

All decisions of the Board of Adjustment may be appealed, by any persons aggrieved thereby, to the City Council.

12.072 REQUIREMENTS FOR APPEAL OF DECISION

- .01 Appeals must be made within ten (10) working days of decision by Board of Adjustment.
- .02 Notice of appeal shall be in writing and filed in the office of the Planning Department.

12.073 The City Council shall hold a public hearing to consider such appeal and the decision of the Board of Adjustment and may take one of the following actions:

- .01 Affirm, modify, or reverse the decision of the Board of Adjustment in whole or in part.
- .02 Table any item and continue any hearing in order to obtain additional information. Persons previously notified as provided herein need not be notified of the resumption of said hearing unless the City Council so orders.

12.074 NOTICE OF HEARING BY CITY COUNCIL

Notice of time, place, and purpose of the City Council hearing shall be given as provided in Section 12.050.

12.075 APPEAL OF PLANNING COMMISSION ACTION

All decisions of the Planning Commission may be appealed by any persons aggrieved thereby, to the City Council.

12.076 REQUIREMENTS FOR APPEAL OF DECISION

- .01 Appeals must be made within ten (10) working days of decision by the Planning Commission.
- .02 Notice of appeal shall be in writing and filed in the office of the Planning Commission.

12.077 The City Council shall hold a public hearing to consider such appeal and the decision of the Planning Commission and may take one of the following actions:

- .01 Affirm, modify, or reverse the decision of the Planning Commission in whole or in part.
- .02 Refer the matter back to the Planning Commission for reconsideration or to prepare appropriate ordinance drafts in accordance with the City Council's determination.
- .03 Table any item and continue any hearing in order to obtain additional information. Persons previously notified as provided herein need not be notified of the resumption of said hearing unless the City Council so orders.

12.080 VIOLATIONS AND PENALTIES

- 12.081 Any person, firm or corporation who fails to comply with or violates any regulation of this ordinance, including amendments hereto, shall be subject to a fine of not more than \$1,000 or imprisonment for a period not to exceed 180 days or both.
- 12.082 Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of this ordinance, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building structure or premises, and these remedies shall be in addition to the penalties described above.

13.000 SPECIAL PROVISIONS

13.010 SAVING CLAUSE

If any article, section, subsection, subdivision, phrase, clause, sentence, or word in this ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this ordinance, but shall be confined to the article, section, subsection, subdivision, clause, sentence, or word so held invalid or unconstitutional.

13.020 CONFLICTING ORDINANCES OR RESOLUTIONS

All previously adopted ordinances, resolutions, or parts thereof in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed.

13.030 INTERPRETATION

It shall be the duty of the Planning Commission to interpret this ordinance. These interpretations shall be in writing and shall be established as policy of the Planning Commission.

SECTION 14.000 ENACTMENT

This ordinance shall be declared to be in full force and effect from the date of passage.

Adopted by the Common Council of the City of Troutdale, in the County of Multnomah, State of Oregon on this 10th day of October, 1978.

YEAS: 5


NAYS: 0

Signed by the mayor this 11th day of October, 1978.



R. M. Sturges, Mayor

ATTEST:



Jerri Widner, City Recorder

SECTION 15.000 AMENDMENTS

PROJECT STAFF

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CITY ADMINISTRATOR

ED MURPHY

DIRECTOR - DEPARTMENT
OF COMMUNITY DEVELOP-
MENT

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SPECIAL ACKNOWLEDGMENT

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LINDA MACPHERSON OF THE DEPARTMENT OF LAND CONSERVATION AND DE-
VELOPMENT AND JEFF GIBBS OF THE COLUMBIA REGIONAL ASSOCIATION OF
GOVERNMENTS.