

ORDINANCE NO. 491-0

AN ORDINANCE ADOPTING THE CITY'S DEVELOPMENT ORDINANCE AND ZONING DISTRICTS MAP AND REPEALING ORDINANCES NO. 271 AND 272 AND ALL AMENDING ORDINANCES AND RESOLUTIONS.

WHEREAS, the Development Ordinance implements the Amended Comprehensive Plan; and

WHEREAS, the Zoning Districts Map implements the Amended Comprehensive Plan Land Use designations and Plan Map; and

WHEREAS, the City's development regulations have been found to be complex, inconsistent, disjointed and difficult to interpret and use; and

WHEREAS, the Development Ordinance and Zoning Districts Map are the result of the City's efforts to simplify and streamline its land use and development regulations; and

WHEREAS, the Development Ordinance and Zoning Districts Map have been subjected to citizen review and public hearings over a period of six months; and

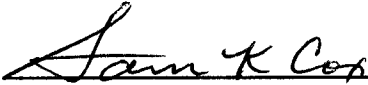
WHEREAS, the City Council in line with its desire to have land use regulations which are clear, simple and straightforward, easy to interpret and use, to help encourage and facilitate development within the planning area and to provide for needed housing, appropriate commercial and industrial uses, and to preserve and protect the City's environment, natural resources and historical heritage.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:

The City Council of the City of Troutdale does adopt the City's Development Ordinance and Zoning Districts Map (Exhibits A & B) and repeals Ordinance No. 271 and its amending ordinances, No. 282, 340, 344, 345, 348, 362, 366, 371, 372, 385, 391, 392, 400, 405, 409, 413, 451, 453, 458, 459, and 461, and amending resolutions, No. 280, 289, 291, 300, 323, 355, 363, 365, 366, 367, 368, 369, 370, 371, 372, 373, 386, 392, 408, 443, 453, 457, 459, 466, 490, 497, 513, 515, 541, 542, 551, 553, 565, 598 and Ordinance No. 272 and its amending ordinances, No. 278, 444 and 453.

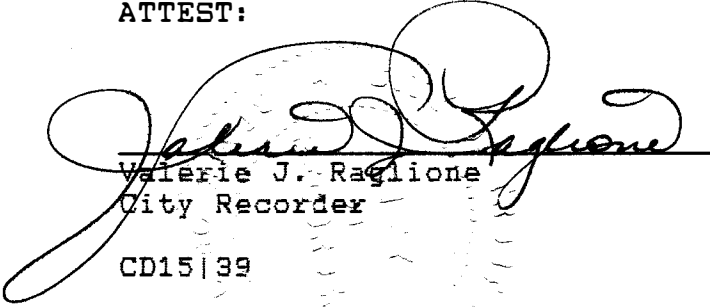
PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS
9th DAY OF DECEMBER, 1986.

YEAS	6
NAYS	0
ABSTENTIONS	0



SAM K. COX, MAYOR
Date Signed: DECEMBER 10, 1986

ATTEST:



Valerie J. Raflione
City Recorder

CD15139

CITY OF TROUTDALE
DEVELOPMENT ORDINANCE

PROJECT STAFF
GEORGE SAMAN, DEVELOPMENT COORDINATOR
KENNETH PRICKETT, BUILDING OFFICIAL
SUZANNE BARKER, DEVELOPMENT TECHNICIAN
DARLENE DEHLIN, CARTOGRAPHER
MARION BERG, DEPARTMENT SECRETARY

ADOPTED
DECEMBER 9, 1986
ORDINANCE NO. 491-0

TABLE OF CONTENTS

	Page
ARTICLE 1. Introductory Provisions	1
SECTION 1.010 Title	1
1.020 Purpose	1
1.030 Definitions	1
1.040 Scope and Compliance	14
1.050 Consistency with Plan and Laws	14
ARTICLE 2. Procedures for Decision Making	15
SECTION 2.01 Types of Procedures for Taking Public Action	15
SECTION 2.010 Procedures for Processing Development Permits	15
SECTION 2.015 Coordination of Development Permit Procedure	16
SECTION 2.020 Pre-Application Conference	16
2.030 Development Permit Application	17
2.040 Submission of Development Permit Application	17
2.050 Referral and Review of Development Permit Applications	18
2.060 Development Permit Decision	18
2.070 Action on Resubmission of Denied Application	19
2.110 Type I Procedure	19
2.120 Type II Procedure	20

CONTENTS

	Page
2.130 Type III Procedure	21
2.140 Type IV Procedure	22
2.150 Legislative Enactment not Restricted	23
ARTICLE 3. Zoning Districts	24
SECTION 3.01 Zoning Districts Outline	24
SECTION 3.010 Single-Family Residential R-20	26
3.011 Purpose	26
3.012 Permitted Uses	26
3.013 Conditional Uses	26
3.014 Lot Size and Dimensional Standards	27
3.015 Additional Requirements	28
SECTION 3.020 Single-Family Residential R-10	29
3.021 Purpose	29
3.022 Permitted Uses	29
3.023 Conditional Uses	29
3.024 Lot Size and Dimensional Standards	30
3.025 Additional Requirements	31
SECTION 3.030 Single-Family Residential R-7	32
3.031 Purpose	32
3.032 Permitted Uses	32
3.033 Conditional Uses	32

CONTENTS

			Page	
	3.034	Lot Size and Dimensional Standards	33	
	3.035	Additional Requirements	34	
SECTION	3.040	Single-Family Residential	R-5	35
	3.041	Purpose		35
	3.042	Permitted uses		35
	3.043	Conditional Uses		35
	3.044	Lot Size and Dimensional Standards		36
	3.045	Additional Requirements		37
SECTION	3.050	Two-Family Residential	R-4	38
	3.051	Purpose		38
	3.052	Permitted Uses		38
	3.053	Conditional Uses		38
	3.054	Lot Size and Dimensional Standards		39
	3.055	Additional Requirements		40
SECTION	3.060	Apartment Residential	A-2	41
	3.061	Purpose		41
	3.062	Permitted Uses		41
	3.063	Conditional Uses		41
	3.064	Lot Size and Dimensional Standards		42
	3.065	Additional Requirements		44
SECTION	3.110	Neighborhood Commercial	NC	46
	3.111	Purpose		46
	3.112	Siting Criteria		46

CONTENTS

			Page	
	3.113	Permitted Uses	46	
	3.114	Conditional Uses	46	
	3.115	Dimensional Standards	47	
	3.116	Additional Requirements	48	
SECTION	3.120	Community Commercial	CC	50
	3.121	Purpose		50
	3.122	Siting Criteria		50
	3.123	Permitted Uses		50
	3.124	Conditional Uses		51
	3.125	Dimensional Standards		52
	3.126	Additional Requirements		53
SECTION	3.130	General Commercial	GC	54
	3.131	Purpose		54
	3.132	Permitted Uses		54
	3.133	Conditional Uses		55
	3.134	Dimensional Standards		57
	3.135	Additional Requirements		58
SECTION	3.140	Central Business District		59
	3.141	Purpose		59
	3.142	Permitted Uses		59
	3.143	Conditional Uses		60
	3.144	Dimensional Standards		60
	3.145	Additional Requirements		60

CONTENTS

			Page
SECTION 3.210	Industrial Park	IP	64
3.211	Purpose		64
3.212	Permitted Uses		64
3.213	Conditional Uses		65
3.214	Dimensional Standards		65
3.215	Additional Requirements		66
SECTION 3.220	Light Industrial	LI	67
3.221	Purpose		67
3.222	Permitted Uses		67
3.223	Conditional Uses		68
3.224	Dimensional Standards		69
3.225	Additional Requirements		70
SECTION 3.230	General Industrial	GI	71
3.231	Purpose		71
3.232	Permitted Uses		71
3.233	Conditional Uses		73
3.234	Dimensional Standards		73
3.235	Additional Requirements		74
SECTION 3.310	Open Space	OS	75
3.311	Purpose		75
3.312	Applicability		75
3.313	Permitted Uses		75
3.314	Conditional Uses		75

CONTENTS

			Page	
	3.315	Development Criteria	75	
SECTION	3.410	Aggregate Resource	AR	77
	3.411	Purpose		77
	3.412	Justification		77
	3.413	Permitted Uses		78
	3.414	Approval Criteria		78
	3.415	Additional Requirements		79
SECTION	3.420	Landing Field	LF	81
	3.422	Purpose		81
	3.424	Permitted Uses		81
	3.426	Approval Criteria		81
SECTION	3.430	Historic Resource	HR	82
	3.431	Purpose		82
	3.432	Area of Application		82
	3.433	Permitted Uses		82
	3.434	Designation Procedure		82
	3.435	Evaluation Criteria		83
	3.436	Maintenance and Repair		85
	3.437	Inventoried Historic Sites		85
	3.438	Hardship Relief		85
	3.439	Violations		86
SECTION	3.440	(RESERVED)		86

CONTENTS

			Page
SECTION 3.450	Flood Plain	FP	87
3.451	Purpose		87
3.452	Finding of Fact		87
3.453	Areas of application		87
3.454	Permitted Uses - Floodway		89
3.455	Permitted Uses - Floodway Fringe		90
3.456	Flood-Proofing Standards		90
3.457	Approval Procedure		92
SECTION 3.460	Hillside	HS	93
3.462	Purpose		93
3.463	Areas of Application		93
3.464	Permitted Uses		94
3.465	Hillside Development Standards		94
3.466	Approval Procedure		97
3.470	Area of Special Concern	ASC	99
ARTICLE 4.	Reserved		99
ARTICLE 5.	Permit and Issue Determinations		100
SECTION 5.110	Area Accessory Development		100
5.111	Application for an Area Accessory Development		100
5.112	Authority to Grant or Deny an Area Accessory Development		100
5.113	Area Accessory Development Decision Notice		101

CONTENTS

	Page
5.114 Criteria for Decisions on an Area Accessory Development	101
SECTION 5.12 Variances	102
5.120 Type II Variance Procedure	102
5.122 Authority to Grant a Variance	103
5.13 Special Variance	103
5.130 Type III Special Variance Procedure	103
5.132 Authority to Grant a Special Variance	104
SECTION 5.140 Development Permit	105
5.142 Exclusions from Development Permit Requirement	105
5.144 Clarification of Permit Requirements	107
5.146 Agricultural Use Permitted	107
SECTION 5.150 Use of a Development	108
5.152 Continuation of a Non-conforming Development or Use	108
5.154 Completion of a Non-conforming Development or Use	109
5.156 Termination of a Non-conforming Development or Use	109
SECTION 5.20 Land Division	LD 110
5.200 Division of Land	110
5.201 Type I Land Division	110
5.202 Type II Land Division	111
5.203 Type III Land Division	111

CONTENTS

	Page
5.204 Pre-Application Conference	111
5.205 Future Street Plan Required	112
5.206 Recording and Filing a Future Street Plan	112
5.207 Revision of a Future Street Plan	112
5.208 Criteria for Approval of Tentative Plan and Future Street Plan	113
5.209 Tentative Plan Expiration Date	113
5.210 Staged Development for Subdivision	113
5.211 Submission and Review of Final Plat or Final Map	114
5.212 Approval Signatures for Final Subdivision Plat	114
5.213 Approval Signatures for Final Partition Map	115
5.214 Effective Date for Final Plat or Plan Approval	115
5.215 Re-Application	115
5.216 Vacation of Plats	116
SECTION 5.22 Planned Development PD	117
5.220 Purpose	117
5.221 Procedure	117
5.222 Development Standards	125
5.223 Permitted Uses	129
5.224 Areas of Application	130
5.225 Changes and Modifications	130
5.226 Expiration	131
SECTION 5.23 Conditional Use CU	132

CONTENTS

			Page	
	5.230	Purpose	132	
	5.231	Scope	132	
	5.232	Application	132	
	5.233	Approval Criteria	132	
	5.234	Conditions	133	
	5.235	Conditional Use Permit	134	
	5.236	Expiration	134	
	5.237	Building Permit	135	
	5.238	Revocation	135	
SECTION	5.31	Site and Design Review	SDR	136
	5.310	Purpose		136
	5.311	Applicability		136
	5.312	Scope		136
	5.313	Site and Design Review Committee (SDRC)		136
	5.314	Powers and Duties of the SDRC		136
	5.315	Filing Preliminary Plans		137
	5.316	Filing Final Plans		142
	5.317	Maintenance		143
	5.318	Compliance		143
	5.319	Appeal		144
SECTION	5.41	Home Occupation		
		In a Residential District	HO	145
	5.412	Purpose		145
	5.414	Operational Standards		145
	5.416	Establishing and Maintaining a Home Occupation		147

CONTENTS

	Page
SECTION 5.51 Annexation	148
5.510 Annexation Criteria	148
5.512 Designation of Annexed Property	148
SECTION 5.61 Vacation	149
5.610 Vacation Criteria	149
5.620 Conditions Attached to a Vacation	149
SECTION 5.71 Legislation	150
5.710 Legislative Action Under This Ordinance	150
5.715 Legislative Hearing Notice	150
5.720 Arguments on Policy	150
5.725 Information at Planning Commission Hearing	151
5.730 Planning Commission Recommendations	151
5.735 City Council Legislative Action	151
SECTION 5.81 Amendments	153
5.810 Text and Map Amendments	153
5.820 Text and Map amendment Criteria	153
5.830 Limitation on Reapplication	153
5.840 Effective Date of Text and Map	154
5.850 Updating the Zoning District Map	154
5.860 Notice of Ordinance or Plan Amendments	154
SECTION 5.91 Other Permit and Issue Determinations	156
5.910 Accessory Structures in Required yards	156

CONTENTS

	Page
5.911 Projections Into Required Yards	157
5.912 Other Projections	157
5.913 Clear Vision Areas	158
5.914 Fences and Windscreens	158
5.915 Mobile Home Subdivisions and Planned Developments	160
5.916 Mobile Home Parks	163
5.917 Recreation Vehicle Parks and Campgrounds	170
5.918 Temporary Structures	170
5.919 Lot Line Adjustment	170
ARTICLE 6. Public Deliberations and Hearings	171
SECTION 6.010 Responsibility of Director for Hearings	171
6.100 Notice of Hearing	171
6.110 Procedure for Mailed Notice	172
6.115 Procedure for Posted or Published Notice	172
6.120 Time and Cost of Notice	173
6.210 Challenges to Impartiality	173
6.220 Disqualification	173
6.230 Participation by Interested Officers or Employers	174
6.240 Ex Parte Contacts	174
6.245 Abstention or Disqualification	174
6.250 Rights of Disqualified Member of the Hearing Body	175
6.300 Burden and Nature of Proof	175
6.400 Order of Proceedings	176
6.410 Decision	177
6.420 Findings and Order	177

CONTENTS

	Page
6.430 Record of Proceedings	177
6.500 Request for Review	178
6.505 Requirements of Notice of Appeal	179
6.515 Scope of Review	179
6.520 Review on the Record	179
6.525 Review Consisting of Additional Evidence or De Novo Review	180
6.530 Review Body Decision	180
ARTICLES 7, 8 and 9 Reserved	181
ARTICLE 10. General Provisions	182
SECTION 10.010 Authorization of Similar Uses	182
10.015 Maintenance of Ordinance Requirements	182
10.110 Bond or Cash Deposit	182
10.120 Noncompliance with Provisions Under Obligation	183
10.150 Adjusting Bond or Deposit for Future Obligation	184
10.180 Fees and Deposits	184
10.210 Interpretation	185
10.220 Severability	185
10.230 Abatement and Penalty	185
10.240 Repeal	185

ARTICLE 1. INTRODUCTORY PROVISIONS

1.010 Title. This ordinance shall be known as the Troutdale Development Ordinance of 1986.

1.020 Purpose. The purpose of this ordinance is to coordinate City regulations governing the development and use of land and to implement the Troutdale Comprehensive Plan.

1.030 Definitions. As used in this ordinance, the following words and phrases shall have the following meanings:

Accessory Structure. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory Use. A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Adult Foster Home (AFH). A home operated in a family-type setting for physically handicapped and/or aged persons who are in need of housing, food, care and/or services, 18 years of age or older. Homes shall be limited in capacity to a total of five residents, unless local ordinances restrict the number to less than five. Only one person may be receiving continuous nursing care. The attending physician must approve placement of persons requiring nursing care.

Aggregate Resource. Any and all rock, sand, gravel or other earth product extracted for commercial, industrial or construction use from natural deposits.

Agricultural Use. 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.

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.

Alley. Any public way or thoroughfare less than sixteen (16) feet but not less than ten (10) feet in width which has been dedicated or deeded to the public for public use.

Alteration. Any change, addition or modification in construction or occupancy.

Apartment House. Any building or portion thereof which contains three (3) or more dwelling units, and includes residential condominiums.

Attached. Buildings are considered attached if the distance between them is less than the distances as set forth in Table 5A of the Building Code. Physical attachment is not necessary to be considered attached.

Basement. Any floor level below the first story in a building, except that a floor level in a building having only one (1) floor level shall be classified as a basement unless such floor level qualifies as a first story as defined in the Building Code.

Boarding, Lodging Or Rooming House. Any building or portion thereof, containing not more than five guest rooms where rent is paid in money, goods, labor, or otherwise.

Buildable Land. Lands in urban and urbanizable areas that are suitable, available and necessary for development.

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

Building Division. A City governmental unit charged with the administration and enforcement of the Oregon Specialty Codes, including Building, Plumbing, Electrical and Mechanical.

Building Height. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a measured roof, or to the average height of the

highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of the building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal building height. Distance of the exterior wall of the buildings when such sidewalk or ground surface is not more than ten (10) feet above the lowest grade.
2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than ten (10) feet above the lowest grade.

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

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, except as provided for in this ordinance.

Business. Any profession, trade, occupation, commercial or industrial enterprise of any kind or nature including those carried on for profit or for non-profit purposes, but excluding federally tax exempt organizations and non-profit religious organizations.

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.

Carwash, Full Service or Self Service. Mechanical facilities for the washing, waxing and vacuuming of automobiles, heavy trucks, and buses.

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

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 Director or designated official.

Cluster. A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Cluster Subdivision. A form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.

Constrained Slope. Land on slope that is between 15 to 20 per cent.

Court. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

Development. Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of a building or other structure, land division, establishment or termination of a right of access, storage on the land, tree cutting, drilling and site alteration such as that due to land surface mining, dredging, grading, paving excavation or clearing.

Director. The appointed city official who is responsible for the administration of community development and related ordinances.

Dividing Land. The process of separating a parcel of land or a lot in a subdivision into a number of lots by subdivision or parcels by partitioning. The dividing has occurred when an approved plat or plan has been filed, or, if approval is not required, when less than the entire contiguous land holdings in a single ownership on the effective date of this ordinance is transferred to a new owner.

Dormitory. A room occupied by more than two guests.

Dwelling Unit. Any building, or portion thereof, which contains living facilities, including

provisions for sleeping, eating, cooking, and sanitation, as required by the Building Code, for not more than one family.

Existence. To continue to be in being; to remain.

Facility, 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.

Family. An individual or two or more persons related by blood or marriage or a group of not more than five (5) persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

Fence, Sight Obscuring. A barrier consisting of wood, metal, concrete or masonry arranged in such a way as to obstruct or obscure vision, or to enclose an area.

Flood. A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

Flood Plain. A Flood Plain is the land area consisting of the Floodway and Floodway Fringe within the boundaries of the 100-year flood.

Flood Proofing. A combination of structural provisions, 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.

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.

Floodway Fringe. The Floodway 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 flooding.

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.

Frontage. That side of a lot abutting on a street; the front lot line. On corner or through lots the frontage may be designated by the owner but it should be consistent with the orientation of the other lots and improvements on the same side of the street.

Garage Sale. Garage sale, basement sale, or occasional sale means a sale of a quantity of merchandise, clothes, household goods, personal property, etc., previously used or acquired for use by any person, which sale is of a duration less than 3 days and which sale is more than 6 months from any previous such sale on the same premises. A garage sale, basement sale, or occasional sale as herein defined is not a use of structures or land within this Ordinance.

Geothermal Resources. Shall have the meaning contained in ORS 5-22.005.

Grade. The degree of rise or descent of a sloping surface.

Grade. (Adjacent Ground Elevation) 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 5 feet from the building, between the building and a line 5 feet from the building.

Grade, Finished. The final or finish elevation of the ground surface after development.

Grade, Natural. The elevation of the ground surface in its natural state, before man-made alterations.

Grading. Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

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.

Hedge, Sight Obscuring. A planting arranged in such a way as to obstruct or obscure vision, or to enclose an area.

Historical Building. Any building or structure designated under a local government landmark or historic district ordinance or buildings or structures listed in the Oregon state-wide Inventory of Historic Properties approved for nomination to the National Register of Historic Places by the State of Oregon Advisory Committee on Historic Preservation.

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, nor cause any occupancy change; 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, fire hazard or vibration detectable at any property line, and generate low traffic volumes. Garages whether attached or detached are not included under this definition.

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

Hotel. Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes of guests.

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.

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.

Kennel Or Other Animal Boarding Place. Any establishment or premises where five or more dogs over one year of age are kept for any purpose whatsoever, or any establishment or premises where dogs are bred, boarded or offered for sale as a commercial business. "Other animal boarding place" as used in this Ordinance means and includes any establishment or premises where six or more cats or other animals are bred, boarded or offered for sale as a commercial business.

Land Division. A lot or parcel of land created through the process of dividing land. Type I Land Division is the creation of 2 or 3 lots without creating a street. Type II Land Division is the same as a Type I except that it involves the creation of a street. Type III Land Division is the creation of 4 or more lots within a calendar year on one unit of land and under a single ownership at the beginning of each year.

Legislative Action. Any action which would result in a change in City policy including: A change to the comprehensive plan text. A change to the comprehensive plan map which involves a number of parcels of land. A change to the text of an implementing ordinance. A change to the zoning map which involves a number of parcels of land. A change to any land use plan or map which represents a change in City land use policy.

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.

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

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

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

Lot Depth, Average. The average distance from the narrowest frontage to the lot line opposite.

Lot Line. The line bounding a lot.

Lot Line Adjustment. The relocation of a recorded lot line which does not result in the creation of an additional lot or buildable lot.

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.

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.

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.

Lot Size. Same as "Lot Area", as defined in Section 3.047 and generally expressed in square feet.

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.

Lot Width, Average. The average horizontal distance between the side lot lines.

Manufactured Home. See Mobile Home.

Mass Movement. The movement of earth (rock, soil, or fill) downslope as a function of gravity. The main types of mass movement include earthflow, slump, rockslide, rockfall and mudflow.

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

Mineral. Any and all mineral products, metallic and non-metallic, solid, liquid or gaseous, and mineral waters of all kinds extracted for construction, commercial or industrial use from natural deposits.

Mining. The removal of minerals, whether extracted from land or water, by any method, including but not limited to shoveling, blasting, scooping and dredging.

Mobile Home. A dwelling unit manufactured off-site for movement on the public highways, that has sleeping, cooking and plumbing facilities, and is intended for human occupancy.

Mobile Home Park. A site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.

Mobile Home Space. A plot of land for placement of a single mobile home within a mobile home park.

Motel. Shall mean hotel as defined in this code.

Non-conforming Development Or Use. A development or use lawfully existing at the time this ordinance became applicable to the development but that would not otherwise be lawful.

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.

Owner. Where used in relationship to real property, "owner" means the legal owner of record or, where there is a recorded land sales contract in force, the purchaser thereunder.

Premises. A lot with or without buildings.

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

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.

Quasi-judicial Action. An action which involves the application of adopted policy to a specific development application or amendment.

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.

Reclamation Plan. Shall have the meaning contained in ORS 5-17.750 and OAR 632-30-025 (Department of Geology and Mineral Industries).

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 purpose 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.

Roof Line. Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette; where a building has several roof levels, the roofline shall be the one belonging to that portion of the wall on which the sign is located.

Rooming House. Same as "Boarding House".

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.

School, Primary and Secondary. Any building used for educational purposes through the 12th grade.

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

Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees. The vertical distance, divided by the horizontal distance.

Steep Slope. Land on slope that is greater than 30 percent.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceilings on floor above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade as defined in the Building Code for more than 50 percent of the total perimeter or is more than twelve (12) feet above grade as defined in the Building Code at any point, such usable or unused underfloor space shall be considered as a story.

Story, First. The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than 50 per cent of the total perimeter, or not more than eight (8) feet below grade, as defined herein, at any point.

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.

Street. Any thoroughfare or public way not less than sixteen (16) feet in width which has been dedicated or deeded to the public for public use.

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.

Suitable Land. Land not situated within an identified Floodway or Floodway Fringe area, or characterized by 30 per cent slope or greater (i.e. suitable for development).

Temporary Structure. A structure without a foundation or footing and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

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

Yard. A required open space, on a lot, such space being unoccupied and unobstructed by any structure or portion of a structure, from the ground to the sky, except for permitted projecting building features and accessory buildings when in conformance with this Ordinance. Each yard shall be measured by scribing a line parallel to the corresponding lot line the distance required by the setback standard of the District.

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.

Yard, Rear. A yard extending across the full width of the lot between the most rear building line 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.

Yard, Side. A yard between any building line 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.

Yard, Street Side. A yard adjacent to a street between the front yard and rear lot line measured horizontally at right angles from the side lot line to the nearest point of a building.

SCOPE AND COMPLIANCE

Windscreens. A fencelike structure, not to exceed six feet in height, on the north or east side of a residential building only, and used to reduce the wind velocity at exterior doors. The screen shall extend not more than eight (8) feet from the building line. Windscreens require a building permit.

1.040 Scope And Compliance. A parcel of land may be used, developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, occupancy or otherwise only as this ordinance permits. In addition to complying with the criteria and other provisions within this ordinance, each development shall comply with the applicable standards set forth in the City's Development Standards document. The requirements of this ordinance apply to the person undertaking a development or the user of a development and to the person's successors in interest.

1.050 Consistency With Plan And Laws. Actions initiated under this Ordinance shall be consistent with the adopted Comprehensive Plan of the City of Troutdale and with applicable state and federal laws and regulations as these plans, laws and regulations may now or hereafter provide.

ARTICLE 2. PROCEDURES FOR DECISION MAKING

2.01

Types of Procedures for Taking Public Action. Three separate procedures are established for processing development permit applications and one procedure is established for public actions not involving the granting of development permits. These are Types I-III and Type IV respectively (see Table 2.01 below):

Table 2.01

DECISION-MAKING PROCEDURES

<u>Type I Procedure</u> (Objective Decisions)	<u>Type II Procedure</u> (Objective Decisions)
Little, if any, discretion required.	Little, if any, discretion required.
Because of minimal or no effect on others, issuance of the permit is not dependent on involving others.	Application of the standards may require knowing of some effect upon others.
Participation of applicant only.	Nearby property owners invited to respond to a tentative decision.
<u>Type III Procedure</u> (Complex or Subjective Decisions)	<u>Type IV Procedure</u> (Complex or Subjective Decisions)
Discretion required.	Discretion required.
Possible significant effect on some persons or broad effect on a number of persons.	Possible significant on some persons or broad effect on a number of persons.
In addition to applicant, others affected are invited to present information.	In addition to applicant, others affected are invited to present information.

2.010

Procedures For Processing Development Permits.

- A. An application for a development permit shall be processed under either a Type I, II, or III procedure as these procedures are describ-

ed in Section 2.110 to 2.130. The differences between the procedures are generally associated with the different nature of the decisions as described in Table 2.01 above.

- B. When an application and proposed development is submitted, the Director shall determine the type of procedure the ordinance specifies for its processing and the potentially affected agencies. When there is a question as to the appropriate type procedure, the application proposal shall be resolved in favor of the higher type number. An application shall be processed under the highest numbered procedure required for any part of the development proposal.

2.015

Coordination Of Development Permit Procedure. The Director shall be responsible for the coordination of the development permit application and decision-making procedure and shall issue a development permit to an applicant whose application and proposed development is in compliance with the provisions of this ordinance, including those set forth in the Development Standards document. Sufficient information shall be submitted to resolve all determinations that require furnishing notice to persons other than the applicant. In the case of a Type II, or Type III procedure, an applicant may defer submission of details demonstrating compliance with standards where such detail is not relevant to the approval under those procedures. Before issuing the development permit, the Director shall be provided with the detail required to establish full compliance with the requirements of this ordinance.

2.020

Pre-application Conference. The applicant or authorized representative shall request that the Planning Division arrange a pre-application conference, unless the applicant and Director agree that the conference is not needed. The conference shall be held within 15 days of the request. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the ordinance, provide for an exchange of information regarding applicable elements of the comprehensive plan and development requirements, arrange such technical and design assistance as will aid the applicant, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development. The Director, if requested by the applicant, shall

2.020 (continued)

PROCEDURES

provide the applicant with a written summary of the conference within 5 days of the conference. The summary should include confirmation of the procedures to be used to process the application, a list of materials to be submitted and the criteria and standards which may apply to the approval of the application.

2.030 Development Permit Application. An application for a development permit shall consist of the materials specified in this section, plus any other materials required by this ordinance.

- A. A completed development permit application form.
- B. An explanation of intent, stating the nature of the proposed development, reasons for the permit request, pertinent background information, information required by the Development Standards document and other information that may have a bearing in determining the action to be taken.
- C. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all parties in ownership of the affected property.
- D. Legal description of the property affected by the application.
- E. Additional information required by other sections of this ordinance because of the type of development proposal or the area involved.

2.040 Submission Of Development Permit Application. Application materials shall be submitted to the Director who shall have the date of submission indicated on each copy of the materials submitted. Within 5 days from the date of submission, the Director shall determine whether an application is complete. If the Director determines that the application is incomplete or otherwise does not conform to the provisions of this ordinance, the Director shall immediately notify the applicant of the negative determination by mailing or otherwise conveying an explanation to the applicant. An application for which a negative determination has

2.040

(continued)

PROCEDURES

been made may be resubmitted after revision to overcome the reasons for the negative determination. If a development permit application is complete and in conformance with the provisions of this ordinance, the Director shall accept it and note the date of acceptance and the approvals needed for granting the permit on the required copies.

2.050

Referral And Review Of Development Permit Applications. Within 5 days of accepting an application, the Director shall do the following:

- A. Transmit one copy of the application, or appropriate parts of the application, to each referral agency for review and comment, including those responsible for determination of compliance with state and federal requirements identified in Section 1.050. If the referral agency does not comment within 10 days, it is presumed to have no comment unless an extension of up to 10 days is requested by the agency and granted by the Director. The Director shall grant an extension only if the application involves unusual circumstances or if due to circumstances related to a Type III procedure.
- B. Transmit an application involving approval by others for disposition as provided by the applicable sections of this ordinance. The Director shall, whenever feasible, consolidate action on approvals.
- C. If a Type III procedure is required, provide for notice and hearing as set forth in Article 6.

2.060

Development Permit Decision.

- A. Within 30 days of the date of accepting a permit application not involving approval by others or within 10 days of receiving required approval by others, the Director shall grant or deny the development permit. The decision of the Director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others. The Director shall notify the applicant and, if required, others entitled to notice of the disposition of the application.

The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to Section 6.500.

- B. The Director shall issue a development permit if he finds that applicable approvals by others have been granted and the proposed development otherwise conforms to the requirements of this ordinance.
- C. The Director shall deny the development permit if required approvals are not obtained or the application otherwise fails to comply with ordinance requirements. The notice shall describe the reason for denial.

2.070 Action On Resubmission Of Denied Application.
Within one year from the date of final determination denying an application, an applicant may make appropriate alterations to a proposal and resubmit it with payment of any additional fees required. If a previously denied application is resubmitted within one year, previous approvals need not be reconsidered unless the Director finds that changed conditions or changes in the proposal warrant such reconsideration.

2.110 Type I Procedure.

- A. Under the Type I procedure an application shall be processed without a need for public hearing or notification of other property owners. As provided for by other provisions of this ordinance, the nature of the development proposed may require a technical review committee to determine compliance with standards. When that is required, the action of the Director to issue or deny the development permit pursuant to Sections 2.015 to 2.070 will include implementation of the determination of the committee.
- B. A decision of the Director or committee under the Type I procedure may be appealed by an affected party or referred by the Director in accordance with Sections 6.500 to 6.530, except that review of a Type I decision is a review of the record supplemented by oral commentary relevant to the record presented on behalf of the applicant and the Director or committee.

2.120 Type II Procedure.

- A. Except as provided by subsection (B) under the Type II procedure, an application shall be processed without a need for a public hearing. If the Director determines, taking into account the determination of a technical review committee, if applicable, that the development proposal appears to meet the required standards, the Director shall mail notice of the proposal for which approval is forthcoming pursuant to Sections 6.110 and 6.120. The applicant shall supply a list of the owners of property to receive notice. The notice shall summarize the standards and facts that justified the decision and shall be sent to the persons designated to receive notice by the relevant sections of this ordinance. The notice shall invite persons to submit information relevant to the standards that are pertinent to the proposal within 10 days, giving reasons why the application should or should not be approved or proposing modifications the person believes are necessary for approval according to the standards. The notice also shall advise the person's right to appeal the decision on the proposed development if the person's concerns are not resolved.
- B. If the Director or committee contemplates that persons other than the applicant can be expected to question the application's compliance with the ordinance, the Director or committee may initiate a public hearing. The Director shall set a date for the public hearing and mail notice pursuant to Sections 6.100 to 6.120 to the persons designated to receive notice by the relevant sections of this ordinance. At the public hearing, the applicant and interested persons may present information and arguments relevant to the proposal, including reasons why the application should be approved or denied or proposing modifications the person believes necessary for approval.

- C. The Director or committee shall review any information received under subsection (A) or (B) and make a finding for each of any points in dispute and make a decision on the application by approving, conditionally approving, or denying the application. A decision of the Director or committee may be appealed by the applicant, referred by the Director, appealed by a person who responded to the notice or, if a hearing was conducted, appealed by a party to the hearing. The procedure for the appeal is in accordance with Sections 6.500 to 6.530, except that review of a Type II decision is a review of the record supplemented by oral commentary relevant to the record presented by parties to the prior deliberations.

2.130

Type III Procedure.

- A. Under the Type III procedure an application is scheduled for public hearing pursuant to Article 6 before the Planning Commission. The form of notice and persons to receive notice are as required by the relevant sections of this ordinance. The applicant shall supply a list of the owners of property that are to receive notice because of the location of their property. At the public hearing, the staff, the applicant, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, giving reasons why the application should or should not be approved or proposing modifications and the reasons the person believes the modifications are necessary for approval. The Planning Commission may attach certain development or use conditions beyond those warranted for compliance with the Development Standards in granting an approval if the Planning Commission determines the conditions are necessary to avoid imposing burdensome public service obligations on the City, to mitigate detrimental effects to others where such mitigation is consistent with an established policy of the City, and to otherwise fulfill the criteria for approval. If the application is approved, the Director will issue a development permit when the applicant has complied with the other requirements of this ordinance.

2.130

(continued)

PROCEDURES

- B. A decision of the commission may be appealed by a party to the hearing in accordance with Section 6.500 to 6.530.

2.140

Type IV Procedure. The City Council is the decision-making body under this procedure. Actions taken under this procedure are legislative. This procedure is for situations that do not involve issuance of a development permit or when consideration of a development permit requires consideration of a plan amendment or adoption of a land use regulation.

- A. The Type IV procedure is for use where indicated in this ordinance. Under the Type IV procedure, the Director shall schedule a public hearing pursuant to Sections 6.010 to 6.430 and this section before the Planning Commission. The form of notice and persons to receive notice are as required by the relevant sections of this ordinance. At the public hearing the staff and interested persons may present testimony relevant to the proposal. If pertinent, they may give information on whether the proposal does or does not meet appropriate criteria and standards for approval or their proposals for modifications they consider necessary for approval. If criteria are involved, the Planning Commission shall make a finding for each of the criteria applicable, including whether the proposal conforms to criteria found in the Comprehensive Plan. A written report and recommendation shall be submitted to the City Council.

- B. If the Planning Commission has recommended against a proposal or has failed to act on a proposal, the City Council may terminate further consideration of the proposal. For a proposal on which the Planning Commission has made a favorable recommendation and for other proposals that have not been terminated, the City Council shall conduct a public hearing pursuant to Sections 6.010 to 6.120. The Director shall set a date for the hearing. The form of notice and persons to receive notice are as required by the relevant sections of this ordinance. At the public hearing, the staff shall review the report of the Planning Commission and provide other pertinent information, and interested persons shall be

given the opportunity to present new testimony and information relevant to the proposal that was not heard before the Planning Commission and make final arguments why the matter should or should not be approved and, if approved, the nature of the provisions to be contained in approving action.

C. To the extent that a finding of fact is required, the City Council shall make a finding for each of the criteria applicable and in doing so may sustain or reverse a finding of the Planning Commission. The City Council may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval if the City Council determines the conditions are appropriate to fulfill the criteria for approval.

D. To the extent that a policy is to be established or revised, the City Council shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an ordinance.

2.150. Legislative Enactments Not Restricted. Nothing in Article 2 shall limit the authority of the City Council to make changes in zoning districts or requirements as part of some more extensive revision of the Comprehensive Plan or the implementing ordinances or to make changes in the Development Standards. Nothing in this article shall relieve a use or development from compliance with other applicable laws.

ARTICLE 3 - ZONING DISTRICTS

All areas within the City limits of Troutdale are divided into the following zoning districts. The use of each tract and ownership of land within the corporate limits of the City of Troutdale shall be limited to those uses permitted within the applicable zoning district.

3.01 Zoning District Outline.

<u>DISTRICT NAME</u>	<u>MAP SYMBOL</u>	<u>MINIMUM LOT SIZE</u>
LOW DENSITY RESIDENTIAL		
Single-Family Residential	R-20	Twenty thousand (20,000) square feet per single-family dwelling.
Single-Family Residential	R-10	Ten thousand (10,000) square feet per single family dwelling.
Single-Family Residential	R-7	Seven thousand (7,000) square feet per single-family dwelling.
MEDIUM DENSITY RESIDENTIAL		
Single-Family Residential	R-5	Five thousand (5,000) square feet per single-family dwelling.
Two-Family Residential	R-4	Five thousand (5,000) square feet for single-family dwelling and eight thousand (8,000) square feet for a two-family dwelling.
HIGH DENSITY RESIDENTIAL		
Apartment Residential	A-2	Two thousand (2,000) square feet per dwelling unit for a 45 unit complex.

3.01 (continued)

ZONING DISTRICTS

COMMERCIAL

Neighborhood Commercial	NC
Community Commercial	CC
General Commercial	GC
Central Business District	CBD

INDUSTRIAL

Industrial Park	IP
Light Industrial	LI
General Industrial	GI

OVERLAYS

Aggregate Resource	AR	Overlay
Landing Field	LF	Overlay
Historic Resource	HR	Overlay
Flood Plain	FP	Overlay
Hillside	HS	Overlay
Area of Special Concern	ASC	Overlay

3.010 Single-Family Residential. R-20

3.011 Purpose. This district is intended primarily for single-family dwellings at the lowest development density provided for in this ordinance. Such density is considered appropriate in areas developed at this density level or lower, and where natural features such as slope, floodplain, soil condition, etc., make these areas difficult to serve or inefficient to develop at higher densities.

3.012 Permitted Uses. The following uses and their accessory uses are permitted in the R-20 district:

- A. Single-family dwellings.
- B. Parks and playgrounds.
- C. Home occupations.
- D. Signs - See Development Standards document.
- E. Livestock, poultry, small animals, green-houses, and nurseries, as accessory uses, provided no retail or wholesale business sales office is maintained on a lot of less than two acres, and provided no poultry or livestock, other than household pets, shall be housed within one hundred (100) feet of a residence other than a dwelling on the same lot.
- F. Other uses similar in nature to those listed above.

3.013 Conditional Uses. The following uses and their accessory uses are permitted in an R-20 district:

- A. Schools and associated structures and facilities.
- B. Churches and associated structures and facilities.
- C. Community centers and associated structures and facilities.
- D. Day care centers in association with established community service uses.
- E. Other community service uses and uses similar in nature to those listed above.

3.014 Lot Size And Dimensional Standards.

A. Lot Size, Width, Depth and Frontage

1. Minimum lot size in this district shall be 20,000 sq.ft. per dwelling unit.
2. Minimum average lot width shall be seventy (70) feet.
3. Minimum lot depth shall be one hundred (100) feet.
4. Minimum lot frontage shall be twenty (20) feet.

B. Setbacks

1. 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. Corner lots shall not be included in the averaging.
2. Side yard setback shall be a minimum of ten (10) feet.
3. Rear yard setback shall be a minimum of twenty-five (25) feet.
4. Allowable projections into setbacks shall comply with Sections 5.911 - 5.913.
5. Accessory buildings in setback areas shall comply with Section 5.910.

- C. Height Restrictions. No structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, whichever is less.

3.015 Additional Requirements.

- A. Design Review required for all uses except single-family residential dwellings.
- B. All lots in this district shall have frontage or approved access to public streets, private or public water and sewer before construction shall be permitted.
- C. 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. Nor shall the sale or conveyance of any portion of a lot, for other than public purpose, leave a lot with less than the required 20,000 sq.ft.
- D. Landscaping required for all uses except single-family dwelling units. See Development Standards document.
- E. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 4 of the Development Standards document.
- F. Single-family dwellings are allowed when the proposal is consistent with the following standards:
1. All applicable standards of this district.
 2. DEQ approved water supply systems.
 3. DEQ approved individual subsurface sewage disposal systems.
- G. 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.

- 3.020. Single-family Residential. R-10
- 3.021 Purpose. This district is intended primarily for single-family dwellings in a low-density residential neighborhood environment.
- 3.022 Permitted Uses. The following uses and their accessory uses are permitted in an R-10 district:
- A. Single-Family dwellings (detached).
 - B. Single-Family dwelling (zero lot line or attached) when each dwelling unit is situated on an adjoining but separate lot of record, provided the base density is not exceeded.
 - C. Two-family dwelling (duplex) on lots in subdivisions approved for duplex development. Duplex development in this district shall meet all the provisions for two-family development in the R-5 district. Siting of two-family dwellings in this district is intended to primarily occur along collectors and minor arterials.
 - D. Parks and Playgrounds.
 - E. Home occupations.
 - F. Signs - See Development Standards document.
 - G. Other uses similar in nature to those listed above.
- 3.023 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in an R-10 district:
- A. Schools and associated structures and facilities.
 - B. Churches and associated structures and facilities.
 - C. Community centers, daycare centers.
 - D. Golf courses (excluding miniature golf courses or driving ranges).
 - E. Nursing homes and homes for the aged.
 - F. Other uses similar in nature to those listed above.

3.024 Lot Size And Dimensional Standards.

A. Lot Size, Width, Depth and Frontage:

1. Minimum lot size shall be ten thousand (10,000) square feet.
2. Minimum average lot width shall be seventy (70) feet, and the lot shall be seventy (70) feet wide at the building line.
3. Minimum average lot depth shall be one hundred (100) feet.
4. Minimum lot frontage shall be twenty (20) feet.

B. Setbacks:

1. 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. Corner lots shall not be included in the averaging.
2. Side yard setback shall be a minimum of ten (10) feet.
3. Rear yard setback shall be a minimum of twenty (20) feet.
4. Allowable projections into setbacks shall comply with Sections 5.911 - 5.913.
5. Accessory buildings in setback areas shall comply with Section 5.910.

- C. 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.

3.025 ADDITIONAL REQUIREMENTS

- A. Design Review required for all uses except single-family dwelling units.
- B. All lots in this district shall have frontage or approved access to public streets, public water and public sewer before construction shall be permitted.
- C. 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. Nor shall the sale or conveyance of any portion of a lot, for other than public purpose, leave a lot with less than the required 10,000 sq.ft.
- D. Landscaping required for all uses except single-family dwelling units. See Development Standards document.
- E. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 4 of the Development Standards document.
- F. 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.

- 3.030 Single-family Residential. R-7
- 3.031 Purpose. This district is intended primarily for single-family dwellings in a low-density residential neighborhood environment.
- 3.032 Permitted Uses. The following uses and their accessory uses are permitted in an R-7 district:
- A. Single-Family dwellings (detached).
 - B. Single-family dwellings (zero lot line or attached) when each dwelling unit is situated on an adjoining but separate lot of record, provided the base density is not exceeded.
 - C. Two-Family dwellings (duplex) 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 or on lots in a subdivision approved for duplex development and meeting all the provisions for two-family development in the R-5 district.
 - D. Parks and Playgrounds.
 - E. Home occupations.
 - F. Signs - See Development Standards document.
 - G. Other uses similar in nature to those listed above.
- 3.033 Conditional Uses. The following uses and their accessory uses are permitted in an R-7 district as conditional uses:
- A. Schools and associated structures and facilities.
 - B. Churches and associated structures and facilities.
 - C. Community center, day care centers.
 - D. Golf courses (excluding miniature golf courses and driving ranges).
 - E. Nursing homes and homes for the aged.
 - F. Other community service uses and other uses similar in nature to those listed above.

3.034 Lot Size And Dimensional StandardsA. Lot Size, Width, Depth and Frontage.

1. 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.
2. Minimum average lot width shall be sixty (60) feet and the lot shall be sixty (60) feet wide at the building line.
3. Minimum average lot depth shall be eighty (80) feet.
4. Minimum lot frontage shall be twenty (20) feet.

B. Setbacks.

1. 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. Corner lots shall not be included in the averaging.
2. 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.
3. Rear yard setback shall be a minimum of twenty (20) feet.
4. Allowable projections into setbacks shall comply with Sections 5.911 - 5.913.

5. Accessory buildings in setback areas shall comply with Section 5.910.

- C. 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.

3.035

Additional Requirements.

- A. Design Review required for all uses except single-family dwelling units.
- B. All lots in this district shall have frontage or approved access to public streets, public water and public sewer before construction shall be permitted.
- C. 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. Nor shall the sale or conveyance of any portion of a lot, for other than public purpose, leave a lot with less than the required 7,000 sq.ft.
- D. Landscaping required for all uses except single-family dwelling units. See Development Standards document.
- E. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 4 of the Development Standards document.
- F. 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.

- 3.040 Single-family Residential. R-5
- 3.041 Purpose. This district is intended primarily for single-family dwellings in a medium density residential neighborhood environment.
- 3.042 Permitted Uses. The following uses and their accessory uses are permitted in an R-5 district:
- A. Single-family dwellings (detached).
 - B. Single-family dwellings (zero lot line or attached) when each dwelling unit is situated on an adjoining but separate lot of record, provided the base density is not exceeded.
 - C. Two-family dwellings.
 - D. Mobile home subdivisions and planned developments (see Section 5.915).
 - F. Parks and playgrounds.
 - G. Home occupations.
 - H. Signs - See Development Standards document.
 - I. Other uses similar in nature to those listed above.
- 3.043 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in an R-5 district.
- A. Schools and associated structures and facilities.
 - B. Churches and associated structures and facilities.
 - C. Community centers, day care centers.
 - D. Golf courses (excluding miniature golf courses or driving ranges).
 - E. Nursing homes and homes for the aged.
 - F. Other community service uses and uses similar in nature to those listed above.

3.044 Lot Size And Dimensional Standards.

A. Lot Size, Width, Depth and Frontage

1. Minimum lot area shall be 5,000 square feet for a single-family detached, attached or zero lot line dwelling. Minimum lot area shall be 8,000 square feet for a two-family dwelling structure.
2. Minimum average lot width shall be fifty (50) feet and the lot shall be fifty (50) feet wide at the building line for single-family detached dwellings. For single-family attached dwellings, the minimum average lot width shall be forty (40) feet and the lot shall be forty (40) feet wide at the building line.
3. Minimum average lot depth shall be seventy (70) feet.
4. Minimum lot frontage shall be twenty (20) feet.

B. Setbacks

1. 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. Corner lots shall not be included in the averaging.
2. 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. For single-family attached dwellings, common walls shall be located on the common property line with each dwelling situated on its own lot.

3. Rear yard setback shall be a minimum of twenty (20) feet to the main building.
 4. Allowable projections into setbacks shall comply with Sections 5.911 - 5.913.
 5. Accessory buildings in setback areas shall comply with Section 5.910.
- C. 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.

3.045 ADDITIONAL REQUIREMENTS

- A. Design Review is required for all uses within this district except single-family dwelling units.
- B. All lots in this district shall have frontage or approved access to public street, public water and public sewer before construction shall be permitted.
- C. 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. Nor shall the sale or conveyance of any portion of a lot, for other than public purpose, leave a lot with less than the required 5,000 square feet.
- D. Landscaping shall be required for all uses except single-family dwelling units. See Development Standards document.
- E. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 4 of the Development Standards document.
- F. 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.

3.054 Lot Size And Dimensional Standards.

A. Lot Size, Width, Depth and Frontage

1. 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 four thousand (4,000) square feet for each single-family attached dwelling unit.
2. Minimum average lot width shall be fifty (50) feet and the lot shall be fifty (50) feet wide at the building line for a single-family dwelling. For single-family attached dwellings, the minimum average lot width shall be forty (40) feet and the lot shall be forty (40) feet wide at the building line.
3. Minimum average lot depth shall be seventy (70) feet.
4. Minimum lot frontage shall be twenty (20) feet.

B. Setbacks

1. 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. Corner lots shall not be included in the averaging.
2. Side yard setback shall be a minimum of five (5) feet, and ten (10) feet on the side of a corner lot abutting the street. For single-family attached dwellings, common walls shall be located on the common property line with each dwelling situated on its own lot.

3. Rear yard setback shall be a minimum of fifteen (15) feet to the main building.
 4. Allowable projections into setbacks shall comply with Sections 5.911 - 5.913.
 5. Accessory buildings in setback areas shall comply with Section 5.910.
- C. 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.

3.055

Additional Requirements

- A. Design Review is required for all uses within this district except single-family dwelling units.
- B. All lots in this district shall have frontage or approved access to public street, public water and public sewer before construction shall be permitted.
- C. 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. Nor shall the sale or conveyance of any portion of a lot, for other than public purposes, leave a lot with less than the required square feet.
- D. Landscaping shall be required for all uses except single-family dwellings. See Development Standards document.
- E. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 4 of the Development Standards document.
- F. 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.

- 3.060 APARTMENT RESIDENTIAL A-2
- 3.061 Purpose. This district is intended primarily for multi-family dwellings in a high-density residential environment.
- 3.062 Permitted Uses. The following uses and their accessory uses are permitted in an A-2 district:
- A. Apartment dwellings, condominiums, town-houses;
 - B. Two-Family dwellings;
 - C. Single-family attached dwellings.
 - D. Parks and playgrounds.
 - E. Home Occupations.
 - F. Signs - See Development Standards document.
 - G. Other uses similar in nature to those listed above.
- 3.063 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in this district:
- A. Single-family dwelling units.
 - B. Schools, associated structures and facilities.
 - C. Churches, associated structures and facilities.
 - D. Community centers, day care centers, meeting hall.
 - E. Golf courses (excluding miniature golf courses or driving ranges).
 - F. Professional offices along arterials or collector streets.
 - G. Nursing homes and homes for the aged.
 - H. Boarding, lodging or rooming houses.

3.063 (continued)

A-2

- I. Convenience retail and service commercial.
- J. Other community service uses and uses similar in nature to those listed above.

3.064 Lot Size And Dimensional Standards.

A. Lot Size, Width, Depth and Frontage.

Number of Dwelling Units	Minimum Lot Size in Square Feet	Percent Lot Coverage
1	5,000	35%
2	8,000	40%
3	11,000	45%
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 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.

1. Minimum average lot width shall be sixty (60) feet wide at the building line.
2. Minimum average lot depth shall be eighty (80) feet.
3. Minimum lot frontage shall be twenty (20) feet.

B. Setbacks.

1. Front yard setbacks 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 of 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. Corner lots shall not be included in the averaging.
2. Side yard setback for a 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 fifteen (15) feet.
3. Rear yard setback shall be a minimum of fifteen (15) feet.
4. Distance between buildings. A minimum distance of fifteen (15) feet shall be maintained between buildings designed for dwelling purposes on the same lot with the exception of attached garages. A minimum distance of ten (10) feet shall be maintained between a building designed for dwelling purposes and other buildings on the same lot.

- C. 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.

3.065 Additional Requirements.

- A. Design Review required for all uses except single-family residential dwellings.
- B. All lots in this district shall have frontage or approved access to public streets, public water and public sewer before construction shall be permitted.
- C. No sale or conveyance or 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. Nor shall the sale or conveyance of any portion of a lot, for other than public purposes, leave a lot with less than the required minimum square footage.
- D. Landscaping required for all uses except single-family dwelling units. See Development Standards document.
 - 1. Usable 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.
 - 2. Landscaping and screening will be provided on each site and shall satisfy the following requirements:
 - a. All areas on an apartment site not occupied by paved roadways, walkways, patios or buildings shall be landscaped.
 - b. 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.

- c. Landscape materials shall be of adequate size, quality, and character so as to provide both an attractive setting and privacy for the residents.
- d. It shall be the owners responsibility to maintain the landscaping installed on the site.
- e. A minimum of 25% of the total site area shall be landscaped.
- E. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 4 of the Development Standards document.
- F. 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.

3.110 NEIGHBORHOOD COMMERCIAL NC

3.111 Purpose. This district is intended for convenience retail and service establishments of limited scale to serve primarily the needs of nearby residents rather than the City as a whole. Such uses shall be physically and visually compatible with adjacent residential development through appropriate use of landscaping, access, parking, signs and architectural design.

3.112 Siting Criteria. Neighborhood commercial sites may be located in residential areas provided:

- A. No commercial establishments exist or are planned within a minimum half mile radius.
- B. A neighborhood commercial site does not exceed three acres.
- C. Each site has access to a street of at least a collector status.
- D. Each site does not include more than one quadrant of an intersection. If more than one quadrant is requested, the applicant must show that undue traffic congestion will not result.

3.113 Permitted Uses. The following uses and their accessory uses are permitted in an NC district, provided they are conducted wholly within a completely enclosed building except off-street parking and loading:

- A. Barber or beauty shop, shoe repair store, dressmaking or tailoring shop, photography studio, florist shop, gift shop, art supply store or similar uses.
- B. Business or professional office
- C. Day care center
- D. Other uses similar in nature to those listed above.

3.114 Conditional Uses. The following uses and their accessory uses are permitted in an NC District:

- A. Book or stationery store.
- B. Bicycle sales and service shop

3.114 (continued)

NC

- C. Hardware, electrical appliance store or small appliance repair and sales, including radio, television and electronics
- D. Small grocery or variety store
- E. Restaurant, excluding drive-in service.
- F. Other uses similar in nature to those listed above.

3.115 Dimensional Standards.

A. Lot Size and Coverage.

- 1. Minimum lot size: No limitation.
- 2. Minimum street frontage: Fifty (50) feet.
- 3. Maximum lot coverage: Fifty (50) percent.
- 4. Maximum site size: three acres

B. Setbacks.

- 1. 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.
- 2. 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 twenty (20) feet.

3. 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, but in no case shall be less than 15'.
 4. 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 necessary right-of-way widths and the additional yard or setback requirements in such cases shall be determined based upon the Comprehensive Plan and applicable ordinances and standards.
 5. On a corner lot or through lot, the setback shall be 20 feet on any side facing a street.
- C. Height Restrictions. The maximum height of a structure shall be thirty-five (35) feet or two and one-half (2 1/2) stories, whichever is less.

3.116

Additional Requirements

- A. Design Review required for all uses in the NC district.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. 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.
- D. Landscaping is required for all uses in the NC district. See Development Standards document.
- E. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 4 of the Development Standards document.

- F. 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.

- 3.120 COMMUNITY COMMERCIAL CC
- 3.121 Purpose. This district is intended for the shopping needs of several neighborhoods in locations easily accessible to such neighborhoods.
- 3.122 Siting Criteria. A community commercial district may be established where:
- A. No commercial establishments exist or are planned within a minimum half mile radius from the proposed site;
 - B. Direct access to at least a minor arterial street is provided;
 - C. A CC site does not exceed 20 acres.
- 3.123 Permitted Uses. The following uses and their accessory uses are permitted in a CC district, provided these uses are conducted wholly within a completely enclosed building except off-street parking and loading:
- A. Any use permitted in an NC district.
 - B. Retail store or business.
 - C. Bank or savings and loan association.
 - D. Bakery.
 - 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. Hotel, motel.

- N. Music instruction establishment.
- O. Newsstand.
- P. Flower or plant store, provided that all incidental equipment and supplies are kept within a building.
- Q. Pet shop.
- R. Restaurant or tavern.
- S. Studio: art, dance, etc.
- T. Trade or commercial school, if not objectionable due to noise, odor, vibration or similar causes.
- U. Professional/business or brokerage office.
- V. Other uses similar in nature to those listed above.

3.124

Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in a CC district:

- A. Telephone exchange, utility substation, public utility structures including shops and garages.
- B. Radio and television transmission and receiving towers and earth stations provided the base of such towers shall not be closer to the property line than a distance equal to the height of the tower, but in no case shall any part of the antenna or supporting structure encroach on the established setback area.
- C. Community service facilities such as a fire station, library, community center, day care center, meeting hall or similar uses.
- D. Automotive service station where no repair work is conducted.
- E. Motion picture theatre.
- F. Second hand store, if conducted wholly within a completely enclosed building.
- G. Other uses similar in nature to those above.

3.125 Dimensional Standards.A. Setbacks.

1. 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. Corner lots shall not be included in the averaging.
2. 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.
3. 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, but in no case shall be less than 15 fifteen (15) feet.
4. 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 necessary right-of-way widths and the additional yard or setback requirements in such cases shall be determined based on the comprehensive plan and applicable ordinances and standards.

3.125 (continued)

CC

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

3.126 Additional Requirements

- A. Design Review is required for all uses in the CC district.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. 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.
- D. Landscaping required for all uses in the CC district. See Development Standards document.
- E. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 4 of the Development Standards document.
- F. 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.

3.130 GENERAL COMMERCIAL GC

3.131 Purpose. This district is intended for more intensive commercial uses in addition to those provided for in the NC and CC districts.

3.132 Permitted Uses. The following uses and their accessory uses are permitted in a GC district:

- A. Any use permitted in a CC (Community Commercial) district.
- B. Amusement enterprise, including pool hall, bowling alley, and boxing arena, conducted wholly within a completely enclosed building.
- C. Auditorium.
- D. Automotive 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.
- E. Carpenter shop or cabinet shop, upholstering of furniture, if conducted wholly within a completely enclosed building.
- F. Custom cannery.
- G. 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.
- H. Drive-in theater.
- I. Plumbing shop, if conducted wholly within a completely enclosed building.
- J. Printing, lithographing or publishing.
- K. Automotive repair and incidental body and fender work, painting, or upholstering, if all operations are conducted wholly within a completely enclosed building.

3.132

(continued)

GC

- L. Sign painting shop, if conducted wholly within a completely enclosed building.
- M. Tire shop, if operated wholly within a completely enclosed building.
- N. Animal hospital and boarding kennel, if these uses are conducted wholly within a completely enclosed building.
- O. Uses customarily incidental 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 similar causes.
- P. Department stores and supermarkets.
- Q. Furniture stores.
- R. Other uses similar in nature to those listed above.

3.133

Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in a GC District:

- A. Telephone exchange, utility substation, public utility structures including shops and garages.
- B. Radio and television transmission and receiving towers and earth stations provided the base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- C. Wholesale distribution outlet, including warehousing.
- D. Off-street parking and storage of truck tractors and/or semi-trailers.
- E. Heliport landing.
- F. Outdoor stadium and race tracks.
- G. 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.
- H. 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 a residential district.
 2. Noise levels generated by the car wash shall not exceed standards established by the Department of Environmental Quality or City Ordinance.
- I. Other uses similar in nature to those listed above.
- J. Apartments are allowed in conjunction with commercial uses subject to all of the above restrictions and the following requirements:
1. The commercial use shall be the primary use, situated on the ground floor with major access from the front yard.
 2. Apartments shall be physically separated from commercial uses and have separate access.
 3. The outdoor living space attendant to apartments shall not present a discordant character from the neighboring commercial uses.
 4. Off-street parking shall be provided as provided for in the Development Standards document.

3.134 Dimensional Standards.A. Setbacks.

1. 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. Corner lots shall not be included in the averaging.
2. 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.
3. 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, but in no case shall be less than fifteen (15) feet.
4. 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 necessary right-of-way widths and the additional yard or setback requirements in such cases shall be determined based on the Comprehensive Plan and applicable ordinances and standards.
5. Minimum street frontage: Fifty (50 feet).

3.134

(continued)

GC

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

3.135

Additional Requirements.

- A. Design Review is required for all uses in the GC district.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. 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.
- D. Landscaping required for all uses in the GC district. See Development Standards document.
- E. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 4 of the Development Standards document.
- F. 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.

3.140 CENTRAL BUSINESS DISTRICT

CBD

3.141 Purpose. This district provides for retailing, personal, professional and business services within the downtown business area primarily along Columbia Street as outlined more specifically on the Zoning Districts Map.

3.142 Permitted Uses. The following uses and their accessory uses are permitted in the CBD District:

- A. Bank, savings and loan or other financial institution.
- B. Gift shop, florist shop.
- C. Grocery store, meat market, bakery, delicatessen.
- D. Appliance store.
- E. Automotive accessories store.
- F. Barber/beauty shop.
- G. Print shop, blueprint or other reproduction.
- H. Business machines sales and service.
- I. Clothing store, dress shop, tailoring shop, jewelry store, shoe store.
- J. Pharmacy.
- K. Drycleaning or laundry, shoe repair.
- L. Sporting goods, bicycle sales and service.
- M. Post office.
- N. Restaurant, tavern or lounge, excluding drive-ins.
- O. Parking garage or lot.
- P. Office supply store, art supply store, photo supply store or book store.
- Q. Offices, including but not limited to accounting architecture, contracting, engineering, insurance, law, real estate, and other similar uses.
- R. Musical or scientific instrument sales and service.
- S. Apartment on the upper floor or behind a commercial building only.
- T. Medical-dental clinic.
- U. Locksmith or gunsmith.
- V. Liquor store.
- W. Hardware store, variety store.
- X. Photographic or art studio.
- Y. Theatre, excluding drive-ins.
- Z. Other uses similar in nature to those listed above.

3.143 Conditional Uses. The following uses and their accessory uses are permitted in the CBD District:

- A. Pet shop.
- B. Furniture store.
- C. Upholstery shop.
- D. Veterinary clinic.
- E. Hotel/motel.
- F. Garden supply store.
- G. Automotive repair shop.
- H. Automotive service station.
- I. Catering establishment.
- J. Church, lodge, fraternal organization, private club, and other community service uses.
- K. Apartment dwellings and condominiums.
- L. Other uses similar in nature to those listed above.

3.144 Dimensional Standards.

- A. Lot area: no limitations.
- B. Lot width: no limitations.
- C. Lot depth: no limitations.
- D. Existing residential buildings shall maintain lot size standards as contained in the R-5 district.
- E. Apartments included as part of a conforming commercial building shall not exceed A-2 density based on the size of the lot.
- F. Side yard: None required unless commercial use is abutting a residential zone in which case 15 feet is required.
- G. Rear yard: None required unless commercial use is abutting a residential zone in which case 15 feet is required.
- H. Front yard: None required.
- I. Building Height: unlimited except as per the Uniform Building Code.

3.145 Additional Requirements.

- A. Access and Circulation: Adequate provisions for access and internal circulation of vehicles shall be provided by all uses allowed in the CBD in accordance with the provisions of the Development Standards document.

- B. External Storage of Merchandise: The exterior storage of merchandise and/or material directly or indirectly related to a business is hereafter prohibited within the CBD. Exterior storage areas which exist at the time of adoption of this ordinance shall be allowed to continue under the provisions governing a non-conforming use.
- C. Within the Central Business District, any building in existence at the time of adoption of this ordinance shall not be considered non-conforming for the purpose of providing adequate access, required off-street parking and loading space, and landscaping.
- D. Off-street parking and loading space:
1. Adequate paved off-street parking and loading space shall be provided for all uses allowed in the Central Business District pursuant to the provisions of the Development Standards document. However, where a proposed commercial use intends to occupy a commercial building existing at the time of passage of this ordinance, said use shall be exempt from the off-street parking and loading space requirements.
 2. When off-street parking is to be provided on the same site as the permitted use itself, said off-street parking shall in no case be located in front of the front building line of the principal building or in any required yard as established in this ordinance.
 3. To allow new construction in the CBD which is compatible in design and character to the existing downtown, the development of centralized off-street parking facilities shall be encouraged through a 15% reduction in the off-street parking and loading space requirements for all new commercial establishments. Parking shall be provided off-site but within 800 feet of said establishment.

4. Any off-street parking facility established pursuant to the provisions of this ordinance shall be continuously maintained by the owner and/or operator of said parking facility; and
 5. Should a commercial establishment elect to provide its required off-street parking off-site, said business shall post in clear view of its customers and the public in general the location of said parking.
 6. All required off-street parking for multi-family developments as specified in this zone shall be provided on the same site as the dwelling units themselves or within 400 feet of said use.
 7. Off-street parking shall be required to meet the provisions for said facilities in accordance with requirements of Chapter 4 of the Development Standards document in addition to the requirements of this section.
- E. Landscaping Required. With the exception of existing buildings in the CBD, all new commercial and residential developments in the Central Business District shall be landscaped as follows:
1. In all commercial developments, no less than 5% of the lot area shall be landscaped and maintained using appropriate plant materials and/or architectural features such as benches, planters, and water fountains which are suitable and supportive of the CBD environment. Where possible, jointly improved landscaped areas are encouraged to facilitate continuity of landscape design as well as provide additional incentives for malls in the CBD.
 2. All multi-family developments shall be landscaped in accordance with the provisions of the Development Standards document.

3. All off-street parking facilities shall be landscaped in accordance with the provisions of the Development Standards document.
4. All required yards shall be landscaped in accordance with the provisions of the Development Standards document. Where the commercial use abuts a residential zone, the required landscaped area shall include a sight obscuring 6-foot wooden fence, decorative masonry wall, or evergreen screen at the property line.

F. Open Space Required.

1. All multi-family dwellings shall provide 20% of the lot area in open space, excluding that area designed in the site plan and improved for off-street parking. All designated open space shall be landscaped and maintained in accordance with the provisions of the Development Standards document and according to plans submitted to the City at the time of approval of the development.
2. All multi-family dwellings shall improve 1/2 of the required open space as recreation space. Recreation space shall be planted in grass and/or improved for recreational use, and have a minimum area of 870 square feet and a minimum width of 15 feet.

- G. 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.

3.210 INDUSTRIAL PARK IP

3.211 Purpose. This district is intended for a mix of clean, employee-intensive industries, offices, service and retail commercial uses, which have no off-site impacts in terms of noise, odor, glare, light, vibration, smoke, dust or other types of off-site impacts. It provides for combining parking, landscaping and other design features which physically and visually link structures and uses within one development.

3.212 Permitted Uses. The following uses and their accessory uses are permitted in an IP district, provided they are 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, radio and phonographs, including the manufacture of small parts, such as coils, condensers, and transformers.
- D. Trade or commercial school.
- 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. Business park.
- G. Convenience sales and personal service.
- H. Delicatessan shop.
- I. Other uses similar in nature to those listed above.

3.213 Conditional Uses. The following uses and their accessory uses are permitted in an IP district, provided they are conducted wholly within a completely enclosed building except off-street parking and loading and a heliport serving the IP district:

- A. Hotel/motel or convention facility.
- B. Restaurant with or without drive-through window service.
- C. Bar and cocktail lounge in conjunction with a restaurant.
- D. Bank or savings and loan association.
- E. Medical and dental services.
- F. Other uses similar in nature to those listed above.

3.214 Dimensional Standards.

A. Lot Size and Coverage.

- 1. Minimum area: Fifteen (15) acres. Sites under fifteen acres may be approved as conditional uses by the Planning Commission.
- 2. The minimum lot width shall be one hundred fifty (150) feet.
- 3. Lot coverage shall not exceed fifty (50) percent of the site.

B. Setbacks.

- 1. Front yard setback shall have a minimum depth of thirty (30) feet.
- 2. 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.
- 3. Rear yard setback shall have a minimum depth of twenty (20) feet.

4. 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 necessary right-of-way widths and the additional yard or setback requirements in such cases shall be determined based upon the Comprehensive Plan and applicable ordinances and standards.

C. 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 Planning Commission may determine that a greater height is in keeping with the general character of the district and the surrounding area.

3.215

Additional Requirements.

- A. Design Review is required for all uses in the IP district.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. 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.
- D. Landscaping is required for all uses in the IP district. See Development Standards document.
- E. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 4 of the Development Standards document.
- F. 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.

3.220 LIGHT INDUSTRIAL LI

3.221 Purpose. The LI district is intended for industrial uses characterized by an absence of objectionable external features which can be permitted in relatively close proximity to residential and commercial districts.

3.222 Permitted Uses. The following uses and their accessory uses are permitted in an LI district:

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

1. 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.
2. The manufacture, 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.
3. The manufacture of pottery and other similar ceramic products, using only previously pulverized clay.
4. The manufacture and maintenance of electric and neon signs, billboards or commercial advertising structures.
5. The manufacture of musical instruments, toys, novelties, or rubber or metal stamps.
6. Machine shop not using drop-hammer or punch press.

7. Distribution plant or parcel delivery with off-street loading bay.
8. Electroplating shop.
9. Laundry for carpet, overalls, and rug cleaning, using non-explosive and non-flammable cleaning fluid.
10. Spinning or knitting of cotton, wool, or other fibrous material.
11. Veterinary clinic, dog or cat hospital.
12. Research, experimental or testing laboratories.
13. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs including the manufacture of small parts, such as coils, condensers, circuitboards, chips and transformers.
14. Professional, executive and administrative offices.
15. Government and public service facilities such as fire stations, public works yard, vehicle maintenance yard, etc.
16. Wholesale business, storage buildings, and warehouses.
17. Delicatessen shop.
18. 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.
19. Other use similar in nature to those listed above.

3.223

Conditional Uses. The following uses and their accessory uses are permitted within an LI district as conditional uses:

- A. Heliport.

- B. Radio and television towers and earth station.
- C. Collection, recycling, sorting or baling of previously used materials such as rags, paper, metals, glass or plastics.
- D. Bank or savings and loan association.
- E. Convenience grocery store.
- F. Restaurant or tavern.
- G. Planned light industrial development or park.
- H. Other uses similar in nature to those listed above.

3.224 Dimensional Standards.A. Setbacks.

1. 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. Corner lots shall not be included in the averaging.
2. Side yard setback shall be a minimum of ten (10) feet.
3. Rear yard setback. None.
4. 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.

5. 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 necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Plan and applicable ordinances and standards.
- B. Height Restrictions. The maximum height for any structure shall be forty-five (45) feet or three (3) stories, whichever is less. The Planning Commission may determine that a greater height is in keeping with the general character of the district and surrounding area.

3.225 Additional Requirements.

- A. Design Review is required for all uses in the LI district.
- B. All lots shall have frontage or approved access to a public streets, public water, and public sewer before development is allowed.
- C. 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.
- D. Landscaping is required for all uses in the LI district. See Development Standards document.
- E. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 4 of the Development Standards document.
- F. 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.

3.230 GENERAL INDUSTRIAL GI

3.231 Purpose. The General Industrial District is intended for a broad range of industrial uses which can be located in areas where they do not directly affect the livability of residential neighborhoods and the quality and viability of commercial areas in the City. This district provides for the normal operation of an industry which can meet and maintain the standards set in this ordinance in order to reasonably protect nearby residential and commercial districts.

3.232 Permitted Uses. The following uses and their accessory uses are permitted in a GI district:

- A. Any use permitted in an LI (Light Industrial) District.
- B. Any of the following uses which are to be conducted wholly within a completely enclosed area except for off-street parking and loading:
 - 1. Automotive assembly, painting, upholstering, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping and battery manufacture.
 - 2. Machine shop with drop hammer or punch press.
 - 3. Can and bottle manufacturing plant.
 - 4. Car wash:
 - a. Car wash structures shall be located not less than three hundred (300) feet from the boundary of a residential district.
 - b. Noise levels generated by the car wash shall not exceed standards established by the Department of Environmental Quality or City Ordinance.

5. Dry cleaning or dyeing using explosive materials.
6. Emery cloth or other abrasive material manufacturing.
7. Enameling and metal coating (galvanizing).
8. Feed and fuel storage.
9. Smoking, curing and canning.
10. Fabrication plant and ornamental metal works.
11. Flour milling, grain storage or elevator.
12. Collection, recycling, sorting, storage or baling of previously used materials such as rags, paper, metals, junk, glass or plastics.
13. Mattress factory, building and renovating.
14. Pickle, sauerkraut, vinegar manufacturing or yeast plant.
15. Planing mill.
16. Plastic or rubber manufacturing.
17. Small animal slaughter (such as poultry, rabbit, etc.).
18. Welding or sheet metal shop and other manufacturing of a similar nature.
19. Soap and cleaning compound manufacturing other than those that are highly combustible, explosive or offensive in smell.
20. Tool and hardware manufacturing.
21. Wool pulling or scouring, weaving of cotton, wool and other fibrous material using power looms.
22. Engine and equipment manufacturing.

3.232

(continued)

GI

23. Small boat building.

24. Other uses similar in nature to those listed above.

3.233

Conditional Uses. The following uses and their accessory uses are permitted within a GI district as conditional uses:

- A. Automotive wrecking and 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.
- B. Building materials sales yard, including the sales of rock, sand and gravel and similar activities.
- C. Contractor's or logger's equipment and truck storage yard, plant, repair, rental or sales.
- D. Freight or trucking yards or terminals.
- F. Lumber yards including incidental mill work.
- G. Solid waste recycling or transfer station.
- H. Planned general industrial development or park (PD).
- I. Other uses similar in nature to those listed above.

3.234

Dimensional Standards.

A. Setbacks.

- 1. 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.
- 2. If any use in this district abuts or faces any residential or apartment district, a setback of fifty (50) feet on

open space district, serious attempt shall be made to preserve significant trees, shrubs, wildlife habitat and other natural, scenic and historic features.

- C. Bikeways and/or trails shall not cross private property without first securing an easement from the property owner;
- D. Substantial soil removal or fill (grading) shall be subject to City approval;
- E. Vehicular traffic generated by open space use shall be provided with adequate access and parking facilities;
- F. Picnic grounds and parking facilities shall be equipped with trash receptacles;
- G. Open space districts shall be maintained by the City if publicly owned; by the owner(s) if privately owned.

3.410 AGGREGATE RESOURCE

AR

3.411 Purpose. The purpose of the Aggregate Resource district is to promote the public health, safety and general welfare, all in accordance with ORS 215, ORS 517, and 522, LCDC Statewide Planning Goals #5 and #6, and the City's Comprehensive Plan. The regulation of uses within this district is designed to:

- A. Recognize mineral and aggregate resource extraction as a land use influenced largely by the location of the natural resource and the location of the market;
- B. Provide maximum flexibility for location of the extraction process within a variety of underlying zones, while at the same time minimizing potentially adverse effects on the public and property surrounding the extraction site;
- C. Recognize the potential for future changes in the character of the area in which the extraction site may be located, and allow for periodic modification of restrictions which may be placed upon the extraction operations in recognition of these changes; and
- D. Recognize mineral and aggregate extraction as a temporary use dependent to a large degree upon market conditions and resource size, and that reclamation and the potential for future use of the land for other activities must also be considered.

3.412 Justification.

- A. There is a need to conserve and protect known mineral and aggregate resources for present and future generations;
- B. There is a need to promote healthy and visually attractive environments, and to reduce conflicts between different land uses;
- C. There is a need to plan and implement strategies to reclaim mineral and aggregate land for other uses which comply with the City's Comprehensive Plan;

3.412 (continued)

AR

D. There is a need to provide regulations in accordance with LCDC Statewide Planning Goals and other applicable state, federal, and local laws.

3.413 Permitted Uses. 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:

- A. Any use permitted in the underlying district;
- B. Extraction of mineral or aggregate resource including the storage, stockpiling, distribution, and sale thereof;
- C. Installation and operation of plants or apparatus for rock crushing and cement treatment of minerals excavated at the site including screening, blending, washing, loading, and conveying of materials;
- D. Mining and processing of geothermal resources;
- E. Structures and facilities for the repair, maintenance and storage of equipment or supplies, office spaces or watchman, as are reasonably necessary for the conduct of the proposed use.

3.414 Approval Criteria. The approval authority shall find that:

- A. An economic deposit of the mineral resource proposed to be extracted exists;
- B. There is a proposed reclamation plan which is in conformance with the Comprehensive Plan and the underlying district;
- C. Adverse impacts on the surrounding areas with regard to the following have been, or can be mitigated:
 - 1. Access and traffic;
 - 2. Screening, landscaping, lighting and visual appearance;

3. Air, water, and noise pollution;
 4. Insurance and liability;
 5. Excavation depths, lateral support, and slopes;
 6. Blasting and other vibration causing actions;
 7. Safety and security;
 8. Phasing program; and
 9. Reclamation.
- D. The proposed operations will not result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding, or drainage modifications, and have been certified by a registered soils or mining engineer, or engineering geologist as meeting this requirement;
- E. Setbacks for the proposed operations are appropriate for the nature of the use and the area where the use is to be conducted;
- F. Conditional or preliminary approval for all phases of the proposed operation, including reclamation, has been received from all governmental agencies having jurisdiction over mineral extraction, and the applicable requirements in ORS Chapter 517 and 522 as codified in 1986, have been complied with.

3.415

Additional Requirements

- A. Setbacks. The minimum setback shall be the setbacks required in the underlying district unless the Planning Commission determines that greater setbacks are necessary to protect the health, safety and general welfare;
- B. Water Pollution Control. Contamination or impairment of the ground water table, streams, rivers or tributary bodies thereto shall not be permitted as a result of the extraction or processing activities. All operations and related activities shall be subject to the applicable laws, rules and regulations of the Department of Environmental Quality;

- C. Air Pollution Control. Control of air, dust, odors and other pollutants shall be subject to the laws, rules and regulations of the Department of Environmental Quality;
- D. Excavation. Excavation made to a water-producing depth creating lakes and ponds shall be deep enough to prevent stagnation and development of an insect breeding area or back filled with a material that will not impair the ground water quality;
- E. Control of Operation Time. Operation times shall be limited from 7:00 a.m. to 6:00 p.m., except for such activities as office operations, machinery repair and equipment upkeep. However, in time of public or private emergency, as determined by the City Council, the operating time limits shall be waived;
- F. Access Roads. All access to the site shall be by route approved by the Planning Commission;
- G. Screening. Screen planting, masonry walls, or fencing shall be provided to screen objectionable views where possible within 5 months after extraction activities commence. Views to be screened include but not limited to garbage and trash collection stations, truck loading areas, stock piles, washings and loading equipment;
- H. Off Street Parking. Off street parking and loading shall be provided in accordance with the requirements of Chapter 4 of the Development Standards document.
- I. Design Review. Proposed land uses within this district shall be reviewed by the Site and Design Review Committee for their approval;
- J. Underlying District. Other restrictions and limitations shall be as required in the underlying district;
- K. Reclamation Plan. This plan shall be consistent with the City's land use planning policies. The plan shall be prepared at a scale of not less than one inch to 400 feet, with topographic contour intervals of not less than five feet.

3.420

LANDING FIELD

LF

3.421

Purpose. The purpose of this district is to provide for review, approval and development standards for airports, airfields, landing pads and related uses associated with aircraft operations in any district, and to establish maximum structure heights for development in the vicinity of an airport in order to promote safe operating conditions for aircraft and to reduce the potential for exposure to hazardous conditions by limiting the occupancy of buildings and uses in airport approach areas.

3.422

Permitted Uses.

- A. Any use permitted in the underlying zoning district, except as hereinafter provided.
- B. Air field or similar use, provided there is minimal adverse impact, taking into account location, size, design and operating characteristics or livability, value and appropriate development of abutting properties and the surrounding area.

3.423

Approval Criteria.

- A. The height of any structure or part of a structure, such as a chimney, tower, antenna, and objects of natural growth, shall be limited to elevations on the LF map height restrictions.
- B. In an approach zone to an air field no meeting place which is designed to accommodate more than twenty-five (25) persons at one time shall be permitted.
- C. No use in this district shall:
 - 1. Create electrical interference with navigational signals or radio communications between an airport and aircraft;
 - 2. Display lights which may be confused with airport navigational lights or result in glare visible in the airport vicinity; or
 - 3. Otherwise endanger or interfere with the safe operation of aircraft.

3.430

HISTORIC RESOURCE

HR

The HR designation is intended to protect historic features and characteristics of structures and sites.

3.431

Purpose. The purpose of this section is to provide a means to identify structures and sites which represent a historical or cultural resource to the community and to confirm that these structures and sites warrant special attention. A structure or site receiving the Historic Resource (HR) designation provided by this section is intended to be protected by this designation.

3.432

Area Of Application. An HR district may be applied to any site or structure and combined with any zone. The HR district shall be considered an overlay district while the existing district shall be considered the underlying district. The application of the HR district shall be considered on a case-by-case basis and may only be applied to historic structures or sites. The status of the HR district once established is attached to the structure or site and is not personal in nature, (i.e., ownership of the site or structure may be changed).

3.433

Permitted Uses.

A. In an HR district all uses permitted outright in the underlying district shall be permitted subject to protection or preservation conditions established by the City Council deemed necessary to preserve the historic character or feature of the site or structure.

3.434

Designation Procedure.

A. The Board of Directors of the Troutdale Historical Society, area residents, or persons owning property in Troutdale may request an HR designation for a specific site or structure.

B. A staff report shall be prepared by the City Planning staff. Upon completion of the report the application shall be placed on the agenda for a public hearing before the Planning Commission. The public notice and hearing shall be conducted in accordance with the procedures and requirements of Sections 6.010 to 6.405 of this Ordinance.

- C. The Planning Commission shall review and make recommendations to the City Council on all applications for the status of Historical Resource (HR) made pursuant to this District. When recommending any application for HR designation, the Planning Commission shall identify those characteristics and feature of the site or structure that are historically significant and warrant protection.
- D. The City Council, within 45 days from the receipt of the Planning Commission recommendation, shall by ordinance approve the application in whole or in part, or shall by motion disapprove it in its entirety. When approving any application for Historic Resource (HR) designation, the City Council shall identify those characteristics, features, or portions of the structure or site that are historically significant and warrant protection.
- E. No building, alteration, demolition or removal permits for any structure or site shall be issued while the public hearing or any appeal related thereto is pending.

3.435

Evaluation Criteria. The Planning Commission and City Council shall use the following criteria and standards to evaluate whether a particular site or structure merits a Historic Resource (HR) designation.

A. Historic Considerations:

1. The structure or site is associated with the life or activities of a major historic person.
2. The structure or site is associated with a major group or organization in the nation, state or community.
3. The structure or site is associated with a major historical event (whether cultural, economic, social or political).

B. Architectural Considerations:

1. The structure is one of a few of its age remaining in the City.
2. The structure is a unique example of a particular architectural style or period.
3. The structure is one of many good examples in the City of a particular architectural style or period.
4. The structure is the work of a nationally famous architect.
5. The structure is the work of a major local architect or builder.
6. The structure is an architectural curiosity or picturesque work of particular artistic merit.
7. The structure contains evidence or original materials and/or workmanship which can be valued in themselves.
8. The integrity of the original design has been retained.

C. Site Considerations:

1. The site is generally visible to the public.
2. The site can be or could be an important element in the character of the City or neighborhood.
3. The site is not subject to encroachment by detrimental influences.

D. Use Considerations:

1. The structure or site is threatened with demolition by public or private action.

2. The structure or site has sufficient educational value to warrant consideration.
3. The structure can be adapted to a new use without harm to those architectural elements which contribute to its significance.

3.436 Maintenance And Repair. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this section that does not involve a change in design, material or external appearance thereof, nor does this ordinance prevent the construction, reconstruction, restoration, alteration, demolition or removal of any such feature which the City's Building Official shall certify is required for the public safety due to unsafe or dangerous conditions.

3.437 Inventoried Historic Sites. The City retains an inventory of tentative historic sites. These sites are not officially accorded Historic Resource District designation. All development proposals or demolition requests requiring City permits or approval shall be identified against the historic sites inventory. In the event that a development proposal involves disturbance of any site or structure in this inventory, the Historic Resource District designation procedure as outlined in this District shall be applied to the site.

3.438 Hardship Relief. The City Council may approve an application for a permit to carry out any proposed work contrary to the conditions of the Historic Resource District, if the applicant presents clear and convincing evidence of facts demonstrating to the satisfaction of the City Council that disapproval of this application will work an immediate and substantial hardship on the applicant because of conditions peculiar to the person seeking to carry out the proposed work, whether this be property owner, tenant or resident. If a hardship is found to exist under this Section, the City Council shall make a written finding to that effect, and shall specify the facts and reasons relied upon in making such a finding. Such an application shall be considered in accordance with Sections 2.140 and 6.010 to 6.120.

3.439 Violations. No person may tear down, demolish, alter, or remove any feature or characteristic of a Historic Resource designated structure or site that has been deemed historically significant by the City Council except as provided for in section 3.436 above.

3.440 RESERVED

3.451 Purpose.

The purpose of this district is to promote the public health, safety and general welfare. Provisions under this section are designed to:

- A. Restrict or prohibit uses or development which is damage-prone or damage-inducing to the land;
- B. Require that uses vulnerable to flood damage, including public facilities which serve such uses, be protected at the time of initial construction;
- C. Allow the development of land only for those uses which are suitable in relation to flood hazards.

3.452 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.
- B. General causes of flood losses are due to:
 - 1. The cumulative effect of obstructions in the floodway which cause an increase in flood heights and velocities.
 - 2. The occupancy in flood hazard areas by uses vulnerable to floods or uses which are inadequately elevated to be protected from flood damage.

3.453 Areas Of Application.

- A. Establishment of Boundaries. The Flood Plain shall consist of the Floodway and Floodway Fringe as determined by the Army Corps of Engineers, through their periodic survey for the Federal Insurance Administration as now or hereafter amended. This provision does not limit the approval authority from utilizing other flood hazard data, notably that of the Soil Conservation Service and the Geological

Survey, for the purpose of administering this ordinance. Specific determination of Flood Plain areas shall be made at the time of development proposal for the respective property based on available flood hazard data, field survey, and actual site investigation.

B. Interpretation of Precise Boundaries.

1. Any new proposal for development within the Flood Plain hazard district shall require review by the Planning Division to ascertain if the land is clearly located in the floodway hazard area.
2. In the event that the land is within the floodway fringe, the Planning Division shall interpret the boundaries of the floodway and floodway fringe to the best of their ability.
3. If a precise determination cannot be made of the location of the land in relation to the floodway and floodway fringe boundaries, the applicant shall submit the following information, prepared by a registered professional engineer, which shall provide the basis for a determination by the Planning Commission.
 - a. Plans drawn to scale showing the nature, location, dimension, and elevation of the 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 upstream and downstream, 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.

C. Appeal Provision for Interpretation of Boundaries. In the event of an apparent conflict between technically mapped boundaries and actual site investigations, the approval authority shall interpret the exact location of the Floodway and Floodway Fringe boundaries to the best of their ability. Any person contesting the approval authority's interpretation shall be given a reasonable opportunity for appeals subject to the rules and regulations of the National Flood Insurance Program.

D. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance 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 ordinance does not imply that areas outside the Floodway and Floodway Fringe boundaries or land use permitted within such boundaries 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 results from reliance on this district or any administrative decision lawfully made thereunder.

Permitted Uses - Floodway.

A. No uses shall be permitted in the Floodway 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

3.454

(continued)

FP

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.

3.455

Permitted Uses - Floodway Fringe.

- A. Any use which is permitted in the underlying district may be permitted in this area subject to the standards of the underlying district and provided that the use is adequately flood-proofed according to the provisions under Section 3.456.
- B. Any new use or structure located in this District shall be required to obtain approval from the City before construction is started or the use is begun.

3.456

Flood-Proofing Standards.

A. Standards.

- 1. Flood-proofing 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 shall be used to protect structures. This list is not exhaustive and a combination of measures may be required.
 - a. Anchorage to resist floatation and lateral movement.
 - b. Installation of water-tight doors, bulkheads, and shutters.
 - c. Reinforcement of walls to resist water pressures.
 - d. Use of paints, membranes, or mortars to reduce seepage of water through walls.

- e. Addition of mass or weight to structures to resist floatation.
 - f. Installation of pumps to lower water levels in structures.
 - g. Construction of water supply and waste treatment systems as to prevent the entrance of flood waters.
 - h. Pumping facilities for subsurface external foundation wall or basement floor pressures.
 - i. Construction to resist rupture or collapse caused by water pressure or floating debris.
 - j. Cut-off valves on sewer lines or elimination of gravity flow basement drains.
 - k. Elevation of structures and uses to above the regulatory flood protection elevation at the location of the proposed development.
 - l. Requirements for construction of channel modification, dikes, levees and other protective measures.
 - m. The primary access to any structure intended to be used on a year-round basis for human occupancy shall be situated two (2) feet above the elevation for a regulatory flood in the area.
2. Any fill or materials deposited in the floodway fringe shall be shown to be adequate to fulfill the proposed purpose without intruding into the floodway. 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 of building erected thereon.
 3. 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.

- B. Submission Requirements. Specifications shall be provided by the applicant on building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities, to demonstrate that flood-proofing standards are met.

3.457

Approval Procedure. The Planning Commission shall approve new development in the Flood Plain hazard district if the proposed use or structure meets all of the following conditions:

- A. That flood-proofing standards are met as under Section 3.456;
- B. That adequate flood-proofing measures are utilized;
- C. That it is in compliance with the City's Comprehensive Land Use Plan.

3.460

HILLSIDE

HS

3.461

Purpose. The purpose of this district is to promote the public health, safety and general welfare. Provisions under this section are designed to:

- A. Restrict or prohibit uses or development which is damage-prone or damage-inducing to the land;
- B. Require uses vulnerable to landslides, including public facilities which serve such uses, be protected at the time of initial construction;
- C. Allow the development of land only for those uses which are suitable in relation to slope hazards.

3.462

Findings of Fact.

- A. Hillsides within the City of Troutdale represent the abrupt and noticeable changes in slope that mark the edge of the Beaver Creek Canyon, the Sandy River and Arata Creek.
- B. Hillsides are environmentally sensitive areas. If they are not well managed, irreversible damage may occur.

3.463

Areas Of Application. The Hillside hazard district shall apply to land on slopes greater than 30 percent and between 15 to 30 percent. No man-made structure is allowed on slopes greater than 30 percent.

A. Delineation of Boundaries.

The Hillside hazard district shall consist of Steep Slope and Constrained Slope areas. Steep Slope areas include all areas of the City where the slope of the land is greater than 30 percent; Constrained Slope areas include all areas where the slope of the land is between 15 to 30 percent. This chiefly covers the edge of the Beaver Creek Canyon, the Sandy River, and Arata Creek. Specific determination of Steep Slope and Constrained Slope areas shall be made at the time of a development proposal for the respective properties within the Hillside hazard district based on topographic map and field survey.

B. Warning and Disclaimer of Liability.

The degree of landslide protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods. Landslides may occur on rare occasions in areas outside of the delineated Steep Slope and Constrained Slope boundaries. This Ordinance does not imply that areas outside the Hillside hazard district boundaries or land use permitted within such boundaries will be free from significant mass movement or landslide damage. This Section shall not create liability on the part of the City of Troutdale for any damage that results from reliance on the provisions of this Section or any administrative decision lawfully made thereunder.

3.464 Permitted Uses.

- A. Uses Permitted - Steep slope (greater than 30%). Open space and trails as designated by the "Parks Plan."
- B. Uses Permitted - Constrained Slope (15 to 30%. Any use in the underlying district provided the standards of Section 3.465 are met.

3.465 Hillside Development Standards.**A. Standards.**

1. The property shall front on a publicly dedicated street or roadway with a right-of-way width and street improvement standard acceptable to the City.
2. Grading and site preparation shall be accomplished without encroaching on ground slopes greater than 30 percent and without creating a cut or fill in excess of three (3) feet except for basement construction unless specifically approved by the City.

3. Excavations and earth fills on a site shall be governed by grading regulations under the Uniform Building Code as adopted by the City.
4. The parcel can be adequately served by municipal water supply and sanitary sewer systems and that the runoff generated from the development can be accommodated without causing damage to down gradient properties.
5. The density permitted within the Hillside hazard district shall be governed by minimum lot size requirements. The minimum lot size is derived by using a formula, set out as follows, which employs the slope of the parcel as a function of the lot size.

Minimum Lot Size Calculations:

Step A - Determine total area of parcel.

Step B - Determine area of land (if any) where slope is greater than 30%.

Percent of Slope =
$$\frac{\text{Vertical distance between contours}}{\text{Horizontal distance between contours}}$$

Step C - Determine buildable area of parcel.

Total area less area where slope of land is greater than 30%, and less any area located within a Floodway boundary.

Step D - Determine the average slope of the buildable area of the parcel by using the following formula:

$$S = \frac{0.00229IL}{A}$$

Where: S = Average % of slope for buildable area.

I = 10' contour interval.

L = Summation of length of the 10' contours within the buildable area.

A = Acres in buildable area of the parcel.

Step E - Determine the minimum lot size for the entire parcel by using the following table:

<u>Percent of Average Slope of Buildable Area</u>	<u>Minimum Lot Size Per Dwelling Unit</u>
15-19	14,000 sq. ft.
20-24	17,000 sq. ft.
25-30	21,000 sq. ft.

B. Submission Requirements. For the purpose of minimizing landslide hazards, the proponent of development within the Hillside hazard district shall provide the following special reports:

1. Hydrology Report. This report shall include information on the hydrological activities of the site, the effect of hydrologic conditions on the proposed development, and any hydrological hazards. The report shall be prepared by a registered professional engineer.
2. Soils Report. This report shall include information on the nature, distribution and strength of existing soils; the adequacy of the site for development purposes; and an assessment of grading procedures required to impose the minimum disturbance to the natural state. The report shall be prepared by a registered professional engineer.
3. Geology Report. This report shall include geological characteristics of the site, its suitability for development, its carrying capacity, and any geological hazard that might present a hazard to

life and property, or adversely affect the use or stability of a public facility or utility. This report shall be prepared by a registered professional engineering geologist.

4. Grading Plan. The grading plan shall be specific to a proposed physical structure or use and shall include information on terrain (five-foot intervals of property), drainage, direction of drainage flow, location of proposed structure and existing structures which may be affected by the proposed grading operations, finished contours or elevations, including all cut and fill slopes and proposed drainage channels. Project designs including but not limited to locations of surface and subsurface devices, walls, dams, sediment basins, storage reservoirs, and other protective devices shall form part of the submission. The grading plan shall also include a schedule of operations and shall be prepared by a registered professional engineer.
5. Vegetation Report. This report shall consist of a survey of existing vegetative cover and how it will be altered by the proposed development; and measures for re-vegetation for the stabilization of slopes and soil erosion.

3.466

Approval Procedure. The Planning Commission shall approve new development within the Hillside hazard district if the proposed use or structure meets all of these conditions:

- A. That development standards are met as under Section 3.465;
- B. That adequate protection is utilized to minimize landslide hazards;
- C. That it is in conformance with the City's Comprehensive Plan.

3.467

RESERVED

Development in an Area of Special Concern (ASC) will require submission of a preliminary plan to the Site and Design Review Committee (SDRC) and subsequently to the Planning Commission prior to issuance of a development or building permit. The preliminary plan shall address issues of special concern, such as access, screening and buffering of adjacent residential land, and protection of existing or proposed greenways and/or open space. In particular, traffic access and circulation shall be considered in relation to existing and planned streets as well as special access plans for the area under consideration.

The applicant shall schedule a pre-submission conference with the staff to identify issues of concern and measures deemed necessary to mitigate development impacts.

ARTICLE 4. RESERVED

ARTICLE 5. PERMIT AND ISSUE DETERMINATIONS

- 5.110 Area Accessory Development. In addition to development intended for a zoning district, there are area accessory developments that are appropriate in a particular area because of social or technical needs. The following are area accessory developments:
- A. Removal or deposit of earth or rock that changes the contour of the ground without being part of another development.
 - B. Utility structure, including a pole, line, pipe, substation or other facility required for the transmission of power or communications.
 - C. Sewerage or drainage way, including a pump station, manhole or other collection or treatment facility for sewage or storm water.
 - D. Street, including a curb, sidewalk, catch basin, street light, traffic control device or other facility associated with an access, collector or arterial street.
 - E. Water system, including a main, fire hydrant, treatment plant, storage reservoir, pump station or other facility associated with the supply or distribution of water.
 - F. Other uses similar in nature to those listed above.
- 5.111 Application For An Area Accessory Development. An application for an area accessory development shall be accompanied by supporting information and a list of the names and addresses of owners of property situated within 250 feet of a boundary of the property to be developed.
- 5.112 Authority To Grant Or Deny An Area Accessory Development. Unless referred to the Planning Commission, the Director shall approve an area accessory development under the Type II procedure. The Director may refer a request to the Planning Commission for disposition under the Type III procedure if the Director determines that the scope of the request involves a degree of discretion beyond the Director's authority, or otherwise requires a full public hearing to protect the best

5.112 (continued)

AREA ACCESSORY DEVELOPMENT

interests of nearby properties or the City as a whole. Determination by either the Type II or Type III procedure shall be according to the criteria of Section 5.114.

5.113

Area Accessory Development Decision Notice. Notice of a Type II determination or of a Type III hearing on an area accessory development shall be mailed to the owners of property situated within 250 feet of a boundary of the property to be developed.

5.114

Criteria For Decisions On Area Accessory Development.

- A. A development permit for an area accessory development shall be issued if, in addition to being consistent with the Comprehensive Plan and applicable standards, the location, size, design and operating characteristics of the proposed development are such that the development is appropriate to serve the needs of the area and will be reasonably compatible with and have minimal impact on the livability and appropriate development of abutting properties and surrounding neighborhood.
- B. In reaching that determination consideration shall be given to the following:
 - 1. Harmony in scale, bulk, coverage and density.
 - 2. The availability of public facilities and utilities.
 - 3. The generation of traffic and the capacity of surrounding streets.
 - 4. Other relevant impacts of the development.

5.12

VARIANCE

5.120

Type II Variance Procedure. The Director may grant a hardship variance waiving a specified provision set forth in this ordinance or in the Development Standards document for an individual land parcel under the Type II procedure upon finding that strict application of the requirement would render the parcel incapable of reasonable economic use. The authority to grant a variance does not include authority to approve a development that is designed, arranged or intended for use not otherwise approvable in the location. In submitting an application for a variance, the proposed development explanation shall provide facts and evidence sufficient to enable findings in compliance with the criteria set forth in this section. In addition, an ownership list shall be provided containing the names and addresses of owners of property adjacent to or separated from the affected property only by a street. The criteria are as follows:

- A. The circumstances necessitating the variance are not of the applicant's making.
- B. The granting of the variance will not cause a use of property not otherwise permissible.
- C. Granting of the variance will not adversely affect implementation of the Comprehensive Plan.
- D. The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.
- E. The development will occur on a parcel of land that in conjunction with adjacent land in the same ownership is not otherwise reasonably capable of economic use under the provisions of this ordinance so that a variance is necessary for the preservation of a substantial property right of the applicant.
- F. The development will be the same as development permitted under this ordinance and City standards to the greatest extent that is reasonably possible while permitting some economic use of the land.

5.120 (continued)

VARIANCE

G. Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity.

5.122 Authority To Grant A Variance. In issuing a development permit the Director may grant or deny a variance under the Type I procedure if the request involves only the expansion or reduction by not more than 20 percent of one or more quantifiable provisions of this ordinance or of the Development Standards document. The decision shall be based on the criteria set forth in Section 5.120.

5.13 SPECIAL VARIANCE

5.130 Type III Special Variance Procedure. The Planning Commission may grant or deny a special variance waiving a specified provision set forth in this ordinance or in the Development Standards document for an individual land parcel under the Type III procedure if it finds that the provision is unreasonable and unwarranted due to the specific nature of the proposed development. In submitting an application for a special variance, the proposed development explanation shall provide facts and evidence sufficient to enable the Planning Commission to make findings in compliance with the criteria set forth in this section while avoiding conflict with the Comprehensive Plan. In addition, an ownership list shall be provided containing the names and addresses of owners of property abutting the affected property or separated from the affected property only by a street. One of the following sets of criteria shall be applied as appropriate.

A. The unique nature of the proposed development is such that:

1. The intent and purpose of the regulations and of the provisions to be waived will not be violated; and
2. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.

5.130

(continued)

VARIANCE

- B. The variance approved is the least waiver of the requirement that will permit practical compliance with a requirement of another law or regulation.
- C. When restoration or replacement of a nonconforming development is necessary due to damage by fire, flood, or other casualty or natural disaster, the restoration or replacement will decrease the degree of the previous noncompliance to the greatest extent possible.

5.132

Authority To Grant A Special Variance. Except in the case of a nonconforming development or use, the Director in issuing a development permit may grant or deny a special variance under the Type II procedure if the request involves only the expansion or reduction by not more than 20 percent of one or more quantifiable provisions of this ordinance or of the Development Standards document. The decision shall be based on the criteria set forth in Section 5.130.

5.140

Development Permit.

- A. Except as excluded by section 5.142, no person shall engage in or cause to occur a development for which a development permit has not been issued. The Building Official shall not issue a permit for the construction, reconstruction or alteration of a structure or a part of a structure for which a development permit has not been issued.
- B. A development permit shall be issued by the Director according to the provisions of this ordinance. The Director shall not issue a development permit for the improvement or use of land that has been previously divided or otherwise developed in violation of this ordinance, regardless of whether the permit applicant created the violation, unless the violation can be rectified as part of the development.
- C. Unless appealed, a decision on a development permit shall be final upon expiration of the period provided for filing an appeal or, if appealed, upon rendering of the decision by the reviewing body.

5.142

Exclusions From Development Permit Requirement.
Except as indicated otherwise in Table 5.142 or as modified by Section 5.144 an activity or development listed below is excluded from the requirement for a development permit. A listed activity is not excluded from the permit requirement if an "X" has been inserted in Table 5.142 opposite the number designation for the activity.

- A. Landscaping or other treatment or use of the land surface not involving a structure.
- B. An internal change to a building or other structure that does not substantially affect the use of the structure or a sign that is accessory to a structure or use and that does not require a building permit.
- C. An emergency measure for the safety or protection of property.
- D. Erection of a tent or similar portable structure temporarily.

- E. Farming.
- F. The propagation or management of timber or the cutting of timber for other purposes such as erosion control or personal use.
- G. An alteration that does not substantially affect the use or appearance of land or a structure.
- H. Storage on the land.
- I. Clearing of land.
- J. The establishment, construction or termination of a public facility that directly serves development authorized for an area including such facilities as a private or public street, sewer, waterline, electrical power or gas distribution line, telephone or television cable system.
- K. Installation or construction of an accessory structure that does not require a building permit.
- L. Excavation or filling of land.
- M. Minor land partitioning.

Table 5.142

DEVELOPMENT PERMIT REQUIRED

<u>Exclusion</u>	<u>Flood Plain</u>	<u>River Beach or Bank</u>	<u>Steep Slope</u>
A	--	X	X
B	--	--	--
C	--	--	X
D	--	--	X
E	--	X	X
F	--	X	X
G	--	--	--
H	X	X	X
I	--	X	X
J	X	X	--
K	X	--	X
L	X	X	X
M	X	X	X

5.142 (continued)

DEVELOPMENT PERMIT

Exclusion from a permit does not exempt the development or its use from applicable requirements of this ordinance.

5.144

Clarification Of Permit Requirements. The exclusions listed in Section 5.142 do not apply to land surface mining that will extract more than 2,500 cubic yards of minerals or affect land equivalent in area to one acre or more. This is excavation for mining purposes where the purpose for excavation is to utilize the materials excavated in some manner and the excavation itself is incidental to rather than the primary purpose for the excavation.

5.146

Agricultural Use Permitted. Agricultural use shall be permitted as an interim use under the Type I procedure on parcels one acre in size or larger.

NONCONFORMING USES

- 5.150 Use Of A Development. A development may be used only for a lawful use. A lawful use of a development is one that is not prohibited by law and for which the development is designed, arranged and intended, or which is nonconforming.
- 5.152 Continuation Of A Nonconforming Development or Use. Except as otherwise provided in Sections 5.154 to 5.155, a nonconforming development or use may continue but shall be changed, while continuing to be nonconforming, only as authorized by this section.
- A. A development that is nonconforming because of a failure to comply with a requirement of this ordinance or the Development Standards may be altered or extended if the Director finds the alteration or extension will not increase the degree of noncompliance and the development is not a land division that is nonconforming because of a public facility deficiency. A land division that is nonconforming because of a public facility deficiency may have further development upon meeting the other requirements of this ordinance and after provisions have been made to correct the public facility deficiency or to assure that the applicant will meet the appropriate share of the responsibility for correcting the deficiency when the correction takes place.
- B. With the approval of the Planning Commission under the special variance procedure set forth in Section 5.130, a nonconforming development or use may be changed, provided the maximum extent of special relief granted is as follows:
1. The floor area of a building shall not be increased by more than 20 percent.
 2. The land area covered by structures shall not be increased by more than 10 percent.
 3. The standard requirement for land area or width or length of a lot or parcel shall not be reduced by more than 10 percent.

5.152 (continued)

NONCONFORMING USES

- C. The entire contiguous ownership of land shall be considered as a single parcel for determination of nonconformance as a consideration for approval of any further development. A record of separate lot or parcel boundaries shall be disregarded.

5.154 Completion Of A Nonconforming Development or Use.

- A. A development that is lawfully under construction on the date this ordinance is adopted may be completed even though not in compliance with this ordinance. The development is then nonconforming and may be used for the purpose for which it was designed, arranged and intended. If such use would not otherwise be authorized in the location, the use is then nonconforming.
- B. Proposals under review on the effective date of this ordinance that will not result in creation of a nonconforming development may have the decision on the proposal completed under the procedures required prior to the effective date of this ordinance.

5.155 Termination Of A Nonconforming Development or Use.

A nonconforming development or use shall terminate under the following conditions:

- A. When the use has been discontinued for a period of twelve months.
- B. When the structure which is nonconforming has been destroyed to an extent exceeding (80) percent of its fair market value as indicated by the records of the county assessor.
- C. When it is a sign pertaining to a business product or service and 30 days have transpired since the business product or service has been offered to the public at the location of the sign.

5.200

Division Of Land.

- A. Section 5.140 requires that a land division not occur unless a development permit has been issued. No land shall be divided prior to approval of a minor partition, major partition or subdivision in accordance with this Ordinance and the Development Standards document. If a land division application is submitted that does not involve other proposed development, the application shall state an intended form of future development for the resulting land parcels. This intended future development will then be processed along with the land division processing just as though the applicant were intending to proceed with the future development. Where the nature of the development associated with a land division does not require otherwise, the procedures set forth in Sections 5.202 to 5.206 shall apply.
- B. Land division is processed by approving a tentative plan prior to approval of the complete land division plat or map. Where a Type II or Type III procedure is required for land division approval, that procedure shall apply to the tentative plan approval. As long as there is compliance with the approved tentative plan, the Director shall have authority to approve final plats and maps for land divisions in conjunction with issuing a development permit, as indicated in Section 2.010.

5.201

Type I Land Division. Minor partitioning shall be approved by the Director under a Type I procedure if the resulting parcels will comply with standards of the type of development contemplated. A permit fee shall be charged only if the partitioning is one of the following:

- A. The partition is located at the end of a street.
- B. The partition abuts a street that has a center line to property line width less than one-half the width specified for that functional street classification according to City standards.

5.201 (continued)

LD

- C. The partition contains a parcel having 25 feet or less street frontage.
- D. The partition contains a parcel with a depth to width ratio exceeding 2.5 to 1.
- E. The partition contains a parcel with an area four or more times the area of the smallest parcel.

5.202

Type II Land Division. Except as otherwise provided in Section 5.206, a major partition shall be processed by the Director under the Type II procedure when satisfactory street conditions exist. The applicant shall provide a list of owners of property abutting the property, proposed for partitioning or separated from the property only by a street. Satisfactory street conditions exist when the Director determines one of the following:

- A. An existing street or a new proposed street need not continue beyond the land to be partitioned in order to complete an appropriate street system or to provide access to adjacent property.
- B. The proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Plan, or with a future street plan approved pursuant to Section 5.205-5.208 of this ordinance.

5.203

Type III Land Division. A land division proposal shall be processed by the Planning Commission under the Type III procedure in conformance with the provisions of this Ordinance and the Development Standards document. The applicant shall provide an ownership list containing the names and addresses of owners of property situated within 250 feet of the boundary of the property to be divided.

5.204

Pre-Application Conference. Pursuant to Section 2.020 prior to submission of a tentative plan requiring a Type II or III procedure, the applicant shall request the Director to arrange a pre-application conference unless the applicant and the Director agree that the conference is not needed.

5.205 Future Street Plan Required.

- A. Except as provided in subsection (B), a future street plan shall be filed in conjunction with an application for a land division requiring a Type III procedure. The plan shall show the pattern of future streets from the boundaries of the proposed land division to include the other tracts within 200 feet surrounding and adjacent to the proposed land division but need not encompass more than the most relevant 40 acres of such outside tracts.
- B. A future street plan shall not be required for any portion of the area for which a proposed street layout has been established by either the Comprehensive Plan or a future street plan previously approved by the Planning Commission.
- C. The Planning Commission shall have the authority to adopt a future street plan submitted by an applicant, or can initiate a future street plan for an area for which there is no proposal for a land division, providing the street plan is given consideration as part of a Type III procedure.

5.206 Recording And Filing A Future Street Plan. Upon final approval, a future street plan shall be made a matter of record as follows:

- A. Recorded by the applicant, or if there is no applicant by the Director, with the City Custodian of records.
- B. Indexed and filed by the Director in the Planning Division office.

5.207 Revision Of A Future Street Plan. An approved future street plan may be revised under the Type III procedure by action of the Planning Commission, in conjunction with a Comprehensive Plan or street plan amendment.

- 5.208 Criteria For Approval Of Tentative Plan And Future Street Plan. In approving a tentative land division plan or adopting a future street plan, the approving agency shall find compliance with Sections 1.040 and 1.050 of this ordinance and the following:
- A. Development of any remainder of property under the same ownership can be accomplished in accordance with this ordinance.
 - B. Adjoining land can be developed or is provided access that will allow its development in accordance with this ordinance.
- 5.209 Tentative Plan Expiration Date. Within one year following the effective date of approval of a tentative land division plan, the final plat or final map shall be submitted pursuant to Section 2.030 and shall incorporate any modification or condition required by approval of the tentative plan. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to six months upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan and after finding no other development approval would be affected.
- 5.210 Staged Development for Subdivision. When an applicant desires to record and develop subdivision plats covering portions of an approved tentative plan in stages, the approval authority may authorize a time schedule for platting and otherwise developing the various stages in periods of time in excess of one year, but in no case shall the total time period for all stages be greater than five years without resubmission of the tentative plan. Each stage so platted and developed shall conform to the applicable requirements of this ordinance. Portions platted after the passage of one year may be required to have modifications to avoid conflict with a change in the Comprehensive Plan or implementing regulations.

5.211 Submission And Review Of Final Plat Or Final Map. A final plat or final map shall be submitted and within ten days of submission, the Director shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this ordinance. If the Director determines that there is a failure to conform, the applicant shall be advised and afforded an opportunity to make correction. When the plat or map is found to conform, it shall be signed and dated by the Director if other requirements for a development permit have been fulfilled.

5.212 Approval Signatures For Final Subdivision Plat. Following review and approval of a subdivision plat, the Director shall take the following actions:

- A. Obtain the approval signature thereon by the Surveyor serving the City certifying that the subdivision plat complies with applicable survey laws. Before so certifying, the surveyor may cause field investigations to be made to verify that the plat survey is sufficiently accurate. If it is determined that there has been a failure to comply, the applicant shall be notified and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the surveyor.
- B. As required by ORS 92.110, obtain the approval signatures thereon of the Board of Directors, or Board's delegate, of any irrigation district, drainage district, water control district or district improvement company if the subdivision is within such district.
- C. Obtain the approval signatures thereon of the Director certifying that the plat is approved.
- D. Obtain the approval signature thereon of the County Assessor certifying that all taxes on the property have been paid or bonded for in accordance with state law.
- E. Deliver the approved subdivision plat and accompanying documents to the County Recorder for recording.

5.212

(continued)

LD

F. Notify the applicant that the approved subdivision plat and accompanying documents have been delivered to the County Recorder and may be offered for record.

5.213

Approval Signatures For Final Partition Map. Following review and approval of a final partition map, the Director shall take the following actions:

A. Obtain the approval signature thereon by the Surveyor for the City certifying that it complies with all applicable survey laws. Before so certifying, the surveyor may cause field investigations to be made to verify that the map survey is sufficiently accurate. If it is determined that there has been a failure to comply, the applicant shall be notified and afforded an opportunity to make corrections. When the map is found to conform, it shall be signed and dated by the surveyor.

B. Certify that the map is approved.

C. Deliver the approved partition map and accompanying documents to the County Recorder for recording.

D. Notify the applicant that the approved partition map and accompanying documents have been delivered to the County Recorder and may be offered for record.

5.214

Effective Date For Final Plat Or Plan Approval. The approval process for a subdivision shall become final upon the recording of the approved subdivision plat, under ORS 92.120(1), and for a partition, upon the recording of the approved partition map together with any required documents with the County Recorder. Final approval constitutes the appropriate approval necessary before a development permit can be issued. Work specifically authorized following tentative approval may take place prior to issuance of the development permit. The documents effectuating a subdivision or partition shall be recorded with the County Recorder within one year following approval or they shall become null and void.

5.215

Re-Application. A change in an approved plat or plan that affects the street layout, reserved public use areas or lot lines shall require re-application and review as provided in this section.

5.216 Vacation of Plats. A plat, or part of, may be vacated by its owner anytime prior to the sale of any lot therein by a written instrument declaring such a plat vacated and seeking approval of the same by the Planning Commission, provided such instrument does not abridge or destroy any public rights in any of its public uses, improvements, streets or alleys. Such instrument shall be executed, acknowledged or approved, recorded or filed, in like manner as plats. When lots have been sold, a plat may be vacated provided all owners of lots in such plat approve of the vacation.

5.220

Purpose. The purpose of Planned Development is to provide more flexibility in the development of land; to encourage variety and creativity in the development pattern of the community; to conserve natural land features; to facilitate aesthetic and efficient use of open space; to create public and private open space; to encourage the application of new techniques and new technology to community development which contribute to superior living or development patterns; to use land efficiently in order to reduce the costs of housing, maintenance, street systems and utility networks; to promote energy conservation and crime prevention; and to relate development to the natural environment and its users.

5.221

Procedure. An application for a Planned Development shall be processed under the Type III procedure.

A. Tentative Development Plan and Program.

1. The applicant shall submit a Tentative Development Plan and Program to the Planning Commission for approval in principle. The Tentative Plan and Program shall consist of plans, maps and diagrams drawn in sufficient detail to indicate the nature of the plan elements and a written narrative description of the program elements:

a. Plan Elements:

1. Proposed land uses and residential densities;
2. Building types and locations;
3. Means of access, circulation and parking;
4. Parks, playgrounds, paths and open spaces;
5. Site analysis diagram as defined in the site and design review section;
6. Land division plan if the land is to be divided.

B. Program Elements:

1. Applicant's statement of the goals and objectives of the planned development;
2. Proposed ownership pattern;
3. Operation and maintenance proposal, i.e. homeowners association, co-op or other similar organization;
4. Tables showing overall density of any proposed residential development with density of dwelling types and intensity of any commercial, industrial or other employment-related uses;
5. Applicant's statement of how the proposed planned development complies with the applicable Comprehensive Plan policies;
6. General timetable of development;
7. Establishment of a Design Team. Because of the complex nature of the PD, the expertise of qualified and licensed professionals, working as a team, is required for the planning, development and construction of any PD to ensure the objectives of the Development Zoning Ordinance may be fully realized and appreciated by the community, the developer, and the residents or occupants of the development.

The design team shall include but not be limited to a planner, architect, a landscape architect, and a registered engineer/surveyor.

One of the above professionals

shall be designated by the applicant to be responsible for conferring and communicating with the Planning Division with respect to the concept and details of the development plan, submittals, approvals, and official communications relative to the plan. This designated professional shall act as a liaison between the Planning Division and the design team and applicant. The selection of this coordinator shall not limit the applicant or any member of the design team from conferring with the Planning Division or presenting material to the Planning Commission and/or City Council. The Planning Commission or City Council may require the expertise of other professionals be used in the formulation, planning, and development of the PD if it is determined that the site merits special consideration due to its unusual or adverse features or conditions.

2. The Planning Commission shall review the Tentative Development Plan and Program at a regular meeting and may act to grant tentative 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 characteristics of the area.
3. Approval in principle of the Tentative Development Plan and Program shall be limited to the tentative 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.

4. 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.
5. The Planning Commission shall determine the extent of any additional market analysis to be included in the General Development Plan and Program.

B. Action and Findings.

1. The Planning Commission may recommend approval of the Tentative Development Plan and Program, with or without modifications or may deny the application. A decision to recommend approval of a Planned Development shall be based on substantial conformance with the following findings:
 - a. That the proposed development is in compliance with the City's Comprehensive Land Use Plan.
 - b. That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the Development Plan and Program. These design and amenity features include, but are not limited to, the following:
 1. Usable common open space;
 2. Cluster development;
 3. Rational alignment of public facilities;
 4. Public uses, i.e. schools, parks, recreational facilities, etc.
 - c. That the proposal, either through the formation of a homeowners' association or through its design

and amenity features, can reduce the public cost for the same level of facilities (streets, sewers and storm sewers) and services (police and fire protection) as required by the standards of the underlying district.

- d. That the proposal is compatible with the surrounding area or its potential future use, and that it allows for the rational extension of public facilities and services.
 - e. That the following financial considerations are addressed:
 1. That the applicant demonstrate a substantial contractual interest in the land;
 2. That adequate financing can be demonstrated to be available to the applicant to assure substantial completion of the proposal.
 3. That the proposal incorporates a commitment to provide a legal instrument or instruments acceptable to the City setting forth a plan for the permanent care and maintenance of common space, including streets and greenway, recreational areas, and all community owned facilities.
 - f. That the proposed development can be substantially completed within four (4) years following approval.
2. 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.
 3. The City Council may, at a public hearing, approve the Tentative Development Plan and Program with or without modifications or may deny the application.

C. General Development Plan and Program

1. After receiving approval in principle of the Tentative Plan and Program from the City Council, the applicant shall have a General Development Plan and Program prepared by the professional design team.
2. Upon receipt of the petition accompanied by the General Development Plan and Program, the Planning Commission shall hold another public hearing.
3. The General Development Plan and Program shall contain the following elements:
 - a. The General Development Plan shall be in conformance with the approved Tentative Plan.
 - b. Existing and proposed contour map or maps of the site to a scale commensurate with the size of the development.
 - c. 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.
 - d. Existing sewers, water mains, and other underground facilities within and adjacent to the development and their certified capacities.
 - e. Proposed sewers or other disposal facilities, water mains and other underground utilities.
 - f. A tentative subdivision plan if the property is proposed to be divided.
 - g. A land use plan indicating the uses planned for the development.

- h. Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, schools sites, public buildings or other uses dedicated or reserved to the public, if any.
- i. Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.
- j. A traffic flow map showing the circulation pattern within and adjacent to the proposed development.
- k. Location and dimensions of pedestrian walk-ways, malls, trails or easements.
- l. Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays and angle of parking.
- m. Location, arrangement and dimensions of truck loading and unloading spaces and docks, if any.
- n. Tentative architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units.
- o. A tentative 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.
- p. The approximate locations, height and materials of all walls, fences and screen plantings. Elevation drawings of typical walls and fences shall be included.

- q. The stages, if any, of the development construction. Such stages shall be clearly marked on the General Development Plan.

4. Program Elements:

- a. Narrative statement of the goals and objectives of the Planned Development.
 - b. A completed market analysis, if required by the Planning Commission.
 - c. Evidence of resources available to develop the project.
 - d. 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.
 - e. Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitation of density.
 - f. 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.
5. The Planning Commission may approve the General Development Plan and Program with or without modifications.

D. Final Plan and Program.

1. Following approval of the 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 Division to check for compliance with the approved General Development Plan and Program.

2. If the Final Plan and Program is found to be in compliance, it shall be so certified by the Planning Division and recorded by the applicant with Multnomah County as the Final Development Plan along with all documents relating to dedications, improvements, agreements, restrictions, and associations which shall constitute the Final Program.
3. Land Division Regulations shall be met if the property is to be divided or streets are to be dedicated.
4. 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.
5. Final copies of all approved articles governing operation and maintenance shall be placed on file with the Planning Division prior to the issuance of any building permit.
6. An approved Planned Development (PD) shall be identified on the zoning map in addition to the existing underlying district. For example, if a PD is approved in an area zoned R-10, the symbol identifying the PD area shall be shown as R-10 (PD) on the zoning map.

5.222

Development Standards.A. Application of Standards.

1. In cases of conflict between standards of the underlying district and the Planned Development, the standards of the Planned Development shall apply.

B. Minimum Site Size.

1. A Planned Development shall be established on a parcel of land that is suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes of this Section.
2. A Planned Development 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 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.

C. Compatibility With Neighborhood.

1. 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.
2. Periphery yards of a Planned Development 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.

D. Open Space.

1. Open space in a Planned Development 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.

2. Open space shall be adequate for the recreational and leisure use of the individuals occupying the Planned Development and designed to enhance the present and future value of the development.
3. To the maximum extent possible, the plan and program shall assure that natural features of the land are preserved and landscaping is provided.
4. 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.
5. 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.
6. 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.

E. Residential Density.

1. In a residential Planned Development, the density permitted is the same as that of the underlying district or districts. In a mixed-use Planned Development, the number of allowable units is based on net residential area. The net residential area for a Planned Development shall be calculated by taking the total area of the development less streets, commercial, industrial, community service, and other non-residential uses. All recreational

streets, trails, open space, etc., shall be included in the net residential area. The number of dwelling units permitted in a PD shall be calculated by dividing the net residential area by the minimum lot size required in the underlying residential district or districts. In a CC district, R-5 and R-4 densities shall be permitted; in a GC, CBD, LI or GI district, R-5, R-4 and A-2 densities shall be permitted where limited residential use is determined to be appropriate by the Planning Commission.

2. Greenways, 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 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 overall density for the site.
3. An increase of up to 25% in the number of dwelling units may be permitted upon a finding by the Planning Commission that such increased density will contribute to:
 - a. Satisfaction of the need for additional urban area housing of the type proposed;
 - b. The location of housing which is convenient to commercial, employment and community services and opportunities;
 - c. The creation of a land use pattern which is complementary to the community and its identity, and to the community design process;
 - d. The conservation of energy;
 - e. The efficient use of transportation facilities; and

- f. The effective use of land and of available utilities and facilities.

F. Lot Size And Dimensional Standards.

1. Minimum lot size, width, depth and frontage requirements for lots in a Planned Development 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.

G. Staging.

1. 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.
2. The Planning Commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

5.223 Permitted Uses.

A. For Residential Districts. The following uses are permitted within a Planned Development:

1. Housing concepts may include but are not limited to single family residences, duplexes, row houses, townhouses, cluster units, multiple family dwellings, or mobile homes.
2. Related commercial uses which are designed exclusively to serve the development of which they are a part, when approved by the Planning Commission.
3. Related community service uses which are designed to serve the development of which they are a part, when approved by the Planning Commission.
4. Accessory buildings and uses.

B. For Commercial and Industrial Districts.

1. Uses permitted in the underlying district.
2. Community service uses approved by the Planning Commission.
3. Other uses as approved by the Planning Commission consistent with the Plan and Program.
4. Accessory buildings and uses.

5.224

Areas Of Application.

- A. Commercial, Industrial and Residential (site-constructed Housing). The Planned Development process may be applied to all commercial and industrial uses, and all residential uses for site-constructed housing, subject to requirements of the underlying district, the land division regulations and Section 5.222.
- B. Manufactured Homes. The Planned Development process may also be applied to mobile home subdivisions in the R-7, R-5 and R-4 residential districts, subject to the requirements of the underlying district, and the development regulations of this ordinance and of the Development Standards document applicable to mobile home subdivisions.

5.225

Changes And Modifications.A. 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.

B. Minor Changes.

1. Minor changes in the General Development Plan and Program may be approved by the Director, provided that such changes:

5.225

(continued)

PD

- a. Do not increase the residential densities.
- b. Do not change boundaries.
- c. Do not change any use.
- d. Do not change the location or amount of land devoted to specific land uses.

2. Such changes may include 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.

5.226

Expiration. If substantial construction or development, as determined by the 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 Planned Development permit 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 designation on the property be removed and the permit terminated.

- D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.
- E. The proposed use will provide adequate open space, landscaping, and aesthetic design to mitigate any possible adverse effect on surrounding properties and uses.
- F. The proposed use will not result in use of the land for any purpose which may create or cause to be created any public nuisance, including, but not limited to, air, land, or water degradation, noise, glare, heat, vibration or other considerations which may be injurious to public health, safety and welfare.
- G. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use, as well as the purposes of this section and applicable provisions of this ordinance.
- H. Owners of property within 250 feet of the boundary of the subject property have been notified of the hearing.

Conditions. The conditions the Planning Commission may attach to an approved conditional use may include a definite time limit, limitations on use, landscaping requirements, off-street parking, performance standards, performance bonds, and any other reasonable conditions, restrictions or safeguards that would uphold the purpose and intent of this section and mitigate any adverse impact upon adjoining properties which may result by reason of the approved conditional use. A list of conditions may include, but is not limited to, the following:

- A. Increasing the required lot size or yard dimensions.
- B. Increasing street width.
- C. Increasing the number of off-street parking or loading spaces or area.

- D. Improving public facilities such as:
1. Water supply;
 2. Sanitary sewers;
 3. Storm drainage;
 4. Side walks, curbs and other street improvements; and
 5. Fire hydrants.
- E. Controlling the location and number of vehicular access points to and from the site.
- F. Limiting lot coverage or height of buildings.
- G. Undergrounding of utilities.
- H. Public safety and crime prevention measures.
- I. Requiring landscaping, fencing, diking, screening or berms.
- J. Limiting the number, size and location of signs.
- K. Land dedication or money in lieu of dedication for public purposes.
- L. Bonds or other suitable security to ensure that requirements are met.
- M. Submittal of final detailed plans indicating conformance with conditions.

5.235 Conditional Use Permit. A conditional use permit shall be obtained for each approved conditional use before site development. The permit shall specify any conditions, limitations, and/or restrictions imposed by the Planning Commission in addition to those specifically set forth in this section.

5.236 Expiration. Approval of a conditional use permit shall be void after two (2) years, or such lesser time as the Planning Commission may specify, unless substantial construction has taken place. However, the Planning Commission may grant a one (1) year extension if the applicant requests such an extension before the expiration of the initial time limit.

- 5.237 Building Permit. A building permit for all or any portion of a conditional use shall be issued only on the basis of the plan as approved by the Planning Commission and through Site and Design Review. Any change in the approved plan shall be submitted to the Planning Division for processing to the Planning Commission and/or through site and Design Review as a new application for a conditional use.
- 5.238 Revocation. A conditional use permit shall be subject to revocation by the Planning Commission if the application is found to include false information or if the conditions of approval have not been complied with or are not being maintained.
- A. The Planning Commission shall hold a public hearing in order for the applicant to show cause why the permit should not be revoked.
 - B. If the Planning Commission finds that the conditions of approval have not been complied with or are not being maintained, a reasonable time shall be given for making correction, and if corrections are not made within that time, revocation of the conditional use permit shall become effective ten (10) days after the time specified.
 - C. Reapplication for a conditional use which has been denied or revoked cannot be made within one (1) year after the date of the Planning Commission's action, except that the Planning Commission may allow a new application to be considered if new evidence or a change in circumstances warrant it.

5.31 SITE AND DESIGN REVIEW SDR

- 5.310 Purpose. This section establishes a process for the review of development proposals in order to promote functional, safe, innovative and attractive development that is compatible with the natural and man-made environment.
- 5.311 Applicability. The provisions of this section apply to all zones and uses except single-family dwellings. No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to the provisions of this section, nor shall a new use be commenced, or an existing use enlarged, structurally altered or structurally changed on the exterior until a final site and design plan is approved by the Site and Design Review Committee (SDRC) under the Type II procedure.
- 5.312 Scope. Site and design review considerations include the layout and design of all existing and proposed improvements, including but not limited to, buildings, structures, parking and circulation areas, outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures. All applications for Site and Design Review are subject to the requirements of this Ordinance and the Troutdale Development Standards.
- 5.313 Site and Design Review Committee (SDRC). The SDRC shall include two City residents with some design background and two members of the Community Development staff. The two citizen members of the committee shall be appointed for a period of two years by the City Council.
- 5.314 Powers and Duties of the SDRC. The SDRC shall review preliminary plans for development applications requiring site and design review. The staff may delete or combine steps when such steps are not considered necessary to ensure compliance with the provisions of this Ordinance or this section in particular.

- A. The SDRC shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Committee shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Committee from imposing conditions of approval necessary to meet the requirements of this ordinance. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purpose of this ordinance. The Committee shall have no authority to affect dwelling unit densities.
- B. All decisions of the Site and Design Review Committee will be considered binding upon the applicant. No building permit may be issued by the Building Official for applicable proposals without approval of the Site and Design Review Committee. The conditions of site and design review approval are conditions of the building permit.
- C. The staff shall inspect final plans submitted to ensure their consistency with the approved preliminary plans.

5.315

Filing Preliminary Plans. Prior to filing site and design plans, the applicant shall confer with the designated staff to discuss the requisites of the site and design review process. The purpose of this conference is to provide an opportunity for the applicant to describe the proposed development and for the staff to explain relevant land use policies, ordinances, standards, opportunities and constraints which may be applicable to the site and type of the proposed development before the applicant has invested substantial time and resources or becomes committed to particular concepts or design solutions. A complete application for site and design review shall be submitted to the Planning Division, and shall be accompanied by such drawings, sketches and descriptions as are necessary to describe the proposed development. An application shall not be deemed complete unless all information requested is provided and fees paid.

A project summary shall accompany the application when deemed necessary to describe special circumstances such as a request for a minor exception to a development standard or criteria. In addition, preliminary plans shall include the following, which may be combined, as appropriate onto one or more drawings:

A. SITE ANALYSIS: The site analysis will provide the basis for the proper design relationship of the proposed development to the site and to adjacent properties. The degree of detail in the analysis shall be appropriate to the scale of the proposal, or to special site features requiring careful design (see illustration). A site analysis plan shall include:

1. Vicinity map showing location of property in relation to adjacent properties, roads, pedestrian and bicycle ways, and utility access. Site features, manmade or natural, which cross property boundaries should also be shown.

2. A site description map at an approved engineering scale (e.g., 1" = 100'; 1" = 50', 1" = 20', or 1" = 10') showing parcel boundaries and gross area including the following elements, when applicable:

(a) Contour lines at the following minimum intervals:

(1) Two (2) foot intervals for slopes 0-20%

(2) Five (5) or ten (10) foot intervals for slopes exceeding 20%

(3) Identification of areas exceeding 30% slope

(b) Slope analysis showing portions of site according to slope ranges below:

(1) 0-10%
10-20%
20-30%
30-50%
50% +

- (2) Approximate area calculations shall be made for areas with more than 30% slope, using the above categories.
 - (3) In special areas, such as Open Space, a more detailed slope analysis may be required.
 - (4) Sources for slope analysis include maps located at City Hall.
- (c) Drainage, including adjacent lands.
 - (d) Potential natural hazard areas, including potential flood or high ground water, landslides, erosion, drainageways and weak foundation soils. An engineering geologic study may be required.
 - (e) Marsh or wetland areas, underground springs, wildlife habitat areas, wooded areas and surface features such as earth mounds, large rock outcroppings.
 - (f) Streams and stream corridor.
 - (g) Location of wooded areas, significant clumps or groves of trees, and specimen conifers, oaks and other large deciduous trees. Where the site is heavily wooded, an aerial photograph, not to exceed 1" = 400', may be submitted and only those trees that will be affected by the proposed development need be sited accurately.
 - (h) Noise sources.
 - (i) Sun and wind exposure (including solar access).
- B. Site Plan. The site plan shall be drawn at an approved engineering scale (e.g., 1" = 100', 1" = 50', 1" = 20' OR 1" = 10') and shall include the following:

1. The applicant's entire property and the surrounding area to a distance sufficient to determine the relationships between the applicant's property and proposed development and adjacent property and development.
2. Boundary lines and dimensions for the property and all proposed lot lines. Future building in phased developments shall be indicated.
3. Identification information, including names and addresses of project designers.
4. Natural features which will be utilized in the site plan.
5. Location, dimensions and names of all existing or platted streets or other public ways, easements, railroad rights-of-way, on or adjacent to the property; county limits, section lines and corners, and monuments.
6. The location of at least one protected temporary benchmark and spot elevations when needed.
7. Location and dimensions of all existing structures, improvements or utilities to remain, and structures to be removed; all drawn to scale.
8. Historic structures (City inventory).
9. Approximate location and size of storm water retention or detention facilities and storm drains.
10. Location and exterior dimensions of all proposed structures, and impervious surfaces.
11. Relation to transit, location and dimension of parking and loading areas, pedestrian and bicycle circulation, and related access ways. Individual parking spaces shall be shown.

12. Orientation of structures showing windows and doors, entrances and exits. Significant climate variables, including but not limited to, solar potential, wind direction and velocity.
 13. Lighting; specify type.
 14. Service areas for waste disposal, recycling, loading and delivery.
 15. Location of mail boxes.
- C. Grading Plan. A preliminary grading plan indicating where and to what extent grading will take place, including general contour lines, slope ratios, slope stabilization proposals and natural resource protection proposals consistent with the natural resource protection section of this ordinance.
- D. Architectural Drawings.
- a. Building elevations.
 - b. Building materials: color and type.
 - c. Floor plans.
- E. Landscape Plan. The landscape plan shall be at the same scale as the site plan. All identification information required on the site plan shall be shown on the landscaping and open space plan. It shall show:
1. Property and lot boundaries and rights-of-way.
 2. Structures and impervious surfaces including parking lots.
 3. General landscape development plan, including plant specifications keyed to plan map and including botanical names, common names, sizes, numbers, and methods of planting and maintenance as specified under the landscaping section of this ordinance and the location of existing plants and groups of plants proposed.
 4. Description of soil conditions and plans for soil treatment such as stockpiling of topsoil, addition of soil amendments, and plant selection requirements relating to soil conditions.

5. Erosion control, including plant materials and soil stabilization, if any.
6. Irrigation system (underground sprinklers or hose bibs).
7. Landscape-related structures such as fences, terraces, decks, patios, shelters, play areas, etc.
8. Boundaries of open space, recreation or reserved areas to remain, access to open space and any alterations proposed.
9. Location of pedestrian or bikeway circulation with landscaped area.

F. Signs.

1. Free-standing sign:

- a. Location of sign on site plan.
- b. Elevation of sign (indicate size, total height, height between bottom of sign and ground, color, materials, means of illumination).

2. On-building sign:

- a. Building elevation with location of sign (indicate size, color, materials and means of illumination).
- b. Plot plan showing location of signs on building in relation to adjoining property.

5.316

Filing Final Plans. Final development plans shall include the same information required for preliminary plans with any revisions and refinements, or changes as required for compliance or as specified by the SDRC to the applicant.

The required final plan submitted shall include the following information and plans and shall be labeled by staff as follows:

5.316 (continued)

SDR

- Exhibit A: Proposed schedule of development
- Exhibit B: Site Analysis and site description map
- Exhibit C: Site Plan
- Exhibit D: Final grading plan as required under Chapter 70 of the Oregon Building Code
- Exhibit E: Architectural drawings
- Exhibit F: Final landscape plans
- Exhibit G: Signs

5.317

Maintenance. All approved on-site improvements shall be the ongoing responsibility of the property owner or occupant. The owner, occupant, or agent shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free of refuse and debris. All plant growth in landscaped areas shall be controlled by pruning, trimming or otherwise so that:

- A. It will not interfere with the maintenance or repair of any public facility;
- B. It will not restrict pedestrian or vehicular access; and
- C. It will not constitute a traffic hazard because of reduced visibility.

5.318

Compliance.

- A. The development site shall be checked by the staff to ensure compliance with final approved plans prior to issuance of an occupancy permit.
- B. The development must be completed as per the approved final plans including landscaping and recreation areas before the occupancy permit is issued.

5.318 (continued)

SDR

C. It shall be the duty of the Building Official to enforce these regulations, and to assure that conditions of final development approval are carried out.

5.319 Appeal. The decision of the SDRC may be appealed by the applicant to the Planning Commission. An appeal must be filed within fifteen (15) days of the date of the letter of final action. Planning Commission action may be appealed to the City Council within fifteen (15) days of the date of final action by the Planning Commission.

5.41 HOME OCCUPATION IN A RESIDENTIAL DISTRICT

5.411 Purpose: The purpose of this section is to provide for occupations in residential districts in a manner that will ensure that they are utilized only as accessory uses incidental to the primary residential use of the premises upon which they are located. A home occupation permit may be granted under the Type II procedure, provided the use is not inconsistent with or disruptive to the normal residential usage of the premises or cause external effects which are detrimental to neighboring properties or are incompatible with the characteristics of the residential district.

5.412 Operational standards. Home occupations shall be limited to those activities which are customarily carried on within a dwelling, and which are operated entirely within the principal dwelling by a member of the family residing in the dwelling unit as a clearly secondary and incidental use of such a dwelling. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. No servant, employee or any person other than a member or members of the family residing within the dwelling shall engage in a home occupation therein.
- B. No dwelling shall be used as headquarters for the assembly of employees for instructions or other purposes such as being dispatched for work at other locations.
- C. The scale of operation shall be distinctly limited in nature and conducted primarily as a supplementary, and not principal, source of family income; or as an accommodation for a handicapped or retired person; or as a starter operation for a limited period only until its size or other characteristics compel relocation to an appropriate non-residential district.
- D. All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling.

- E. Any home occupation which causes abnormal automotive or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited.
- F. No significant enlargement or alteration to a dwelling for the sole purpose of conducting a home occupation shall be permitted.
- G. The premises shall at all times be maintained as residential in appearance, cleanliness and quietness.
- H. Dimensions, power rating or weight of such equipment and tools used in the conduct of a home occupation shall not exceed that of normal household equipment and tools.
- I. There shall be no exterior indication of the home occupation; no exterior signs shall be used; no other on-site advertising visible from the exterior shall be used which informs the public of the address of the home occupation.
- J. Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building.
- K. Customer and client contact shall be primarily by telephone, mail or in their homes and places of business and not on the premises of the home occupation. No sale of merchandise shall be made on the premises.
- L. An office for a physician or dentist is permitted primarily for emergency cases and as an accommodation for retired or part-time practitioners and not as a principal office for the practice of the profession.
- M. Retail activity shall be limited to the mail order type of business.
- N. No more than 20% of the gross floor area of the dwelling unit shall be used for the home occupation. Accessory buildings or yard space shall not be used for home occupation purposes.

5.412 (continued)

HOME OCCUPATION

- O. Daycare or nursery as permitted under this section shall have no more than 5 children and shall comply with state and county regulations for said activities in addition to the provisions of this ordinance.

5.413 Establishing and Maintaining a Home Occupation.

- A. No permit shall be issued by the Director until or unless the applicant has received the favorable approval, as indicated by signatures on the authorized application form, of owners or contract purchasers of not less than seventy-five percent of all property in the area bounded by lines one hundred and fifty feet, excluding street widths, from and parallel to the boundary lines of the lot proposed to contain each home occupation. Area of any property owned or occupied by the applicant shall be excluded in computing required percentage of approval.
- B. If, in the opinion of the applicant, the Director has acted arbitrarily and capriciously in withholding or revoking a permit for a home occupation, the applicant may request an interpretation of the ordinance by the Planning Commission. In such cases, the dwelling to be used for a home occupation shall be open for inspection to the staff or Planning Commission on any day between eight a.m. to ten p.m.
- C. The City shall not issue a business license until a home occupation permit is issued by the Director.
- D. Permits for home occupations may be revoked at any time if the requirements of this code are not being met.

5.51 ANNEXATION

5.510 Annexation Criteria. A proposal to annex territory to the City shall be conducted under the Type IV procedure with supplements or modifications required to comply with state law. When an annexation proposal has been initiated and the Director has determined the territory is eligible for annexation it shall be referred to the Planning Commission. The Commission shall base its recommendation on whether the following criteria have been met.

- A. The proposal conforms to the comprehensive plan or substantial changes in conditions have occurred which render the comprehensive plan inapplicable to the annexation.
- B. Inclusion of the territory within the City would be consistent with the purpose served by the City.

Although the City Council shall make affirmative findings on the two criteria if it proceeds with the annexation, proceedings may be terminated by the Council at any time.

5.512 Designation of Annexed Property. Territory annexed to the City shall remain subject to the land development regulations of the County until changed by the City. Such change may be entirely or partially carried out as a part of the annexation proceedings if included in the Type IV proceedings of the Council. Within thirty days after the effective date of annexation the Director shall report on any further steps that appear necessary to have the annexed territory fully subject to the provisions of this ordinance and shall initiate appropriate action to have those steps carried out. If the City Council finds it is important to the protection or implementation of City policies, interim regulations may be applied in the annexed area until more permanent action can be taken.

5.61 VACATION

5.610 Vacation Criteria. A proposal to vacate a street, plat, public square or other public place shall be conducted under the Type IV procedure with supplements or modifications required to comply with state law. The Planning Commission shall base its recommendation on whether the following criteria have been met.

- A. The proposal does not cause a conflict with the comprehensive plan.
- B. No street to be vacated will substantially reduce the market value of abutting property unless the owners of the property affected consent or provisions have been made to pay damages.
- C. The public interest will not be prejudiced by the vacation. The City Council shall make affirmative findings on the three criteria if it proceeds with a vacation under administrative rather than legislative proceedings. Proceedings may be terminated by the Council at any time.

5.620 Conditions Attached to a Vacation. The following reservation or conditions may be attached to the approval of a vacation.

- A. Retention of an easement for a public utility or other public service facility and limitations on the use of the area adjacent to such facility.
- B. Construction or removal of a public utility or other public service utility.
- C. Replatting of land in a subdivision to be vacated.
- D. Another matter of like or different nature related to any of the following:
 - 1. The area to be vacated.
 - 2. A remaining or relocated street area within or adjacent to the vacated property.
 - 3. An area dedicated or reserved as a condition to the vacation.

5.71 LEGISLATION

5.710 Legislative Action Under this Ordinance.

- A. The following are legislative actions under this ordinance.
1. An amendment to this ordinance.
 2. A zoning district change or a vacation action the City Council has designated as legislative after finding the matter at issue involves such a substantial area and number of property owners or such broad public policy changes that administrative processing would be inappropriate.
- B. Unless an emergency is declared by the City Council, legislative actions under this ordinance shall be considered only once in a twelve month period and may follow or be in conjunction with comprehensive plan amendment.
- C. A legislative action shall follow the Type IV procedure subject to the modifications and supplements of sections 5.710 to 5.735.

5.715 Legislative Hearing Notice. Notice of a hearing on a legislative decision under this ordinance need not include a mailing to property owners or posting of property where the matter at issue does not relate to a specific geographic area or where the area exceeds 2 acres and 2 separate ownerships. Where such mailing or posting is omitted, the Director shall prepare a notice program designed to reach persons believed to have a particular interest and to provide the general public with a reasonable opportunity to be aware of the hearings on the proposal.

5.720 Arguments on Policy. In addition to matters pertaining to compliance with criteria and consistency with the comprehensive plan, a person may provide information and opinion regarding the desirable policy of the City relevant to the proposed legislative matter.

LEGISLATION

- 5.725 Information at Planning Commission Hearing. The Planning Commission shall afford an interested person the opportunity to submit written recommendations and comments in advance of the hearing and this information shall be available for public inspection. At the hearing, written recommendations and other information will be received and oral statements will be permitted.
- 5.730 Planning Commission Recommendation. In preparing its recommendation the Planning Commission shall do the following:
- A. Identify the provisions of the comprehensive plan that govern the decision and prepare findings describing how the proposal complies or fails to comply with these plan provisions.
 - B. Review the nature of the proposal and describe whether the proposal warrants processing as a legislative matter.
 - C. State reasons for the recommendations and make the recommendations. Recommendations may include policy advice of the Planning Commission in addition to determinations described in (A) and (B) above.
- 5.735 City Council Legislative Action.
- A. The City Council may limit the nature of the information it will receive at the hearing and may establish separate rules for consideration of each of the following:
 - 1. Compliance with the plan.
 - 2. Appropriateness of the legislative process.
 - 3. Policy changes or refinements proposed.

- B. After confirming, amending or reversing the recommendations of the Planning Commission, the City Council may take any of the following steps.
1. Enact or defeat an ordinance on all or part of the proposal under consideration. In taking this step it shall not be necessary to segregate incidental results that might have been possible to accomplish by administrative action.
 2. If the ordinance is defeated but some or all of the proposal is found appropriate for administrative processing, either act on the matter by the appropriate administrative procedure or refer the matter to the Planning Commission for such action. Unless different notice would be required under the provisions of this ordinance for the Type II, III or IV administrative action, no further hearing is necessary for the City Council to take administrative action. If different notice is appropriate or if the matter is referred to the Planning Commission for a decision, an additional hearing shall be held.
 3. Refer some or all of the proposal back to the Planning Commission for further consideration. If such referral is subsequently returned, no further hearing need be conducted if the proposal is processed under the City procedure for ordinance enactment.

5.81 AMENDMENTS

5.810 Text and Map Amendments. A proposal to amend the Development Ordinance text or map may be initiated by the City Council, the Planning Commission or a property owner who files an application with the Planning Division.

Amending the Development Ordinance text or map shall be a Type III procedure if it is nonlegislative action, a Type IV procedure if it is legislative. Mailed notice of hearing shall include the owners of the property within 250 feet of the subject parcel or parcels when the proposed amendment is site-specific.

5.020 Text and Map Amendment Criteria. Approval of a Development Ordinance text or map amendment shall be based on finding that it complies with sections 1.040 and 1.050 and the following criteria:

- A. The amendment will not interfere with the livability, development or value of other land in the vicinity of site specific-proposals when weighed against the public interest in granting the proposed amendment.
- B. The amendment will not be detrimental to the general interests of the community.
- C. The amendment will not violate the land use designations established by the comprehensive land use plan and map or related text.
- D. The amendment will place all property similarly situated in the area in the same zoning designation or in appropriate complementary designations without creating inappropriate "spot zoning".

5.830 Limitation on Reapplication. No application of a property owner for a Development Ordinance text or map amendment shall be considered within the one-year period immediately following a denial of a request for the same property, except the hearing body may permit a new application upon making a determination that it is warranted because of new evidence or a change in circumstances.

AMENDMENTS

- 5.840 Effective Date of Text and Map Amendments. A Development Ordinance text or map amendment shall take effect thirty (30) days after the date of approval, unless appealed.
- 5.850 Updating the Zoning District Map. It shall be the responsibility of the Director to keep the Zoning District map and to make necessary alterations to keep it up-to-date and current. A copy of the map as adopted on or prior to the effective date of this ordinance shall be retained for reference. Alterations shall be made within ten (10) days of the effective date of an action authorized by this ordinance that alters a boundary of a zoning district or rezones a parcel or parcels. If a discrepancy is found between the map and a record of the action, the record of the action shall prevail.
- 5.860 Notice of Ordinance or Plan Amendments.
- A. If the Planning Commission recommends a legislative amendment, the City Council shall conduct a hearing. The hearing shall occur not less than forty-five (45) days after notice of the hearing and a copy of the proposal under consideration have been delivered to the Director of the State Department of Land Conservation and Development. The proposal shall contain the text and any supplemental information that City officials believe necessary to inform the Director of the effect of the proposal.
- B. Upon adoption of a legislative Development Ordinance text or map amendment or a Comprehensive Land Use Plan or map amendment, a copy of the text and/or map together with appropriate findings of fact and statements of reasons shall be mailed or otherwise submitted to the Director of the State Department of Land Conservation and Development within five working days after the City Council has taken final action, including adoption of any necessary documentation. If the adopted text differs in substance from the text and/or map submitted previously, the nature of the changes shall be described and submitted with the text.

- C. Participants in proceedings leading to a legislative land use plan or ordinance amendment who make a written request to receive notice shall be sent notice within five working days of the final decision. The notice shall include the date of the decision and describe the action taken and shall list procedures for reviewing and submitting written objections to the findings and/or decision made.

5.91

OTHER PERMIT AND ISSUE DETERMINATIONS

5.910

Accessory Structures In Required Yards.

- A. Building Permit Required. Accessory structures shall comply with the setback requirements for the main building except where specifically modified by this section. All accessory structures require a building permit unless exempt by Chapter three (3) of the Uniform Building Code (UBC).
- B. Regulatory Requirements. No accessory structure shall be erected or maintained and no existing accessory structure shall be structurally altered, converted, enlarged, moved or maintained unless such accessory structure is located on the lot in conformance with the following:
1. No accessory structure shall be located in a required front yard, nor shall an accessory structure be constructed on a lot which lacks a principal building.
 2. No accessory structure shall encroach on to an easement of record unless it is detached, portable and located behind the rear most line of the main building or a minimum of fifty-five (55) feet from the front property line, whichever is greater. Any such accessory structure may be located adjacent to a rear and/or side lot line not fronting on a street, when constructed in compliance with the Uniform Building Code. If detached and not portable, there shall be a minimum rear and side yard setback of five (5) feet. An accessory structure is considered detached if it is at least six (6) feet from any other building and has no physical attachment to any building.
 3. If an accessory structure is situated on a corner lot and detached from the main building there shall be a minimum street side yard setback of ten (10) feet except for accessory structures used for the storage of private vehicles. Accessory structures where private vehicles are stored and have the entrance from the street side yard a minimum street side yard setback of twenty (20) feet shall be required.

5.910 (continued)

ACCESSORY STRUCTURES

4. No accessory structure shall be attached to the main building unless constructed in accordance with the Building Code. An accessory structure is considered attached if it is less than six (6) feet to the main building.
5. No accessory structure built within a required yard shall exceed four hundred and fifty (450) square feet in area, nor shall such an accessory structure exceed one (1) story in height.
6. An attached accessory structure used for outdoor patio type living, solar activity, plant growth, etc., shall have a minimum rear yard setback of twelve (12) feet.

5.911 Projections Into Required Yards.

- A. Projecting building features: The following building features may project into the required front yard no more than five (5) feet and into the required side or rear yards no more than two and one-half (2 1/2) feet; but in no case shall any projection encroach on to a recorded easement:
- B. Architectural appendages, including but not limited to bay windows, planters, awnings, eaves or other similar features;
- C. Paved terraces, provided that these do not violate other requirements of this ordinance;
- D. Unroofed landings and stairs may project into required front and rear yards only;
- E. Open fire escapes, provided that these do not violate other requirements of this ordinance;
- F. Chimneys shall not project more than thirty inches into any required yard;

5.912 Other Projections. Except as provided in the LF district, projections extending vertically from permitted building and used, such as penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights,

5.912 (continued)

CLEAR VISION

windmills, towers, steeples, flagpoles, chimneys, smokestacks, radio and television aerials, water tanks, or similar structures may be erected above the height limitations herein proscribed, but no penthouse or roof structure or any space above the height limitation shall be allowed for the purpose of providing additional floor space. Such structures shall be located at least twenty (20) feet from any property line.

5.913 Clear Vision Areas.

- A. Except in the CBD District, a clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, on a driveway providing vehicular access to a public way, excluding alleys.
- B. On all corner lots, no vehicle, fence, wall, hedge, or other planting or structure shall be parked, erected, planted, placed, located or maintained above three (3) feet in height measured from the center line grade of the intersecting streets, except for occasional tree trunks or poles, so as to impede visibility within the sight triangle as defined and illustrated in Section 2.012 of the Development Standards document.
- C. Any obstruction maintained in violation of this section shall be deemed in violation of this ordinance and shall be abated pursuant to Section 10.230.

5.914 Fences And Windscreens.

- A. Fences.
 - 1. Fences on all property. All fences, except those under three (3) feet in height, require a building permit.
 - 2. Fences on Corner Lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersection streets, shall not exceed three (3) feet in height within the clear vision area.
 - 3. Fences in a Required Front Yard. The height of a fence or retaining wall in a

required front yard shall not exceed three (3) feet six (6) inches.

4. Fences - Side and Rear Yards. The height of a fence or retaining wall in a required side street, side or rear yard shall not exceed six feet.
 5. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence. Trees separated by at least fifteen (15) feet apart may grow to any height. Such trees shall be trimmed to a height of eleven (11) feet above a public way.
- B. Fence Regulations For Recreational Areas. Any recreational court may be enclosed by a wire fence not exceeding twelve feet in height provided that no part of the court fence is within twenty feet of any street.
- C. Swimming Pool Fences. A swimming pool, or other man-made outside body of water, which has a minimum depth of three and one-half feet shall be enclosed with a fence not less than four feet and not more than six feet in height. The fence shall not have any openings, holes or gaps therein larger than six inches square, except for doors or gates. The fence gates shall be equipped with a self-closing, self-latching device. A dwelling unit and/or accessory building can be used as part of the enclosure.
- D. Wire Fences.
1. Barbed wire fencing may be permitted for Agricultural, Community Service, Commercial or Industrial uses when the wire is employed on the top of any other type of fencing, and when the barbed wire is a minimum of six feet above the finished ground surface, and does not extend over a public way.
 2. No electrically charged or sharp pointed fencing (other than barbed wire fencing) shall be constructed or maintained within the city limits.

- E. Windscreens. A fencelike structure, not to exceed six (6) feet in height, on the north or east side of a residential building only, and used to reduce the wind velocity at exterior doors. The screen shall extend not more than eight (8) feet from the building line. Windscreens require a building permit.

Mobile Home Subdivisions and Planned Developments. A mobile home subdivision or planned development is intended for mobile homes on individual lots in exclusive mobile home subdivisions or planned developments.

- A. Establishment of a Mobile Home Subdivision or Planned Development. A mobile home subdivision or planned development may be established in an R-5 or R-4 residential district in accordance with the Type III land division procedure or the planned development procedure.
- B. Standards for Mobile Home Subdivisions and Planned Developments. In addition to the requirements of the zoning district in which the mobile home subdivision or planned development is located, the Type III land division procedure, the planned development procedure and the City's development standards, the mobile home subdivision or planned development must comply with the following standards:
1. The minimum site size for a mobile home subdivision or planned development shall be four (4) acres of contiguous buildable land.
 2. Each lot shall be adequately served by public facilities and services such as water, sewer, storm sewers, sidewalks and improved streets, including underground utilities, which meet the City's development standards.
 3. Street layout and design criteria and standards may require additional treatment or modification to improve the efficiency of land use or to avoid adverse impacts on adjoining property.

This shall not be construed as authority to waive street design standards to override the City's street layout or design requirements nor to deny the subdivision or planned development permit.

C. Approval of a Mobile Home Subdivision or Planned Development. An application for a mobile home subdivision or planned development shall be approved if the following requirements are met:

1. The request is for a minimum of four (4) contiguous buildable acres;
2. Adequate City sewer and water service is available;
3. Streets are extended and improved to City standards;
4. Runoff can be accommodated without causing damage to down-gradient properties; and
5. The request complies with the City's Comprehensive Plan, Development Ordinance and Development Standards.

D. Mobile Home Housing Unit Standards. Mobile homes permitted in mobile home subdivisions or planned developments shall comply with the following in addition to complying with other applicable installation standards:

1. The mobile home shall have been manufactured after June 15, 1976 and bear the necessary "Insignia of Compliance" indicating conformance with construction standards promulgated by the United States Department of Housing and Urban Development (HUD). No reconstruction or equipment installation shall have been made to the mobile home unless it has been approved by the Building Official.
2. Before installation, a mobile home shall be inspected by the Building Official and installation shall be approved only if the Building Official determines that the mobile home bears the HUD "Insignia of Compliance" with standards for mobile

home construction, notwithstanding any deterioration which may have occurred.

3. The mobile home shall be placed on a permanent concrete or concrete block foundation built in conformance with applicable codes and regulations. A continuous perimeter of skirting or facing shall be installed in accordance with applicable regulations and shall be composed of the same material and finish as the exterior of the home unless brick or concrete block skirting is used.
4. The minimum width of the mobile home shall be twenty (20) feet.
5. The towing tongue, axles, wheels and traveling lights shall be removed from the mobile home when installed or within thirty (30) days of delivery to site.
6. The roof shall be equipped with rain gutters and downspouts, have a minimum nominal slope of 3:12 (25%), and be covered with roofing materials commonly used for site-built houses.
7. The mobile home shall have siding material similar to that commonly used for site-built houses.
8. The mobile home shall be provided with at least two separate bedrooms, a kitchen having a sink, hot and cold running water, and at least one bathroom equipped with a water closet, lavatory and bathtub or shower.
9. The mobile home plumbing shall be connected to the public water supply and a public sewer.
10. The mobile home shall be owned by the owner of the lot on which it is placed.
11. If the mobile home is removed from its foundation, the owner shall within 30 days either replace the mobile home with another approved mobile home or remove the foundation, mobile home accessory

structures and other structures on the property and disconnect sewer, water and other utilities. If the owner fails to perform the work within the 30 days, the City may make the removal and disconnection and place a lien against the property for the cost of the work.

5.916

Mobile Home Parks. A single-family residential mobile home park is intended for mobile homes on separate spaces within a mobile home park. The purpose of these provisions is to extend the opportunity for low and moderately priced single-family homes, to ensure a high-quality living environment within mobile home parks, to ensure that mobile homes in mobile home parks are safe and durable, and to protect property values within and adjacent to mobile home parks.

A. Establishment of a Mobile Home Park. A mobile home park may be established as a conditional use in the Light Industrial (LI) and General Industrial (GI) districts. Mobile home parks must be approved in accordance with the conditional use provisions of this ordinance and all other applicable laws and regulations. A mobile home park shall be built to state standards in effect at the time of construction and shall comply with the following additional standards. The Planning Commission shall review and approve or deny all conditional use applications for mobile home parks. The Planning Commission shall find that all provisions of these regulations have been complied with prior to approving a conditional use application for a mobile home park.

1. Density. Mobile home density within mobile home parks shall not exceed ten (10) units per net acre.
2. Minimum site size. The minimum land area to establish a mobile home park shall be four (4) acres of contiguous buildable land.
3. If topographical or other barriers within the development do not provide adequate buffering between the mobile home park and adjacent development, the Planning Commission may require one or more of the following:

- a. Where the mobile home abuts a collector or arterial street or an existing or planned residential or non-residential area, the Planning Commission may require that a perimeter strip, no more than fifty (50) feet wide, be established along the abutting property line. Where a strip has been established, required building setbacks shall be measured from the nearest edge of the perimeter strip. Front and rear yards shall be 20 feet, side yards 7.5 feet, and mobile homes shall be separated by a distance of 15 foot minimum.
 - b. Where required above, the Planning Commission may specify that perimeter strips be landscaped to buffer and screen the mobile home from adjoining uses utilizing one of the following techniques.
 1. A three-foot (3') high earthen berm with seventy-five (75) percent of the area planted with evergreen and deciduous trees, shrubs, and ground cover arranged so as to achieve an effective sight and sound buffer of at least six (6) feet in height to screen the park at the time of completion.
 2. A six-foot (6') high decorative masonry wall and wooden fence, and a combination of evergreen and deciduous trees, shrubs, and ground cover arranged so as to achieve an effective sight and sound buffer to screen the park at time of completion.
 - c. All required landscaped areas shall comply with the general landscaping and vision clearance standards of this ordinance and the City's development standards.
4. Public facilities and services such as sewer, water, storm drainage, solid waste

disposal, electricity, natural gas, telephone and cable service shall be provided to the mobile home park spaces in accordance with applicable standards and regulations, including undergrounding.

5. Each mobile home space shall be provided with a mailbox, located on each mobile home space or in a central mail station designed as an integral part of the mobile home park, or in a decorative and functional stand containing clustered (4 or more) mailboxes located near the dwellings being served.
6. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park. A minimum of seventy-five (75) cubic feet of storage locker space shall be provided for each mobile home space. Lockers may be located on the mobile home space or in a central compound near the mobile home spaces being served.
7. If a mobile home space or permanent structure in the park is more than 500 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants within 500 feet of such space or structure. Each fire hydrant shall be located along a vehicular way and shall conform in design and capacity to those used elsewhere in the City.
8. 20% of the mobile home park area shall be reserved for open space. Streets, access drives and parking lots shall not be considered open space. Open space shall be landscaped and maintained according to plans approved by the City pursuant to the landscaping standards of this ordinance and the City's development standards.
9. 10% of the mobile home park area shall be reserved and developed for common recreation space or structure. Required perimeter setbacks areas, streets, access drives and parking lots shall not count towards meeting this requirement.

10. All accessory structures, including but not limited to carports, storage lockers, recreation and management buildings shall be designed to be consistent with the design theme of the mobile home park in general.
11. Solar access provisions of this ordinance shall apply to mobile home parks.
12. A system of sidewalks or pathways shall be installed linking all mobile homes, recreation areas, parking lots, and common buildings. This system may consist of conventional sidewalks paralleling the street, or an independent network of pathways. The system shall be linked with the sidewalks along perimeter streets bordering the mobile home park. The pedestrian access system shall be designed to minimize conflicts between pedestrians and vehicles. Where necessary, street crossing signs and signals shall be installed by the developer to ensure safe street crossings. The pedestrian pathways may be designed to accommodate emergency vehicles, provided that ordinary vehicular traffic is prohibited. Pedestrian pathways and sidewalks shall be paved with a durable all-weather surface no less than four (4) feet in width.
13. Vehicular Access. Access to mobile home parks shall be from abutting arterial or collector streets. No park entrance or exit shall be closer than one hundred (100) feet to any intersection of a public street. Access points shall be designed to encourage smooth traffic-flow with safe and controlled turning movements. Merging and turnout lanes and traffic dividers shall be required where existing or anticipated heavy traffic volumes indicate such a need. No mobile home space shall have direct vehicular access to a street bordering the park.
 - a. Internal roads and driveways shall be designed to provide safe and

convenient access to mobile home spaces and other facilities in the mobile home park for service and emergency vehicles, but shall not be designed as to encourage outside traffic to traverse the development.

- b. Clear vision areas shall be provided at all roadway and driveway intersections in accordance with the vision clearance standards of this ordinance.
- c. All interior roadways and drives shall be paved and maintained by the owner of the mobile home park in accordance with City standards.
- d. All interior roadways shall have minimum pavement width from curb-face to curb-face, with no provision for street parking, as follows:

<u>Park Size</u>	<u>Pavement Width</u>
Up to 24 spaces	24 feet
25-50 Spaces	28 feet
51 or more spaces	32 feet

- e. All corners shall have a minimum radius of twenty (20) feet.
 - f. Curbs shall be installed on both sides of interior roads.
 - g. Dead-end (cul-de-sac) streets shall serve no more than twelve (12) mobile home sites and have a minimum turn-around turning radius of thirty-five (35) feet.
14. Off Street Parking and Loading. Off-street parking and loading facilities shall be provided in accordance with the requirements of the City's Development Standards document (i.e. 2 parking spaces for each mobile home space plus 1 parking space for every 3 mobile home spaces).
- a. Required resident off-street parking spaces may be provided either on the mobile home space or in an off-street parking bay within one

- hundred (100) feet from the dwelling served.
- b. Guest parking shall be provided in off-street parking bays in close proximity to the dwelling units served.
 - c. Off-street parking shall be provided for all non-residential uses within the mobile home park at the rate provided for in the City's off-street parking standards. These parking spaces shall be provided within one hundred (100) feet of the non-residential use.
 - d. Recreational vehicles such as camping trailers, boats, campers, motor homes, and other such vehicles shall be parked or stored within an area specifically designated for such use and enclosed by a six-foot (6') high sight-obscuring wooden fence or decorative masonry wall with a gate.
 - e. Off-street loading bays and maneuvering areas shall be provided for all uses receiving delivery vehicles on a regular basis in conformance with City Standards.
 - f. Off-street parking and loading areas shall be designed and paved in accordance with City standards.
15. Signs. Park identification signs shall comply with the City sign regulations. In addition, the following standards apply:
- a. Each mobile home park shall provide one (1) sign immediately inside the main entrance identifying the location of all interior streets and drives, visitor parking areas, storage areas, all mobile home sites by number, and all other buildings and structures within the park, provided that the face of the sign does not exceed City standards, is

either backlighted or indirectly lighted, and designed to complement park design.

- b. Each mobile home site shall have a sign not larger than one (1) square foot identifying the number of the mobile home site.
- c. Traffic control signs shall be installed as required by the City.

B. Mobile Home Installation Standards.

- 1. Prior to the occupancy of any mobile home space, the owner of the mobile home park shall obtain a certificate of occupancy from the City.
- 2. Any mobile home placed within any mobile home established under this ordinance shall have been manufactured after June 15, 1976 and bear the Oregon Department of Commerce "Insignia of Compliance" indicating conformance with construction standards promulgated by the US Department of Housing and Urban Development (HUD). A mobile home built before June 15, 1976 may be permitted if the owner obtains certification from the Oregon Department of Commerce that the home conforms with the HUD construction standards.
- 3. Wheels shall be removed from the mobile home upon placement within a mobile home park. Hubs and axles may remain.
- 4. All mobile homes shall be skirted and tied down in accordance with state standards.
- 5. A mobile home shall have a minimum width of 10 feet and a minimum floor area of 400 square feet.

C. Mobile Home Park Maintenance. The mobile home park shall be maintained in a neat appearance at all times. Except for fully functioning vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park. All approved

on-site improvements shall be the ongoing responsibility of the owner of the park. The owner shall be responsible for the maintenance of all landscaping which shall be maintained in good condition in order to present a healthy, neat and orderly appearance that is free of refuse and debris.

5.917 Recreational Vehicle Parks and Campgrounds.
(Reserved)

5.918 Temporary Structures. Temporary structures in connection with the building or sale of homes or land may be permitted, provided a temporary permit is first obtained under the Type I procedure for a period not to exceed one year. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing.

5.919 Lot Line Adjustment.

A. The Director shall approve or deny an application for a lot line adjustment in writing based on the criteria stated below:

1. An additional lot or buildable lot is not created by the lot line adjustment and the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by that zoning district.
2. By reducing the lot size, the lot or structures on the lot will not be in violation of the site development regulations for that district.
3. If the applicant disagrees with the decision of the Director, an appeal may be filed no later than 10 days following the Director's decision.

B. Application submission requirements for a lot line adjustment shall be in accordance with the Type I procedure and the minor partitioning requirements (Section 5.201).

C. The application shall be filed by the lot owner(s) of record or authorized agent.

ARTICLE 6. PUBLIC DELIBERATIONS AND HEARINGS

6.010 Responsibility of Director for Hearings. The Director, subject to further direction from the governing body, shall provide for the following duties pertaining to a hearing, all in accordance with other provisions of this ordinance.

- A. Schedule and assign the matter for review and hearing.
- B. Conduct the correspondence of the hearing body.
- C. Give notice.
- D. Maintain a record and enter into the record relevant dates such as those of giving notice, hearings, postponement and continuances and a summary of action taken by the hearings body.
- E. Prepare minutes to include the decision on the matter heard and the reasons for the decision.
- F. Reduce the decisions of the hearings body to writing within a reasonable time.
- G. Mail a copy of the decision to a party requesting the same upon payment of a reasonable fee, if a fee has been established.

6.100 Notice of Hearing.

- A. Notice of a hearing shall be reasonably calculated to give actual notice and, other than for a legislative action under sections 5.710 to 5.735, shall contain the following information.
 1. The date, time and place of the hearing.
 2. A description reasonably calculated to inform a person of the location of the property for which a development permit or other action is pending, including but not limited to use of a map or postal address and a subdivision lot and block designation, a metes and bounds description or the tax map designation of the county assessor.

3. The nature of the issue up for hearing.
4. The interested parties that have standing to appear and be heard.
5. The sections of the ordinance that are pertinent to the hearing procedure.
6. Where information may be examined and when and how written comments addressing findings required for a decision by the hearing body may be submitted.
7. Where the application is made for a change of a zoning district classification and, at the discretion of the Director, information regarding the authority of the hearing body to consider alternative classifications.

6.110

Procedure for Mailed Notice. Unless otherwise provided, addresses for a mailed notice required by this ordinance shall be obtained from the County's real property tax records. Unless the address is on file with the Director, a person whose name is not in the tax records at the time of filing of an application, or of initiating other action not based on an application, need not be furnished mailed notice. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this ordinance for notice. In addition to persons to receive notice as required by the matter under consideration, the Director shall provide notice to others he has reason to believe are affected or otherwise represent an interest that may be affected by the proposed development.

6.115

Procedure for Posted or Published Notice.

- A. If posted notice is required, it shall be posted in at least two conspicuous places within the area containing affected property, and in additional places if the distance between notices exceeds 500 feet.
- B. If published notice is required, it shall be published in a newspaper of general circulation at least twice.

6.120 Time and Cost of Notice.

- A. Unless otherwise provided, notice shall be mailed, posted and first published not less than 10 nor more than 15 days prior to the hearing requiring the notice.
- B. Cost of initial notice shall be included in the development permit application fee.

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

6.220 Disqualification. Except for Type IV hearings conducted by the governing body, no member of a hearing body shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist.

- A. Any of the following have a direct or substantial financial interest in the proposal: the hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

6.220 (continued)

HEARINGS

- B. The member owns property within the area entitled to receive notice of the public hearing.
- C. The member has a direct private interest in the proposal.
- D. For any other valid reason, the member has determined that participation in the hearing and decision cannot be done in an impartial manner.

6.230

Participation by Interested Officers or Employees.

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

6.240

Ex Parte Contacts. Except for Type IV hearings conducted by the governing body, the general public has a right to have hearing body members free from prehearing or ex parte contacts on matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, hearing body members shall reveal any significant prehearing or ex parte contacts with regard to any matter at the commencement of the public hearing on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate or abstain in accordance with section 6.245.

6.245

Abstention or Disqualification. Except for Type IV hearings conducted by the governing body, disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of a hearing body present and voting. The member who is the subject of the motion for disqualification may not vote on the motion.

6.250 Rights of Disqualified Member of the Hearing Body.

- A. An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents personal interest at a hearing may do so only by abstaining from voting on the proposal, physically joining the audience and vacating the seat on the hearing body, and making full disclosure of his or her status and position at the time of addressing the hearing body.
- B. If all members of a hearing body abstain or are disqualified, all members present after stating their reasons for abstention or disqualification shall by so doing be requalified and proceed to resolve the issues.
- C. Except for Type IV hearings conducted by the governing body, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

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

- A. Mistakes in the original designation or provision.
- B. Change of conditions within the vicinity in which the development is proposed.

HEARINGS

6.400

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

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

F. When the hearing has ended, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

6.410 Decision. Following the hearing procedure described in section 6.400, the hearing body shall approve or deny the application or if the hearing is in the nature of an appeal, affirm, reverse or remand the decision that is on appeal. A decision on a hearing or an application for a development permit shall be made within 90 days of the application except that with the agreement of the hearing body and an applicant or appellant, the processing of a matter under consideration may be extended for a reasonable period of time as determined by the hearing body, but not to exceed six months from the date of the first hearing on the matter.

6.420 Findings and Order. The hearing body shall prepare findings of fact and an order which shall include:

- A. A statement of the applicable criteria and standards against which the proposal was tested, and of the hearing body's interpretation of what would be required to achieve compliance with the criteria and standards.
- B. A statement of the facts which the hearing body found establishing compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards.
- C. The reasons for a conclusion to approve or deny.
- D. The decision to deny or approve the proposed change with or without conditions.

6.430 Record of Proceedings. The secretary to the hearing body shall be present at each hearing and shall cause the proceedings to be recorded stenographically or electronically.

- A. Testimony shall be transcribed if required for judicial review or if ordered by the hearing body.

- B. The hearing body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or otherwise disposed of.
- C. The findings and order shall be included in the record.
- D. A person shall have access to the record of the proceeding at reasonable times, places and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

6.500

Request for Review.

- A. A decision on issuance of a development permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within 20 days of notice of the decision. The notice of appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the ordinance.
- B. A decision of the Planning Commission may be appealed to the City Council by an affected party by filing an appeal within 20 days of notice of the decision. The notice of appeal shall indicate the decision that is being appealed.
- C. At its discretion the hearing body may limit an appeal or review to a review of the record and a hearing for receipt of oral arguments regarding the record, or may accept new evidence and testimony. If new evidence is to be received, a hearing shall be conducted pursuant to this article.

6.505 Requirements of Notice of Appeal.

A. A notice of appeal shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision.
2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings.
3. The specific grounds relied upon for review.
4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in section 6.525(A).

6.515 Scope of Review. The reviewing body shall issue an order stating the scope of review on appeal to be one of the following:

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

6.520 Review on the Record.

- A. Unless otherwise provided for by the reviewing body, review of the decision on appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:
 1. A factual report prepared by the Director.
 2. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.

3. The transcript of the hearing below, if previously prepared; otherwise, a detailed summary of the evidence, but the details need not be set forth verbatim.
- B. The reviewing body shall make its decision based upon the record after first granting the right of argument but not the introduction of additional evidence to any party who has filed a notice of appeal.

6.525 Review Consisting of Additional Evidence or De Novo Review.

- A. The reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding de novo hearing if it is satisfied that the additional testimony or other evidence could not reasonably have been presented at the prior hearing. The reviewing body shall consider all of the following in making such a decision.
1. Prejudice to the parties.
 2. Convenience or availability of evidence at the time of the initial hearing.
 3. Surprise to opposing parties.
 4. The competency, relevancy and materiality of the proposed testimony or other evidence.
- B. "De novo hearing" shall mean a hearing by the review body as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.

6.530 Review Body Decision.

- A. Upon review, the review body may by order affirm, reverse or modify in whole or in part

a determination or requirement of the decision that is under review. When the review body modifies or renders a decision that reverses a decision of the hearing body, the review body, in its order, shall set forth its finding and state its reasons for taking the action encompassed in the order. When the review body elects to remand the matter back to the hearing body for such further consideration as it deems necessary, it shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify it.

- B. Action by the review body shall be decided by a majority vote of its members present at the meeting at which review as made and shall be taken either at that or any subsequent meeting. The review body shall render its decision no later than 90 days after the filing of the request for review and shall file that decision with the City custodian of records within 10 days after it is rendered.

Articles 7, 8 and 9
(Reserved)

ARTICLE 10. GENERAL PROVISIONS

- 10.010 Authorization of Similar Uses. The Planning Commission may rule that a use, not specifically named as a permitted or conditional use, shall be included if the use is of the same general type and is similar to the permitted or conditional uses. Authorization of similar uses shall be processed under the Type III procedure.
- 10.015 Maintenance of Ordinance Requirements. No lot area, yard, or other open space, required off-street parking or loading area or other site condition existing on or after the effective date of this ordinance shall be reduced in area, dimension or size below the minimum required by this ordinance, nor shall any site condition which is required by this ordinance for one development be used to meet a requirement for any other development except as authorized.
- 10.110 Bond or Cash Deposit. Before issuing or renewing a development permit when the applicant has an obligation to construct or improve public facilities to serve the development or to reclaim land such as that due to surface mining operations, the obligation shall either be fulfilled prior to the issuance of the development permit or the applicant shall be required to file with the City custodian of records an acknowledgment of the obligation. The acknowledgment shall contain the time within which it is to be met and a surety bond or cash or negotiable security deposit sufficient to cover the cost of the work as estimated by the Director of Community Services for the year fulfillment of the obligation is anticipated. The bond shall be conditioned upon the permittee carrying out the obligation and fulfilling the other requirements of this ordinance that bear on the approval of the development. The deposit or bond shall be forfeited to the City if the permittee does not fulfill the requirements. The bond or deposit shall remain in the custody of the City until the obligation is completed or the bond or deposit is forfeited, or shall be placed in an escrow account subject to City control.

GENERAL PROVISIONS

10.120 Noncompliance with Provisions Under Obligation.

- A. If the Director finds that a permittee is not fulfilling an obligation, the Director shall, in written notice to the permittee and the permittee's surety, specify the details of noncompliance. Unless the Director allows more time for compliance because of circumstances beyond the permittee's control, within 30 days after receiving the notice, the permittee or the permittee's surety shall commence the compliance and proceed diligently to complete fulfillment of the obligation.
- B. If the permittee or the permittee's surety does not commence the compliance within the 30 days or the additional time allowed by the Director, or has so commenced but fails diligently to complete the compliance, or the compliance is otherwise not completed within the time specified in granting the development permit, the City may take the following action:
1. Enter upon the site of the development and carry out the obligation in accordance with the provisions agreed upon under the acknowledgment.
 2. Notify the permittee and the permittee's surety of the permittee's failure to perform as required by this ordinance.
 3. Demand payment from the permittee for the unfulfilled obligation.
 4. If the security for the obligation is a bond, notify the surety that has furnished the bond that reimbursement for the expense for fulfillment of the obligation is due and payable to the City or, if the security is a deposit of cash or other assets, appropriate as much of the deposit as is necessary to recoup the expense.

10.120

(continued)

GENERAL PROVISIONS

- C. If a bond or other security required by section 10.110 is not sufficient to compensate the City for expenses necessary to fulfill the obligation, the amount due to the City for the obligation is a lien in favor of the City and upon the entire contiguous real property of the owner of the land subject to the obligation.
- D. The lien attaches upon the filing with the City recorder of notice of the claim for the amount due for the fulfillment of the obligation. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the expense of the fulfillment of the obligation, and allege the permittee's failure to do the required obligation.
- E. The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property.

10.150

Adjusting Bond or Deposit for Future Obligation.

- A. In the case of an obligation to perform at a future date, such as a surface mining reclamation obligation, the amount of bond or deposit shall be adjusted annually to reflect changing estimates of the costs of fulfilling the obligation.
- B. Where the City carries out the obligation because the permittee has failed to do so under section 10.120, the City may expend funds only to the extent necessary to complete the obligation. If the amount specified in the notice to the surety is not paid within 30 days after that notice is given the surety, the City shall institute proceedings to recover the amount.
- C. A lien created under this section is prior to all other liens and encumbrances, except that the lien has equal priority with tax liens.

10.180

Fees and Deposits. Fees and deposits shall be set and adjusted by City Council resolution.

10.180 (continued)

GENERAL PROVISIONS

10.210 Interpretation. Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

10.220 Severability. The provisions of this ordinance are severable. If any section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

10.230 Abatement and Penalty.

A. A person violating a provision of this ordinance shall be subject to a fine of not less than \$500 nor more than \$1,000. A violation shall be considered a separate violation for each day it continues.

B. A development in violation of this ordinance or the use of a development in violation of this ordinance shall constitute a nuisance. The City may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the development or use in violation.

10.240 Repeal. Except for purposes of sections 5.152 and 5.154, Ordinances No. 271 and 272 are repealed.