

**1 CITY OF MONMOUTH**

**ORDINANCE NO. 944**

## **ZONING & DEVELOPMENT ORDINANCE**

**City of Monmouth  
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**The contents of this document do not necessarily reflect views or policies of the State of Oregon.**



**ORDINANCE NO. 944**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE ZONING ORDINANCE.**

**WHEREAS**, the Monmouth Planning Commission, with the assistance of staff, has reviewed the Monmouth Zoning Ordinance and found certain changes and corrections to be warranted and advisable; and

**WHEREAS**, the Monmouth City Council accepts the recommendation of the Planning Commission;

**NOW THEREFORE,**

**The City of Monmouth City Council ordains as follows:**

**Section 1.** That the Monmouth Zoning Ordinance, as amended, be adopted in the form and as set forth in the copy attached hereto and incorporated herein.

**Section 2.** That all existing and prior versions of the Monmouth Zoning Ordinance are hereby repealed and the provisions of the Zoning Ordinance as ordained herein shall be substituted therefore.

Passed by the Council and approved by the Mayor July 3, 1984.

**CITY OF MONMOUTH**

**Chapter 91 Monmouth City Code**

**Zoning & Development Ordinance**

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**SUBCHAPTER 10**  
**GENERAL PROVISIONS**

**10.005 Title.** This Ordinance shall be known as the Monmouth Zoning Ordinance.

**10.010 Purpose.** The purpose of this Ordinance is to provide procedures for dividing the City of Monmouth into zones and to provide requirements governing the use of land within those zones. Such zones shall be established in accordance with a comprehensive plan and shall be designed to implement that plan.

**10.015 Authority.** This Zoning and Development Ordinance is established under the provisions of the Oregon Revised Statutes, Chapter 227.

**10.018 Construction.** As used in this Zoning and Development Ordinance, the masculine includes feminine and neuter and the singular includes the plural. The particular controls the general. The word "shall" is mandatory, and the word "may" is permissive.

**10.020 Compliance With Zoning Ordinance.** Land may be used only as this Ordinance permits. A structure or part of a structure may be constructed, erected, enlarged, or used only as this Ordinance permits.

**10.025 Zone Designations.** The City of Monmouth is hereby divided into zones. The zones established by this Ordinance shall be as follows:

- A. Low-Density Residential (RS) Zone
- B. Medium Density Residential (RM) Zone
- C. High Density Residential (RH) Zone
- D. Commercial Office (CO) Zone
- E. Commercial Highway (CH) Zone
- F. Commercial Retail (CR) Zone
- G. Commercial Retail Transitional (CRT) Zone
- H. Industrial Park (IP) Zone
- I. Public Services (PS) Zone
- J. Public Service College (PSC) Zone
- K. Flood Plain Overlay Zone (FP)

L. Mixed Density Residential Zone (MX)

M. Main Street District (MS)

N. Light Industrial (IL) Zone

### **10.030 Official Zoning Map.**

A. The boundaries for each zone listed in this Ordinance shall be identified on the official zoning map of the City of Monmouth, hereby adopted as Exhibit A.

B. The official zoning map shall be dated with the effective date of this Ordinance and signed by the Mayor. The City Planner shall maintain the official zoning map.

C. Whenever any uncertainty exists as to the boundary of a district shown on the official zoning map, the following regulations shall apply:

1. Where a boundary line is shown as following a street or alley, it shall be construed to follow the centerline of such right-of-way;
2. Where a boundary line follows or coincides with a lot or property ownership line, it shall be construed to follow such lines;
3. Where a boundary line is now shown as following or approximately coinciding with a street, alley, lot line, or property ownership line, the boundary line shall be determined by the use of the scale shown on the official zoning map;
4. Where a boundary line coincides with a City limits line, the district boundary shall be construed as following the City limits.
5. Zoning map amendments shall be made by the City Planner or an authorized representative with the authorization of the Mayor and City Council pursuant to the provisions of this Ordinance. All map amendments shall refer to the date and ordinance number authorizing such change.

**10.035 Administration.** The City shall have the power and duty to administer the provisions of this Ordinance. An appeal from a ruling of the City Planner may be made to the Planning Commission. Such an appeal shall be submitted on forms provided by the City and accompanied by the appropriate fee and must be received by the City within twelve (12) days of the action of the City Planner.

**10.040 Amendment of Zoning Ordinance.** Any amendment of the text of this Zoning Ordinance shall be accomplished by ordinance of the City Council. Proposals for such amendments shall be submitted to the Planning Commission for public hearing. The Planning Commission shall submit to the City Council its written recommendation regarding amendment. Such recommendation shall be submitted to the City Council within 30 days of the Planning Commission's action of the proposed amendment.



### **10.045 Planning Commission.**

A. The Planning Commission shall have the power and the duty to hear and act upon requests for comprehensive plan amendments, zone changes, conditional uses, planned unit developments, manufactured dwelling parks, variances and certain site plan reviews in accordance with the procedures set forth in this Ordinance, and Ordinance 866, Site Plan Review.

B. The City Planner and Planning Commission shall have the power and duty to interpret this Ordinance.

1. When, in the administration of this Ordinance, there is doubt regarding the intent of the Ordinance, the City Planner may issue an interpretation of the Ordinance if they first determine that such interpretation is within their power and is not a legislative act. Any interpretation of the Ordinance shall be based on the following:

a. The purpose and intent of the Ordinance as applied to the particular section and question;

b. The opinion of the City Attorney when requested by the City Planner.

2. The City Planner may decide that the interpretation of the question is not within their power or that there is insufficient basis upon which to make an interpretation and may, when necessary, propose an amendment to the Ordinance.

3. Any interpretation shall be forwarded within 30 days to the Planning Commission for its information. When such interpretation is of general public interest, copies of such interpretation shall be made available for public distribution, when so directed by the City Planner.

**10.050 Similar Uses.** The Planning Commission may permit, either outright or by conditional use permit, in any zone any use not described or listed in this Ordinance for any other zone if, in the opinion of the Commission, the requested use is of the same general type as and is similar to the uses permitted in that zone. Such review and permission shall be made in the same manner as other interpretations of this Ordinance.

### **10.055 Nonconforming Uses.**

A. Within the zones established by this Ordinance or amendments to it, there may exist lots, parcels, structures, uses and activities which were lawful prior to the adoption of this Ordinance but which are prohibited or restricted under these more recent regulations. It is the intent of this section that such pre-existing nonconforming lots, parcels, structures, uses and activities shall be permitted to continue until they are removed or abandoned. Such nonconformities, however, are declared by this section to be incompatible with the uses and activities permitted in the same zone under this Ordinance; their continued existence is not encouraged, and they shall not be enlarged or extended beyond the area, size, or scope of activity that existed at the time they became nonconforming. Continuation or expansion of manufactured dwelling parks shall be governed by the provisions of Chapter 61 of this Ordinance.

B. The City Planner shall authorize restoration or replacement of a lawful, nonconforming structure when restoration or replacement is made necessary by fire, casualty, or natural disaster, provided the physical restoration or replacement is lawfully commenced within one (1) year of the damage or destruction.

C. If a pre-existing nonconforming use, activity, or structure has been abandoned or discontinued for a period of twelve (12) consecutive months or more, any subsequent use of the property shall comply with the provisions of the zone affecting that property.

D. The City Planner shall authorize restoration or replacement of the building(s) associated with a lawful, nonconforming use when restoration or replacement is made necessary by fire, casualty, or natural disaster, provided the physical restoration or replacement is lawfully commenced within one (1) year of the damage or destruction.

**10.060 Interpretation.** The provisions of this Ordinance shall be held to be the minimum requirements fulfilling the Ordinance's objectives. In the event that some of the requirements imposed by this Ordinance are less restrictive than comparable requirements imposed by any other provisions of this Ordinance or any other ordinance, resolution, or regulation, the requirements that are more restrictive shall govern.

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

**10.070 Enforcement.** The violation of any provision of this chapter is punishable upon conviction by a fine not to exceed \$500. Each day the violation continues shall constitute a separate violation.

**10.075 Zoning of Annexed Areas.** Zoning regulations applicable to an area prior to its annexation to Monmouth shall continue to apply and shall be enforced by the City until the City Council changes the zoning. The Planning Commission shall investigate thoroughly and expeditiously the annexed property and recommend the appropriate zone to the City Council for adoption.

**10.080 Fees.**

A. Fees shall be required for the following applications in order to process such applications:

1. Zone Change
2. Variance
3. Conditional Use
4. Planned Unit Development
5. Manufactured Dwelling Park
6. Plan Amendment
7. Site Plan Review

8. Design Review
9. Partition – Major and Minor
10. Subdivision
11. Expedited Land Division
12. Lot Line Adjustment
13. Floodplain Development Permit
14. Annexation
15. Appeal of a Planning Commission decision
16. Historic Site Review
17. Time extension of an approved land use action

B. The amount of the fees for the applications listed above shall be established by order of the City Council. A list describing such fees shall be posted and maintained in City Hall.

C. All fees shall be nonrefundable except in cases when the processing of an application ceases before the incurring of any substantial expenses for typing, mailing, site inspection or other work by the City's staff. Refunds shall be made at the discretion of the City Manager.

D. When an application is filed for two (2) or more actions at the same time and for the same property, only the single highest fee shall be charged.

**10.085 Words and Phrases.** For the purposes of this Ordinance, words used in the present tense shall include the future tense. Use of the masculine gender includes the feminine gender. Use of the singular number shall include the plural as the context may require. The word "shall" indicates a mandatory action. The term "this Ordinance" shall include all subsequent amendments of the Ordinance. The term "lot" shall include the word "parcel."

### **10.090 Public Facility Improvement Requirements.**

A. The Building Official shall not issue any required building permit for any proposed construction, reconstruction, or development for which the public facilities serving such development are not fully improved to current City standards. Public facilities include streets, sidewalks, curbs, storm drains, sanitary sewers, water mains, electrical lines and any necessary rights of way.

B. Current City standards shall be established by the Director of Public Works based upon the requirements of the subdivision and partitioning subchapters and upon water, sewer, street and/or electric or other master plans adopted by the City Council. Such standards shall be kept current and available, and shall establish both design and construction requirements.

C. At the City's option, the requirements of this section may be met in any one (1) of four (4) ways:

1. By the actual installation of the required improvement(s) by the building permit applicant;
2. By the formation of a local improvement district, or districts, to complete the required improvements;
3. By the signing of an Improvement Agreement between the applicant and the City, signed by the City Council and secured by a performance bond as provided for in this Ordinance Subchapter 77.180 or,

D. By the signing by the applicant of a temporary service agreement and waiver of remonstrance against the formation of a local improvement district to construct the required public facilities. Such waiver shall be signed by all persons with an interest of record in the property being developed and shall be binding upon their successors in title.

These requirements are intended to apply to any new construction or development, and to any reconstruction or change in use of property, which may increase the demand on public facilities. Such increases may include, for example, higher traffic volumes, greater truck traffic, greater storm run-off volumes, larger wastewater flows, higher water or fire flows, or greater electrical loads.

Decisions of the, Director of Public Works, City Manager or Planning Commission relating to public facility improvement requirements may be appealed directly to the City Council as provided in Subchapter 11, Section 11.045.

### **10.100 Screening and Landscaping Requirements.**

A. The following land uses or activities shall be screened and landscaped in accordance with the specific requirements below:

1. parking areas of over ten (10) spaces
2. refuse containers or areas
3. outdoor swimming pools

B. In applying these screening and landscaping standards the Planning Commission shall be guided by the need to protect the public and adjacent land uses from objectionable noise, dust, odors, erosion, heat glare, unsafe or unsanitary conditions. All required screening shall comply with Subsection 75.055 of the Monmouth Zoning & Development Ordinance pertaining to view obstructions.

C. The requirements for screening parking and refuse areas shall not apply to single-family residential uses or to two-family (duplex) uses. The requirements for screening and protecting swimming pools shall apply to all outdoor swimming pools whether public or private in any land use zone within the City.

### **10.110 Specific Requirements for Certain Land Uses.**

A. Parking Areas. Screening of parking areas serving more than ten (10) vehicles is required as follows:

1. Parking areas shall include special design features, which effectively screen these areas from view. Such design features may include landscaped berms, decorative walls or raised planters.
2. Landscape planters may be used to define or screen off-street parking areas from the public right-of-way.
3. Materials used shall achieve a balance between low growing and vertical shrubbery and trees.
4. Trees shall be planted in landscaped islands in all parking areas and shall be uniformly distributed at a rate of one (1) tree for each seven (7) spaces, or fraction thereof, to achieve a canopy effect.
5. The minimum dimension of landscaped islands shall be three (3) feet and plant materials shall be protected from vehicular damage by wheel guards or curbs.

B. Refuse Containers or Areas. Any refuse container or disposal area, which would be visible from a public street or right-of-way, shall be screened from view by placement of a solid screen (e.g., wood fence, masonry or stone wall) not less than five (5) feet in height. Fences shall not exceed seven (7) feet in height. All refuse material shall be contained within the screened area.

C. Outdoor Swimming Pools. All swimming pools having a depth of two (2) feet or more shall be enclosed by a fence, preventing passage, having a minimum height of four (4) feet. Fences shall have a self-latching gate.

D. Compliance. The requirements stated in Section A, Parking Lots, shall pertain only to new parking lots developed after the passage of this Ordinance. The requirements stated in Section B, Refuse Containers or Areas; and C, Outdoor Swimming Pools, shall apply to existing refuse containers and areas and to existing outdoor swimming pools. All applicable screening and landscaping requirements shall be met within one (1) year from the effective date of this Ordinance.

**SUBCHAPTER 11**  
**LAND USE ACTIONS**

**11.002 Application Types and Review Procedures.**

All development permits and land use actions are processed under the City's administrative procedures. There are four (4) types of actions, each with its own procedures.

**A. Type I Action**

A Type I action is a ministerial action, reviewed by staff, based on clear and objective standards. Clear and objective conditions may be placed on the decision. The notice of the decision is sent to the applicant and any interested party who requests a copy of the decision. Appeal is to the Planning Commission. The following actions are processed under the Type I procedure:

1. Site Plan Review (review conducted by Site Plan Review Committee)
2. Floodplain Development Permit
3. Lot Line Adjustment
4. Minor Partition
5. Home Occupation
6. Design Review

**B. Type II Action**

A Type II action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Public notice is provided pursuant to Section 11.025 of this Ordinance. A public hearing is required for Type II actions unless otherwise specified. Appeal of a Type II decision is to the City Council. The following actions are processed under the Type II procedure:

1. Variance
2. Conditional Use Permit
3. Planned Unit Development
4. Major Partition
5. Subdivision
6. Expedited Land Division

## 7. Historic Landmark Designation.

### C. Type III Action

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards, and makes the final, local decision. The Planning Commission plays an advisory role. Public notice is provided and, except as noted in subsection (4), public hearings are held before both the Planning Commission and City Council. Section 11.025 lists the notice requirements and Section 11.030 describes the hearing procedures. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure:

1. Zone Change
2. Comprehensive Plan Map Amendment

### D. Type IV Action

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties may request a Type IV action; however, it must be initiated by the Planning Commission, or City Council. The City Council makes the final, local decision. Section 11.025 lists the notice requirements and Section 11.030 describes the hearing procedures.

1. Amendments and Revisions of the Comprehensive Plan
2. City Plan Document Adoption, e.g. Water System Plan
3. Zoning Code Amendments

**11.005 Application for Land Use Actions.** Applications for all land use actions as defined in this Ordinance shall be filed with the City Planner. An application shall be submitted in writing on the form provided by the City Planner and shall include the following:

- A. Name, address and telephone number of the applicant;
- B. Name, address and telephone number, and signature of the owner of the record of the subject property;
- C. Name, address and telephone number, and signature of any agent acting on behalf of the applicant;
- D. Township, range, section, and tax lot number of the subject property;
- E. A legal description of the property (for zone change and Comprehensive Plan Map Amendment applications only);
- F. A list of all property owners of record within the notification area of the subject property;

G. A map showing all properties within the notification area and any other information pertinent to the request;

H. The fee for the land use action, as determined by order of the City Council;

I. Other information required by this Ordinance or deemed necessary by the City Planner or Planning Commission.

**11.010 Persons Who May Apply for a Land Use Action.** An application for a land use action may be filed by any of the following:

A. The owner of record of the property that is the subject of the request;

B. A contract purchaser of the subject property, provided that a written statement of the owner of record's consent to the request accompanies the application;

C. A lessee of the subject property, provided that a written statement of the owner of record's consent to the request accompanies the applications; or

D. The agent of any of the above persons. A written statement of the owner of record's consent to the request and a written statement that the agent is authorized to act on behalf of the applicant must accompany any application made by an agent.

**11.015 General Provisions.** In order to provide for citizen review of the planning process and the orderly keeping of records of actions relating to this Ordinance, the City shall ensure that the following measures are maintained and available for public review.

A. City staff shall prepare a written report relating to all applications and actions pursuant to this Ordinance.

B. The City shall maintain a record of all actions taken pursuant to this Ordinance. The record shall include the required application materials, any exhibits presented to the decision-making bodies, findings for approval or denial, conditions of approval, and any other materials that may have a bearing on the decision.

C. Citizen and Agency Involvement. The City shall provide opportunities for public and agency input in the planning process. The City shall give notice to: (1) the Oregon Department of Transportation (ODOT) regarding any proposed land use action within 250 feet of a State transportation facility and (2) the public works department of any jurisdictions (for example, Polk County), when any action by the City could potentially affect another jurisdiction's transportation facilities.

Information conveyed to reviewing agencies and jurisdictions shall include the project location, proposed land use action, and the location of project access points.

D. Ministerial Actions – Type I. This subsection establishes the procedures to be followed in Type I actions. Applications subject to ministerial review shall be reviewed and decided by the City Planner.



1. Initiation: An application may be submitted by the property owner, contract purchaser or an authorized agent of the owner or contract purchaser.
2. Completeness: Upon receipt of an application for a development permit, the City staff shall review the application for completeness with respect to the submission requirements of this Ordinance. If the application is incomplete, staff shall notify the applicant of exactly what information is missing within 30 days of the receipt of the application, and allow the applicant to submit the missing information. The application shall not be acted upon until:
  - a. All necessary information is received and the application is deemed complete; or
  - b. Should the applicant refuse or fail to submit the missing information, the application will be deemed complete, for the purpose of acting on the application, on the 31st day after the original submission. Incompleteness of an application may be grounds for denial.
3. Information submitted to the City after the date the application is deemed complete that results in a substantial change from the original application shall authorize review as a new application. The City Planner shall determine whether a submission constitutes a substantial change from the original application.
4. Notice of the application will be sent to interested agencies such as city departments, school district, utility companies, and applicable state agencies.
5. Notice of the application will be sent to adjacent property owners within 250 feet of the subject property. Adjacent property owners will have fourteen (14) days to respond with written comments prior to issuance of a decision.
6. If the staff finds that the facts of the particular case require interpretation of existing standards, then the application shall be forwarded to the Planning Commission for review. The procedures for conducting the public hearing shall comply with the standards in Section 11.030.
7. Within 30 days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance.
8. Written notice of any Type I decision shall be mailed to the applicant and any adjacent property owner or interested party that requested a copy of the decision.
9. A Type I land use decision may be appealed to the Planning Commission by the applicant or other interested party. The appeal shall be filed within twelve (12) days from the date of the decision, pursuant to the provisions of Section 11.045.

10. The timing requirements established in this subsection are intended to allow a final action, including resolution of any appeals, within 120 days from the date the City deems the application complete. If for any reason it appears that such final action may not be completed within the 120-day period, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance.

- a. The City staff shall notify the City Council of the time conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120-day period.
- b. Public notice shall be mailed to affected parties as specified in this section.
- c. The City Council shall hold a public hearing on the specified date and render a decision approving or denying the request within the 120-day period. Such action shall be the final action by the City on the application.

E. Quasi-Judicial Actions. This subsection establishes the procedures to be followed in Type II and Type III land use actions.

1. The City Planner shall examine each application to ascertain if the appropriate form has been completed, if the appropriate fee has been paid, and if all required documents and information have been submitted. If the application is found to be complete, the City Planner shall schedule a public hearing before the Planning Commission.
2. If the application for a land use action is incomplete, the City shall notify the applicant of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt of the missing information.
3. Should the applicant refuse or fail to submit the missing information, the application will be deemed complete, for the purpose of acting on the application, on the 31st day after the original submission. Incompleteness of an application may be grounds for denial.
4. Information submitted to the City after the date the application is deemed complete that results in a substantial change from the original application shall authorize review as a new application. The City shall determine whether a submission constitutes a substantial change from the original application.
5. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

6. **Combination of Review Procedures:** Applications for more than one quasi-judicial land use action for the same property may, at the applicant's discretion, be combined and heard or reviewed concurrently.

7. **Application Review:** Type II and Type III, quasi-judicial applications shall be heard by the Planning Commission at a public hearing conducted in accordance with the provisions of Section 11.030. Type III actions also require a second public hearing before the City Council.

8. **Review Standards:** If an application for a quasi-judicial land use action was complete when first submitted, or if the applicant submits the requested additional information within 180 days of the original submittal date, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

9. **Written notice for all Type II and Type III decisions** shall be sent to the applicant, adjacent property owners within 250 feet of the subject property, and all individuals who have in writing requested notice of the decision. Notice shall specify findings justifying the approval or denial of the request and any applicable conditions of approval.

10. A Type II land use decision of the Planning Commission may be appealed to the City Council, pursuant to the provisions of Section 11.045. A Type II or Type III decision of the City Council may be appealed to the Land Use Board of Appeals (LUBA).

11. The timing requirements established in this subsection are intended to allow a final action, including resolution of any appeals, within 120 days from the date the application is deemed complete. If for any reason it appears that such final action may not be completed within the 120-day period, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance.

a. City staff shall notify the City Council of the time conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120-day period.

b. Public notice shall be mailed to affected parties as specified in this section.

c. The City Council shall hold a public hearing on the specified date and render a decision approving or denying the request within the 120-day period. Such action shall be the final action by the City on the application.

12. **Conditions of Approval:** Approvals of any quasi-judicial action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:

a. Conditions shall be designed to protect public health, safety and general welfare. Conditions shall be related to the following:

i. Protection of the public from the potentially deleterious effects of the proposed use; or

ii. Fulfillment of the need for public service demands created by the proposed use.

b. Changes or alterations of conditions shall be processed consistent with the level of review provided for the original approval.

c. Whenever practical, all conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information that demonstrates to the satisfaction of the Planning Commission that it is not practical to fulfill all conditions prior to issuance of such permit, the Planning Commission may require a performance guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.

F. Legislative Actions. This subsection establishes the procedures to be followed by the City in the consideration of Type IV land use actions.

1. Initiation: A Type IV, legislative land use action may be initiated by a majority vote of either the Planning Commission or the City Council.

2. Procedures: Legislative land use actions shall be heard by the Planning Commission at a public hearing conducted in accordance with the provisions of Section 11.030. Public notice shall be in accordance with the procedures set forth in Section 11.025. The Planning Commission may continue any meeting in order to make a reasonable recommendation to the City Council. Following Planning Commission action, the City Council shall hold a public hearing to consider the Planning Commission's recommendation on proposed amendments pursuant to the notification requirements Section 11.025 and the hearing procedures of Section 11.030.

## **11.025 Notice for Public Hearings.**

Whenever a quasi-judicial public hearing (Type II or Type III) is required under this Ordinance, the City Planner shall give notice of all public hearings before the Planning Commission or the City Council in the following manner:

A. Notice of public hearing on a land use action shall be sent by first class mail to all property owners of record within 250 feet of the property. For Type II actions, such notice shall be sent 20 days before the hearing. For Type III actions, such notice shall be sent at least ten (10) days prior to the date of the first hearing. Notice shall also be provided to any neighborhood or community organization recognized by the City and whose boundaries include the site.

B. The failure of any property owner of record within the notification area to receive such notice shall not affect the validity of any subsequent hearing or proceedings. Notice of the public hearing shall indicate the following:

1. Explain the nature of the application and the proposed use or uses, which could be authorized;
2. List the applicable criteria from the Zoning and Development Ordinance and the Comprehensive Plan that apply to the application at issue;
3. Set forth the street address or other easily understood geographical reference to the subject property;
4. State the date, time and location of the hearing;
5. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the land use board of appeals based on that issue;
6. Include the name of a City representative to contact and the telephone number where additional information may be obtained;
7. State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
8. State that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost;
9. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings and;
10. State that failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court.

C. At least one (1) sign shall be posted on the subject property or on a public right-of-way adjoining the property. Such a sign shall be placed so that it can be seen readily and shall face a public street if the subject property adjoins a public street. Such a sign shall have an area of at

least 90 square inches and shall bear the words "Notice of Public Hearing Affecting This Area" in letters at least one (1) inch high. Such a sign shall be provided by the City to the applicant at the time the application is received. It shall be the responsibility of the applicant to post such a sign at least ten (10) days prior to the public hearing and during the appeal period following the public hearing. The applicant shall remove such sign at the conclusion of the appeal period.

D. Legislative Hearings (Type IV). Notice of Public Hearing by the Planning Commission or City Council relating to any legislative action shall be published in a newspaper of general circulation a minimum of ten (10) days prior to the date of the hearing. Notice shall be provided to the Department of Land Conservation and Development (DLCD) as provided under Oregon Revised Statutes (ORS).

E. The requirements for public notice stated in this chapter shall be construed to be the minimum measures necessary to notify the public of a request for a land use action. Nothing in this chapter shall prohibit additional notification measures deemed necessary by the City Council, Planning Commission or City Manager.

**11.030 Conduct of Public Hearings.** The Planning Commission or City Council shall hear and decide upon requests for land use actions in accordance with the following procedures:

A. Applicant's Documents and Evidence. All documents or evidence relied upon by the applicant shall be submitted to the City and be made available to the public at the time notice of the public hearing is mailed. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing. Delays caused by the allowance of such a continuance shall extend any deadlines within which the city is required to complete final action on a land use application.

B. Staff Reports. Any staff report to be used at a public hearing shall be available at City Hall at least seven (7) days prior to the hearing.

C. Commencement of Hearing. At the commencement of the public hearing, a statement shall be made to those in attendance that:

1. Lists the applicable substantive criteria;
2. States that testimony and evidence must be directed toward the criteria described in paragraph A of this subsection or other criteria in the Comprehensive Plan or Zoning and Development Ordinance which the person believes to apply to the decision;
3. States that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue; and
4. State that failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court.

D. Proponents and opponents of the request shall have an opportunity to present and rebut evidence at the hearing.

E. Applicants for and proponents and opponents of a land use action may be represented at the hearing by legal counsel.

F. The Planning Commission and the City Council shall establish procedures for the conduct of hearings. Hearings shall be conducted in accordance with those procedures. A written description of such procedures shall be kept at the place of the hearing and shall be available to all persons at the hearing.

G. Close of Record. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven (7) days after the hearing. Delays caused by keeping the record open under this subsection shall extend any deadlines within which the City is required to complete final action on a land use application.

H. If the record of a public hearing is reopened to admit new evidence or testimony, any person may raise new issues, which relate to the new evidence, testimony or criteria for decision-making, which apply to the matter at issue.

I. Members of the Planning Commission and City Council shall disclose any ex-parte contacts made with any person interested in the request being heard.

J. Any decision made by the Planning Commission or City Council on a request for a land use action shall be supported by findings. Such findings shall indicate the facts and reasons used to make the decision.

K. The Planning Commission or City Council may grant, deny, continue, or table any request for a land use action. Written notice of the Planning Commission's action shall be sent to the applicant, persons participating in the hearing, persons who have requested a copy of the decision, and to the City Council within ten (10) days of the Planning Commission's action.

L. Any public hearing may be continued prior to the closing of the hearing. Notice of the time and place at which the hearing is to be resumed shall be publicly announced during the initial hearing. Such announcement shall serve as sufficient notice of the continuance to all interested persons.

**11.035 Resubmission of Requests.** Any request for a land use action which has been denied by the Planning Commission or City Council shall not be resubmitted for a period of one (1) year following the Notice of Decision mailing date, unless consent for resubmission is approved by the Planning Commission or the City Council.

**11.040 Rescission of a Land Use Action.** Any land use action granted under this Ordinance may be rescinded by the Planning Commission or City Council if it is found that the application for such action contains false statements, or if subsequent division, development, or use of land occurs in a manner different from that that was approved.

### **11.045 Appeal of Planning Commission Actions.**

A. Appeal. Any land use action or ruling made by the Planning Commission in accordance with the provisions of this Ordinance may be appealed to the City Council. Such an appeal shall be filed, in writing on a form provided by the City, within fifteen (15) days of the date of the Planning Commission decision. If no appeal is filed within the time specified the Planning Commission's decision is final.

B. Standing to Appeal. Appeals may be filed by any person meeting the following qualifications:

1. Filed Notice of Intent to Appeal the decision as provided in subsection (a) of this section;
2. Appeared before the Planning Commission, either personally or in writing; or obtains a waiver from City Council that because of factors beyond the person's control was unable to attend the hearing;
3. Meets one (1) of the following criteria:
  - a. Was entitled to notice of the Planning Commission hearing; or
  - b. Is aggrieved or has interests adversely affected by the decision.

C. Review. Any decision of the Planning Commission may be called up for review by the City Council. Reviews by Council shall be treated as appeals as set forth below except that no fee shall be charged.

D. Procedure. If an appeal is filed, the City Council shall be given a report of the Planning Commission's action or ruling. The City Council shall hold a public hearing of the appeal. Notice for such a public hearing shall be provided in accordance with the provisions for public hearing set forth in this Ordinance. The public hearing of an appeal shall be conducted in accordance with the procedures for public hearings set forth in this Ordinance. The decision of the City Council regarding any appeal shall be final and shall become effective on the date of the City Council's action on the appeal.

E. Fees. Fees for filing appeals shall be set by resolution from time to time by the City Council.

### **11.047 Supplemental Application for Remaining Permitted Uses Following Denial of an Initial Application.**

A. A person whose application for a permit is denied by the City may submit to the City a supplemental application for any or all other uses allowed under the City's Comprehensive Plan and land use regulations in the zone that was the subject of the denied application.

B. The City or its designee shall take final action on a supplemental application submitted under this section, including resolution of all appeals, within 240 days after the application is deemed complete. Except that 240 days shall substitute for 120 days, all other applicable provisions of ORS 227.178 ("The 120-day Rule") shall apply to a supplemental application submitted under this section.

C. A supplemental application submitted under this section shall include a request for any rezoning or variance that may be required to issue a permit under the City's Comprehensive Plan and land use regulations.

D. The City shall adopt specific findings describing the reasons for approving or denying:

1. A use for which approval is sought under this section; and
2. A rezoning or variance requested in the application.



## **11.050 Site Plan Review.**

A. Applicability of Provisions. Site Plan Review shall be applicable to all new developments and major remodeling of existing developments except:

1. Single-family detached dwellings;
2. A duplex; or
3. Any commercial or industrial site alteration or building remodel that does not exceed 25 percent of the total square footage of the site or structure.

No building permit shall be issued for any new developments and major remodeling of existing developments except for those listed above unless plans therefore, including plot plan with sidewalk specifications if required, are submitted to the Monmouth Site Plan Review Committee and approved for conformity to the City Zoning and Development Ordinance and the Comprehensive Plan.

B. The Site Plan Review Committee, a committee of the Planning Commission, is hereby established. The Committee shall consist of the City Engineer, City Planner, one (1) member of the Planning Commission to serve as a regular member of the Committee, and one (1) member of the Planning Commission to serve as an alternate member of the Committee in the absence of the Planning Commission member who is a regular member of the committee. The regular member and alternate member of the Committee, who are members of the Planning Commission, shall be appointed by the chairman of the Planning Commission.

C. Site plans which the committee reviews pursuant to subsection A of this section shall be submitted to the City building official. The building official may require from the applicant sufficient copies of the plans and such other information as deemed necessary to enable the Committee to perform its review, following the City's Building Department Review Procedures.

D. Within ten (10) days of receipt of a site plan from an applicant, the City shall hold a meeting of the Site Plan Review Committee to review the site plan. The Site Plan Review Committee shall meet and review the site plan to determine if it conforms to the Zoning and Development Ordinance and Comprehensive Plan.

1. If the site plan conforms to the Zoning and Development Ordinance and Comprehensive Plan, the Site Plan Review Committee shall approve it. The Building Official, in accordance with the Uniform Building Code, shall issue permits for the buildings shown in the approved plan.
2. If the site plan does not conform to the Zoning and Development Ordinance or Comprehensive Plan, the Site Plan Review Committee shall note the discrepancies between the site plan and the Zoning and Development Ordinance or Comprehensive Plan and shall disapprove the plan. Notice of the disapproval, explaining how the site plan fails to conform to the Zoning and Development Ordinance or Comprehensive Plan, shall be mailed to the applicant. The notice shall include an invitation to discuss with the Site Plan Review Committee how the plan might be revised so as to conform to the Zoning and Development Ordinance and Comprehensive Plan.

3. If the Site Plan Review Committee decides that a particular site plan raises public concerns that are best addressed by the whole Planning Commission or does not unanimously approve, the Committee shall neither approve nor disapprove the site plan but shall refer the site plan to the Planning Commission who shall review it in accordance with subsection F of this section. Notice of the referral shall be mailed to the applicant for site plan review within three (3) days of the decision to refer.

E. Any decision by the Site Plan Review Committee to disapprove a site plan may be appealed, in writing, to the Planning Commission within 12 days of the date of notice of disapproval. A decision by the Site Plan Review Committee to disapprove a site plan becomes final after 12 days from the notice of disapproval unless the disapproval is appealed to the Planning Commission pursuant to this subsection.

F. Referral of a site plan to the Planning Commission under subsection D 3 of this section or appeal to the Planning Commission of disapproval of a site plan under subsection E of this section shall be treated by the Planning Commission as an application for a land use action. The Planning Commission shall act upon such referral or appeal in accordance with the provisions of this subchapter.

### **11.055 Design Review.**

A. Process. Design Review shall be conducted by the Planning Commission in conjunction with the Site Plan Review process as set forth in Section 11.050 and shall apply to all commercial and multifamily structures to be built or remodeled in the three districts described below. No building permit shall be issued for the construction or remodeling of any dwelling containing two (2) or more dwelling units or of any commercial structure unless plans therefore, including plot plan with sidewalk specifications, are submitted and approved for conformity with the Design Review standards set forth herein. For purposes of this Chapter, "remodel" shall mean the significant or material addition to, removal of or from, or physical modification of any exterior part or portion of a building.

B. Purpose. The purpose of Design Review is to preserve and enhance the character of the commercial areas within the three (3) districts described below and to ensure the physical and operational characteristics of proposed buildings and uses are compatible with buildings in the district. The attractiveness and economic vitality of a downtown is largely a reflection of the shape, placement, design and quality of its buildings. These guidelines seek to improve each district by establishing a development pattern in which new buildings and building remodels enhance the existing town environment and promote harmony.

C. Districts.

1. Downtown District. The area between Jackson Street, Clay Street, Pacific Street and Monmouth Avenue.

2. Pacific Street District. Commercial Highway zoned property along Pacific Street, from Church Street to Gwinn Street.

3. E. Main Street Highway 51 District. From Pacific Street east to the City limits.

D. General Standards in All Districts.

1. Architectural Style.

- a. Architectural character is to be in harmony with the buildings in and be compatible with the developing character of the district.
- b. Compatibility shall be achieved through such techniques as the repetition of roof lines; the use of similar proportions in building mass, outdoor spaces and landscaping; similar window and door patterns; and similar use of building materials, colors and textures,
- c. Buildings that are stylized in an attempt to use the building itself as advertising or are a franchise style shall be discouraged.

2. Exterior and Finishing Materials. Exterior and finishing materials shall either be similar to the materials already being used in the district, or other characteristics, such as scale, proportion, form, architectural detailing, color and texture shall be used to ensure that sufficient similarity exists for the building to be compatible, despite the difference in materials.

3. Window. Clear or lightly tinted glass shall be used for commercial storefront display windows and doors. Windows shall be individually defined with detail elements such as frames, sills and lintels, and be placed to visually establish and define the building stories.

4. Building Color.

- a. Paint and building materials shall blend into the neighborhood.
- b. Conduit, meters, vents and other equipment attached to the building, or protruding from the roof shall be painted to match the building surfaces.
- c. All rooftop mechanical equipment shall be screened from public view from both above and below by integrating it into the building and roof design to the maximum extent feasible.

5. Land Use Transition. When significantly different land uses are proposed adjacent to each other, the development plan shall achieve compatibility through compliance with the standards set forth above and by using mitigating techniques such as buffering, landscaping, limits on hours of operation and deliveries, lighting, placement of noise generating activities, placement and illumination of outdoor vending machines and similar techniques.

E. Specific District Standards.

1. Downtown District.

- a. The heritage, history and architecture of existing buildings should be preserved.
- b. Store fronts are to be oriented to the sidewalk. Primary facades and entries shall face the adjacent street with a direct connection to the adjoining sidewalk.
- c. Parking is to be on the street or in the rear of the business.
- d. In in-fill downtown development, a building shall be similar in size and height, or if larger, be subdivided so that it is proportional to the mass and scale, of other buildings in the district.

2. Pacific Street District.

- a. Landscaping is required.
- b. Shared parking facilities are encouraged.
- c. Building orientation is to emphasize pedestrian access. Entries are to front directly onto the sidewalk or are located to facilitate pedestrian access from street perimeter sidewalks.
- d. Provide safe walkways from parking areas to the business, which separate pedestrian and vehicular traffic.
- e. Parking facilities are encouraged to be in the interior of the lot or block.
- f. On larger commercial sites, 25 percent of the total building frontage shall be located at the street perimeter, preferably on a corner location. Landscaping shall reinforce and strengthen the streetscape and screen the off-street parking areas.

3. E. Main Street Highway 51 District.

- a. Aesthetically appropriate landscaping is required.
- b. Shared parking facilities are encouraged.
- c. Building orientation is to emphasize pedestrian access. Entries are to front directly onto the sidewalk or are located to facilitate pedestrian access from street perimeter sidewalks.
- d. Provide safe and aesthetically appropriate walkways from parking areas to the business, which separate pedestrian and vehicular traffic.
- e. Parking facilities are encouraged to be in the interior of the lot or block.

f. On larger commercial sites, 25 percent of the total building frontage shall be located at the street perimeter, preferably on a corner location. Landscaping shall reinforce and strengthen the streetscape and screen the off-street parking areas.

## SUBCHAPTER 12

### ZONE CHANGES AND PLAN AMENDMENTS

**12.005 Initiation of a Zone Change or Plan Amendment.** A zone change or plan amendment may be initiated in any one (1) of the following three (3) ways:

A. The City Council may initiate such action by resolution. Such an action shall be initiated only if the change proposed is for some governmental, educational, religious, or philanthropic purpose. The resolution shall be forwarded to the City Manager, who shall set a date for a public hearing before the Planning Commission and give notice of such hearing as provided in this Ordinance.

B. The Planning Commission may initiate such action by resolution. Such an action shall be initiated only if the change proposed is in the public interest and will be of general benefit. The resolution shall be forwarded to the City Planner who shall set a date for a public hearing before the Planning Commission and give notice of such hearing as provided in this Ordinance.

C. A property owner may initiate such action by application.

**12.010 Zone Change and Plan Amendment by Petition.** Any property owner may initiate a zone change or plan amendment for the property that he or she owns by submitting to the City Recorder a petition bearing the following:

A. Present zoning and plan designation of the property;

B. Proposed zoning and plan designation of the property;

C. Street address and township, range, section, and tax-lot number of the property;

D. Legal description of the property;

E. Names, addresses, and zip codes of the owners of record of the property to be reclassified;

F. Signatures of the owners of at least 50 percent of the property to be reclassified and the percentage of each signatory's ownership of the property;

G. A map showing all properties within the notification area and the names of owners of each property;

H. A certified list showing the names and addresses of all owners of record of property within the notification area. Attached to the certified list shall be an affidavit of the person who prepared the certified list. The affidavit shall indicate that such person is qualified and competent to examine the public records of ownership of real property and that the list of names is accurate and complete. The certificate of an abstract company or title company incorporated under the laws of Oregon shall be deemed as compliance with this requirement. The petition for reclassification must be filed within 60 days of the making of the certified list.

The petition shall be filed with the City Recorder, who shall set a date for public hearing before the Planning Commission and give notice of such hearing as provided in this Ordinance.

**12.015 Recommendation by the Planning Commission.** The Planning Commission shall conduct a public hearing of any request for a zone change or Plan amendment. Upon completion of the public hearing, the Commission shall forward to the City Council its recommendation regarding the proposed classification. Such recommendation shall be in writing and shall contain findings regarding the facts and conclusions used to make the recommendation. Such recommendation shall be delivered to the City Council within 30 days of the Planning Commission's hearing.

**12.020 Action by the City Council.** Upon receipt of a recommendation from the Planning Commission for any zone change or Plan amendment, the City Council shall hold a public hearing or it may act upon the recommendation of the Planning Commission without further hearing. Any zone change or Plan amendment shall be by ordinance. Any denial of a request for a zone change or Plan amendment shall be by resolution.

**12.025 Standards for Zone Changes.** No zone change shall be approved by the Planning Commission or enacted by the City Council unless it conforms to the Comprehensive Plan and at least one (1) of the following standards is met:

- A. The zoning on the land for which the zone change is initiated is erroneous and the zone change would correct the error;
- B. Conditions in the neighborhood surrounding the land for which the zone change is initiated have changed to such a degree that the zoning is no longer appropriate, and the zone change would conform to the new conditions of the neighborhood;
- C. There is a public need for land use of the kind for which the zone change is initiated and that public need can best be met by the zone change.

**12.030 Standards for Plan Map Amendment.** No Comprehensive Plan Map amendment shall be approved by the Planning Commission or enacted by the City Council unless at least one of the following standards is met:

- A. The Comprehensive Plan designation for the land for which the Plan amendment is initiated is erroneous and the Plan amendment would correct the error;
- B. Conditions in the neighborhood surrounding the land for which the Plan amendment is initiated have changed to such a degree that the Comprehensive Plan designation is no longer appropriate, and the Plan amendment would conform to the new conditions in the neighborhood;
- C. There is a public need for land use of the kind for which the Plan amendment is initiated and that public need can best be met by the Plan amendment.

**12.035 Official Maps.** Whenever any property is reclassified to a different zone or Plan designation, the official Zoning Map or Comprehensive Plan Map shall be revised accordingly. Such revision shall be accomplished within 30 days of the effective date of the ordinance granting the zone change or Plan amendment.



## SUBCHAPTER 13

### DEFINITIONS

**13.005 Definitions.** Any residential type not covered in this Ordinance by definition, as a permitted or conditional use, may not be approved until the Planning Commission has defined and approved the use. The City Council must approve the Planning Commission recommendation and incorporate it in the Zoning Ordinance. Such action may take 90 or more days.

Abutting. Touching: the term abutting implies a closer proximity than the term adjacent.

Access. A way, means or right to cross public and private property, allowing pedestrians and vehicles to enter and leave property.

Access strip. The narrow strip of lot or easement used to provide street access to a flag lot.

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

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

Adjacent. Lying near or close to. Adjacent implies that the two (2) objects are not widely separated, though they do not actually touch.

Adult Business. Shall have the meaning assigned to it in Ordinance 929, Adult Businesses.

Air Contaminant. Any dust, fume, mist, odor, smoke, vapor, pollen, soot, carbon, acid, or particulate matter, which is emitted into the atmosphere.

Airport. A land area, field, runway, or other facility designed, used, or intended to be used for the landing and taking off of aircraft. Such definition shall also include structure and facilities for the storage, maintenance, or repair of aircraft, which use the landing field or runway.

Alley. A public way or thoroughfare, not more than twenty (20) feet in width, which has been dedicated to the public and accepted by the City Council to provide a secondary means of access.

Alteration, Structural. Any alteration or repair, which changes a supporting member of a building such as bearing wall, column, beam, header or girder.

Apartment. A dwelling unit that is part of an apartment house.

Apartment House. Three (3) or more dwelling units within the same building or sharing one (1) or more common walls and designed for occupancy by three or more families living independently of each other. (Same as dwelling, MULTIFAMILY).

Auto Court. See MOTEL.

Automobile Service Station. Premises used for the retail sale of gasoline, oil, and minor automobile accessories, and for the routine service, minor repair, and maintenance of automobiles.

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

Automobile Wrecking Yard (JUNK YARD). Any property where more than two motor vehicles not in running condition or the parts of more than two (2) vehicles are stored in the open; or any property used for the storage, sale, dismantling, or abandonment of wrecked automobiles, trailers, trucks, machinery, or parts thereof.

Awning. A movable shelter supported entirely from the exterior wall of a building and which can be retracted, folded, or collapsed against the face of a supporting building.

Awning, Mobile Home. A stationary structure, permanent or demountable, used in conjunction with a mobile home or trailer for the purpose of providing shelter from the sun and rain, and having a roof and no more than one (1) wall or storage cabinet substituting for a wall.

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

Bed and Breakfast Facility. Any establishment located in a structure designed for a single family residence and structures appurtenant thereto, regardless of whether the owner or operator of the establishment resides in any of the structures, that:

- A. Has more than two (2) rooms for rent on a daily basis to the public; and
- B. Offers a breakfast meal as part of the cost of the room.

Block. The properties abutting on one (1) side of a street between either:

- A. Two (2) cross streets;
- B. Or between the City limits and the nearest cross streets;
- C. Or when there is only one (1) cross street;
  - 1. Between a cross street and the dead end of a street;
  - 2. Between a cross street and a line projected from the center line of an intersecting street, such as a "T" intersection;

3. Between a cross street and a point 600 feet from the particular property under consideration when there is no other cross street or intersecting street within 600 feet;

D. Or when there are no cross streets, then the block shall be between the points 600 feet from each side of the property under consideration and along the street.

Block Length. The distance measured along all that part of one (1) side of a street which is between two (2) intersecting or intercepting streets, or between an intersecting or intercepting street and a railroad right-of-way, water course, body of water, or undivided acreage.

Boarding House. A building or portion thereof used for the purpose of providing meals or meals and lodging for pay. An establishment where meals are served for compensation to more than five (5) persons shall be considered a restaurant. An establishment with more than five (5) sleeping rooms shall be considered a hotel.

Boarding of Animals. The care and keeping of four (4) or more dogs, cats, or other animals over the age of four (4) months for a period of time greater than 48 hours. The care and keeping of animals at a veterinary clinic while such animals are undergoing treatment or are convalescing shall not be considered boarding of animals.

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

Building Lines. The lines indicated on the subdivision plat or otherwise described, delineating the area upon which structures may be erected.

Cabana. A stationary light-weight structure which may be prefabricated or demountable and which has two (2) or more walls, used adjacent to and in conjunction with a mobile home or trailer to provide additional living space and designed to be moved with the trailer or mobile home.

Cafe. Same as RESTAURANT.

Campground. An overnight area with facilities and space for tents, tent vehicles, camping vehicles, or recreational vehicles.

Capacity. The maximum holding or service ability, as used for transportation, utilities, parks, and other public facilities.

Car Port. A stationary structure used to shelter an automobile, and having two (2) or more open sides.

Cellar. See "Basement".

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes. Such definition includes a columbarium, crematory, or mortuary, when operated in conjunction with and within the boundary of a cemetery.

Child Care Facility: Any facility that provides care and supervision of no more than twelve (12) minor children for periods of less than 24 hours. Such a facility includes a day nursery, day care center, nursery school group, group childcare home, childcare center, family childcare home, kindergarten, or similar unit operating under any name. [from ORS 657A.250 part omitted.]

City. City shall mean that area under the jurisdiction of the governing body of the City of Monmouth, the City Council, or a representative of the City authorized to act in that capacity by the City Council.

City Council. The governing body of the City of Monmouth, Oregon.

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

Clinic. An establishment where human patients who are not lodged overnight are admitted for treatment or examination by one (1) or more physicians, dentists, chiropractors, or other practitioners of medicine.

Common Area. Land commonly owned to include open space, landscaping or recreation facilities (e.g. typically owned by homeowners associations).

Comprehensive Plan. The Comprehensive Plan for the City of Monmouth as adopted by the City Council, and including the Comprehensive Plan Map and policies.

Condominium. The land, whether leasehold or in fee simple and whether contiguous or non-contiguous, all buildings, improvements, and structures thereon, and all easements, rights, and appurtenances belonging thereto, which are submitted to the provisions of Oregon Revised Statutes (ORS) 100.005 to 100.625.

Convalescent Home. Same as NURSING HOME.

Court. A space, open and unobstructed to the sky, bounded on three (3) or more sides by walls of a building.

Curb Line. The line indicating the edge of the vehicular roadway within the overall right-of-way on improved streets.

Day. A calendar day.

Dedication. The designation of land by its owner for any public use as shown on a partition or subdivision plat or deed. The term may also be used for dedications to a private homeowners association.

Density. The number of dwelling units per acre of land within a subdivision, manufactured dwelling park, planned unit development, lot or parcel. The number of acres shall be determined

by measurement of the gross area of the property; that is, to include the area of any future streets, common areas, or other right-of-way to be dedicated to the public, but not to include any existing streets, parks or any other areas dedicated to the public which may lie within or abut the subject property. For the purpose of this Ordinance, ranges of density shall be defined as follows:

- A. Low Density: 0-6 dwelling units per gross acre;
- B. Medium Density: 7-12 dwelling units per gross acre;
- C. High Density: 13-20 dwelling units per gross acre.

Development. All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, grading and areas devoted to exterior display, storage or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes.

Dormitory. A building other than a hotel, boarding house, or rooming house and used primarily for sleeping purposes.

Downtown Core Area. The area bounded on the north by the south side of Jackson Street, on the east by the west side of Pacific Street (State Highway 99W), on the south by the north side of Clay Street and on the west by the east side of Monmouth Avenue.

Dwelling Unit. One (1) or more habitable rooms occupied or intended or designed to be occupied by one (1) family and having facilities for living, sleeping, cooking and eating; such definition shall not include a hotel, motel, boarding house, campground or mobile home.

Dwelling, Quad or Quint. A dwelling unit consisting of four (4) or more rooms used for both living and sleeping, designed around a central kitchen and intended primarily for occupancy by unrelated individuals. For the purpose of determining residential density, the number of dwelling units in each quad or quint shall be considered to be the number of dwelling rooms surrounding the core kitchen divided by two (2).

Dwelling, Single-Family. A single detached dwelling unit designed exclusively for occupancy by one (1) family.

Dwelling, Two-Family (Duplex). Two (2) dwelling units sharing one (1) or more common walls on one (1) lot or parcel and designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling, Multiple-Family. Three (3) or more dwelling units within the same building or sharing one or more common walls and designed for occupancy by three (3) or more families living independently of each other. (Same as APARTMENT HOUSE)

Easement. A right of usage of real property granted by an owner to the public or to specific person, firms, or corporations.

Educational Institution. A college or university supported by public funds, tuitions, contributions or endowments and giving general academic instruction, excluding elementary and high schools and trade or commercial schools.

Family. An individual or two (2) or more persons related by blood, marriage, or adoption; or a group of not more than five (5) persons (excluding servants) not related by blood or marriage and living together in a dwelling.

Flag lot. A lot or parcel that has access to a road, street, or easement by means of a narrow strip of land or easement (see Subchapter 71).

Foster Home. A home operated in a family-type setting for persons who are in need of housing, food, care and/or services, eighteen (18) years of age or younger.

Fraternity, Sorority, Student Home. A residential building in which living accommodations are furnished to the students of an educational institution.

Frontage. The distance along which a lot or parcel abuts a street as defined in this Ordinance.

Garage, Private. A detached accessory building or portion of a main building for the parking or temporary storage of automobiles for the residents, tenants, employees, or owners of the building, and in which no business, occupation, or commercial service is conducted.

Garage, Public. A building, other than a private garage or repair garage, used for the parking, storage and incidental repair of motor vehicles for compensation, hire or sale.

Garage, Repair. A building in which automobiles or other motor vehicles are repaired or modified for compensation.

Grade, (Ground Level). The lowest elevation of the finished surface of the ground between the exterior wall of building and a point five (5) feet distant from said wall; or the lowest elevation of the finished surface of the ground between the exterior wall of a building and the property line if such line is less than five (5) feet distant from the wall. In the case that walls are parallel to and within five (5) feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley, or public way.

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

Heliport. An area used or intended for landing or take-off of helicopters or other vertical take-off and land aircraft capable of hovering and which includes all of the area or buildings, which are accessory to these functions.

Homes for the Aged and Infirm. Any dwelling or other residential institution that maintains facilities for rendering board and care for compensation to three or more aged persons not related

to the operator by blood or marriage. An aged person is a person having an age of 65 years or more, or a person of less than 65 years who by reason of infirmity requires domiciliary care.

Home Occupation. A home occupation is any commercial activity or business conducted in a residential zone by the resident(s) of the dwelling, which is incidental and subordinate to the residential use of the property. Home occupations may be permitted only in accordance with the provisions and requirements of this Ordinance and may not be the primary land use on any lot or parcel in any residential zone.

Hospital. An institution devoted primarily to the rendering of healing, curing, and nursing care; and which maintains and operates facilities for the diagnosis, treatment, or care of two (2) or more non-related individuals suffering from illness, injury, or deformity; or where obstetrical or other healing or nursing care is rendered over a period exceeding 24 hours.

Hospital Veterinary. A building or premises for the medical or surgical treatment of domestic animals or pets.

Hotel or Lodging House. A building or portion of a building containing rooms customarily occupied by travelers as temporary quarters and for which compensation is paid and which are not residences.

Incident Solar Radiation. Solar energy falling upon a given surface area.

Interested Party. The owner of the property to be subdivided or partitioned, or a proponent or opponent who is specially, personally, or adversely affected by the application.

Junk Yard. Same as AUTOMOBILE WRECKING YARD.

Kennel. Any lot or premises on which four (4) or more dogs, cats, or other pets over the age of four (4) months are kept for sale, lease, boarding, breeding, hunting or racing.

Landscape. To change the natural features of a site so as to make it more attractive, by adding trees, shrubs, ground cover, and other plants or built features such as paths, fountains and pools.

Land Division. The creation of a lot or parcel of land through the subdivision or partition process.

Land Use Action. A quasi-judicial decision rendered by the Planning Commission or City Council on a request for a variance, conditional use, manufactured dwelling park, or planned unit development.

Line, Front Building. A horizontal line parallel to the front lot line and passing through that part of the main building's foundation, which is closest to the front lot line. In the case of a lot, which has no improvements upon it, the front building line shall be considered to be a line located halfway between the front and rear lot lines and parallel to the front lot line.

Liquid Waste. Waste oils, septic tank pumpings, industrial wastes, or other similar liquids.

Loading Space. An off-street space or berth for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Such a space shall be on the same lot as the building or group of buildings that it serves and shall abut upon a street, alley, or appropriate means of access.

Lot. A unit of land created by a subdivision of land.

Lot Area. The total area measured on a horizontal plane within the lines of a lot.

Lot Corner. A lot situated at the intersection of two (2) or more streets.

Lot Depth. The horizontal distance between the front lot line and the rear lot line measured in the mean direction of the side lot lines.

Lot, Double Frontage. A lot which has frontage on two (2) streets but which is not a corner lot.

Lot, Interior. Any lot other than a corner lot.

Lot Line. The lines bounding a lot as defined herein.

Lot Line Adjustment. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with all requirements of this Ordinance.

Lot Line, Front. In the case of an interior lot, a line separating the lot from the street; in the case of a corner lot or double frontage lot, the line separating the lot from the street on which the improvements or contemplated improvement will face, or if that is not applicable, the line adjoining the street from which the property will take its access, or, if neither of the preceding is applicable, the line having the shorter street frontage.

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

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

Lot, Through. Same as DOUBLE-FRONTAGE LOT.

Lot of Record. A lot which is part of an approved, recorded subdivision, or a lot or parcel described by legal description or by metes and bounds and which has been recorded in the office of the County Clerk.

Lot Coverage: The portion of a lot covered or occupied by buildings or other structures.

Lot Width. The 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.



Main Building. A structure housing the primary land use that occurs on a lot or parcel. There may be several main buildings on a single lot or parcel. See ACCESSORY BUILDING.

Manufactured Dwelling. Manufactured dwelling means:

- A. Manufactured home, as defined by this Ordinance.
- B. Mobile home, as defined by this Ordinance.
- C. Residential trailer, as defined by this Ordinance.

Manufactured Dwelling does not mean any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the One and Two Family Dwelling Code adopted pursuant to Oregon Revised Statutes 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

Manufactured Dwelling Park. A manufactured dwelling park is a privately owned property where four (4) or more manufactured dwellings, used as residences, are within 500 feet of one another on the same lot, tract, or parcel of land under the same ownership the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one (1) manufactured dwelling per lot if the subdivision was approved by the City as a subdivision.

Major Partition. A partition, as defined by this Ordinance, which includes the creation of a road or street.

Manufactured Home. A manufactured home is a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standard regulations in effect at the time of the construction.

Map. A final diagram drawing or other writing concerning a major partition.

Minor Partition. A partition, as defined by this Ordinance, which does not include the creation of a road or street.

Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Modular or Prefabricated Home. A dwelling unit whose components are assembled and brought to the site and erected. The dwelling unit is intended and designed to be placed upon a permanent foundation and substantial construction is needed before it is complete and ready for permanent occupancy. Modular or prefabricated homes are regulated by the Uniform Building Code (UBC).

Motel (Auto Court, Tourist Court). A series of attached, semi-detached, or detached units customarily occupied by travelers as temporary quarters and for which compensation is paid. Such units shall have an entrance directly from the outside into the building and shall not be used as residences.

Negotiate. Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation and promotion of the sale of such land.

Nonconforming Development or Use. A development or use lawfully existing at the time this Ordinance became applicable to the development by being in compliance with the standards applicable to it at the time it came into existence, but that would not be lawful except for its pre-existence.

Nonconforming Lot of Record. A lot, which is lawfully created in compliance with all applicable ordinances and laws, but which because of the application of a subsequent zoning ordinance or amendments, no longer conforms to the requirements for the zone in which it is located.

Notification Area. As applied to a request for a land use action, the notification area shall be deemed to include the area bounded by lines 250 feet from and parallel to the boundaries of the property that is the subject of the request. The notification area also includes the property that is the subject of the request. In those cases where the subject property is adjoined by property under the same ownership, the notification area shall be measured from the outermost property line of all the contiguous properties under that ownership.

Nursing Home (Convalescent Home, Rest Home). Any home, place or institution which operates and maintains facilities providing convalescent or nursing care or both for a period exceeding 24 hours for two (2) or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent care may include but need not be limited to the procedures commonly employed in nursing and caring for the sick. A nursing home includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility licensed according to Oregon Revised Statutes. A nursing home must be licensed according to the Oregon Revised Statutes.

Owner. The owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a property according to the terms of a recorded contract.

Parcel. A single unit of land that is created by a partitioning of land.

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

Parking Area, Public. An open area other than a private parking area, street, or alley used for the parking of automobiles and available for use by the public or by persons patronizing a particular building or establishment.

Parking Space, Automobile. An area within a private or public area, building, or structure for the parking of one (1) automobile.

Partition Land. To divide an area or tract of land into two (2) or three (3) parcels when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year.

"Partition Land" does not include:

- A. A divisions of land resulting from a lien foreclosures, foreclosure of a recorded contracts for the sale of real property or the creation of cemetery lots;
- B. An adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance.
- C. The division of land resulting from the recording of a subdivision or condominium plat;
- D. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan. However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or
- E. A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Partition Plat. A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Person. A natural person or his heirs, executors, administrators, or assigns; or a firm, partnership, or corporation, or its successors or assigns; or the agent of any of the aforesaid; or any political subdivision, agency, board, or bureau of government.

Plan Amendment. A change of the plan designation of a property, as shown on the Comprehensive Plan map.

Plan Designation. The designation of a property as shown on the Comprehensive Plan map.

Planned Unit Development. A complex of residential and/or commercial structures designed and developed as a single development unit, built by a single owner or group of owners and maintained by an association. Conversion of existing multiple dwelling unit structures or condominiums shall constitute a Planned Unit Development. The phrase Planned Unit Development may be abbreviated "PUD".

Planning Commission. The Planning Commission of the City of Monmouth, Oregon.

Plat. See "Partition Plat" and "Subdivision Plat"

Property Line. Same as LOT LINE.

Ramada. A stationary structure having a roof extending over a mobile home or trailer, which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from sun and rain.

Recreational Vehicle. Any vehicle, with or without motive power, which is designed and constructed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes. Such definition shall include pickup campers, motor homes, camper trailers, and similar vehicles regardless of whether they are self-propelled, carried or towed.

Recreational Vehicle Park. A plot of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.

Refuse. Any putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, dead animals, abandoned automobiles, solid market wastes, street cleanings, and industrial waste (including waste disposal from industrial salvage)

Repair. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance or improvement. The word "repair" or "repairs" shall not include any structural alteration.

Reserve Strip. A strip of land usually one (1) foot in width, reserved across the end of a street or alley terminating at the boundary of a subdivision, or a strip of land between a dedicated street of less than full width and adjacent acreage, in either case reserved or held for future street extension or widening.

Residence. Any dwelling unit, apartment, building, mobile home, or other structure in which residential activities are conducted and which is occupied by one (1) person, family, or group of persons for a period exceeding 30 days within any twelve (12) month period.

Residential. That which pertains to the activities normally conducted within a residence (i.e., living, sleeping, cooking, and eating)

Residential Facility. A residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, licensed or registered under ORS 443.400 to 443.460 or licensed under ORS 418.205 to 418.327 by the Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential Home. A residential treatment or training or an adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Rest Home. Same as NURSING HOME.

Restaurant (Cafe). An establishment where prepared food is served to the public for consumption within the building or to take out to some other location.

Right-of-Way (R.O.W.), Public. A defined area of land dedicated to the public so that it may be used or passed across by the public.

Road or Street. A public or private way that is created to provide ingress or egress to one (1) or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress to such land in conjunction with the use of such land for forestry, mining, or agricultural purposes. The term street shall include such designations as highway, thoroughfares, parkway, throughway, road, avenue, boulevard, lane, court, place or other such terms.

A. Arterial. A major facility for moving large volumes of inter-area traffic, primarily carrying through traffic.

B. Collector Street. A facility that allows intra-area traffic to connect to the arterial system. It supplies abutting property with the same degree of land service as a local street but is given priority over local streets in any traffic control installation.

C. Local Street. It serves primarily to provide direct access to abutting land and offers the lowest level of traffic mobility. Through traffic movement is deliberately discouraged.

D. Cul-de-sac. A short, dead-end street with vehicular turnaround at the dead-end.

E. Dead-end Street. An arterial, collector, local or cul-de-sac street which will be completed or extended and with no turnaround at the present dead-end.

F. Marginal Access Street (frontage road). A minor street parallel and adjacent to an arterial or collector street providing access to abutting properties but protected from through traffic.

Rooming House. A dwelling or portion thereof where sleeping rooms are provided, where no meals are provided, and where lodging for three (3) or more persons is provided for compensation. An establishment having more than five(5) sleeping rooms shall be considered a hotel.

School (Elementary, Middle School, or High). An institution, public, private or parochial, offering instruction in several branches of learning in accordance with the rules and regulations of the State Department of Education.

School, Trade or Commercial. A school in which instruction is given to pupils for a fee in money, and which is not a public school, and which specializes in the teaching of a particular skill, trade or profession.

Service Station. A premises used for the retail sale of gasoline, oil, and minor automobile accessories, and for the routine service, minor repair, and maintenance of automobiles.

Service Utility. Whenever the term "service utilities" or "service utility" is used it shall mean and include public street lighting and water mains and facilities for fire protection and the following utilities for residential service: water, sanitary sewer, electricity, gas, telephone, wireless communication services and television cable service.

Setback. The distance between a building (or other feature of development) and a property line. Minimum and maximum setbacks may be required for front, rear, and side yards.

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

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

Subdivide Land. To divide an area or tract of land into four (4) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivider. Any person who proposes a land division.

Subdivision. Either an act of subdividing land or an area or a tract of land subdivided as defined by this Ordinance.

Subdivision Plat. Subdivision plat includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision prepared as specified by Oregon Revised Statutes Chapter 92.

Subject Property. The lot or parcel that is the subject of a request for a land-use action as defined in this Ordinance.

Tentative Plat. A preliminary map of a partition or subdivision.

Trailer (Travel or Vacation). Same as RECREATIONAL VEHICLE.

Tourist Court. Same as MOTEL.

Use. The purpose for which land or a structure is arranged, designed or intended, or for which land or a structure is used.

Utilities. Water, gas, sewer, electrical, telephone and wire communication service, and all persons and companies supplying the same.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term is defined more specifically by the Federal Clean Water Act (Section 404) and Oregon Administrative Rules (OAR 141-85-010).

Wireless Communication Facility (WCF). An unstaffed facility for the transmission and/or reception of radio or microwave signals used for communications, usually consisting of an equipment shelter or other enclosure containing electronic equipment, a support structure, antenna or other transmission and/or reception devices or an antenna attached to an existing structure.

Yard. The area defined by setbacks (i.e. between the setback line and respective property line).

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

Yard, Landscaped. An open area devoted primarily to the planting and maintaining of trees, grass, shrubs, and plants together with sufficient permanent irrigation equipment to maintain properly all vegetation. As complementary features, fountains, pools, screens, decorative lighting, lighting, sculpture, and outdoor furnishings may be placed within said area.

Yard, Rear. A yard extending across the full width of the lot between the nearest main building and the rear lot line. The required rear yard depth shall be measured horizontally from the nearest point of the rear lot line, or, if the rear lot line adjoins an alley, then from the center line of the alley, toward the nearest part of the foundation of the building.

Yard, Side. A yard between the main building and the side lot line extending from the front yard or front lot line to the rear yard; the required side yard depth shall be measured from the nearest point of the side lot line toward the nearest part of the foundation of the main building.

Zone Change. A change of the zoning of one (1) or more properties as shown on the zoning map adopted by the city of Monmouth.



## SUBCHAPTER 20

### LOW-DENSITY RESIDENTIAL (RS) ZONE

**20.005 Purpose.** The purpose of the RS Zone is to define and protect areas suitable for low-density residential uses.

**20.010 Density.** The density of residential development upon any lot in an RS Zone shall not exceed six (6) dwelling units per acre.

**20.015 Permitted Uses.** Within any RS Zone, no structure shall be used, constructed, erected, or altered and no lot shall be used or occupied for any purposes except the following:

- A. Single-family dwelling;
- B. Playground, garden or park;
- C. Garden, orchard, or crop cultivation provided that no stable or barn, and no more than three (3) hens or ducks are maintained in connection therewith. Maintaining cattle, horses, or other poultry or livestock is not permitted. The occasional sale or trading of plants and produce grown on the premises shall be permitted;
- D. Accessory uses and structures:
  - 1. Customary residential accessory buildings and structures for private use, such as a pergola, greenhouse, hobby shop, patio, porch, deck, wood shed, shelter for domestic pets of the resident, fence, and fallout shelter;
  - 2. Private garage as defined in this Ordinance;
  - 3. Parking area for one commercial vehicle having a gross vehicle weight less than 20,000 pounds;
  - 4. Parking or storage area for boat, camper, trailer or recreational vehicle of the residents;
  - 5. Swimming pool for private use;
  - 6. Guest house or quarters not in the main building, provided that such house or quarters are dependent upon the main building for either kitchen or bathroom facilities or both and that they are not used for residential purposes.
  - 7. Accessory dwelling units subject to the following criteria:
    - a. One (1) accessory building per legal building lot as a subordinate use in conjunction with any single-family structure;
    - b. Either the primary residence or the accessory dwelling unit must be occupied by the owners of the property. In addition, accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the main building. The owners shall sign an affidavit affirming that the owners will occupy the main building or the accessory dwelling unit as their principal residence for at least six

(6) months every year. The owners shall sign a covenant agreeing to the conditions of this section that shall be recorded with the Polk County Clerk's office. The form of the affidavit and covenant shall be specified by the Planning Department.

c. The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of "family" in this ordinance.

d. The accessory dwelling unit shall not contain less than 300 square feet and not more than 800 square feet, excluding any related garage area; provided that if the accessory unit is completely located on a single floor, the City may allow increased size in order to efficiently use all floor area, so long as all other standards set forth in this section are met;

e. The square footage of the accessory dwelling unit, excluding any garage area, shall not exceed 40 percent of the total square footage of the primary residence and accessory dwelling unit combined, excluding any garage area. This percentage shall apply to both attached and detached dwelling units. Where the City allows increased size per subsection "d", the square footage shall not exceed 50 percent of the total square footage of the primary residence and accessory dwelling unit combined, excluding any garage area;

f. There shall be one (1) off-street parking space in a carport, garage, or designated space provided for the accessory dwelling unit in addition to that that exists on the site for the primary residence;

g. Accessory dwelling units shall be located only in the same building as the principal residence, unless the lot is at least 8,500 square feet in area or unless the accessory dwelling unit will replace a detached, pre-existing structure of at least 400 square feet. Where lots contain at least 8,500 square feet or there is a detached, pre-existing structure of at least 400 square feet, the accessory dwelling may be part of the principal structure or located in a detached structure;

h. An accessory dwelling unit shall be designed to maintain the appearance of the main building of the single-family residence. If the accessory unit extends beyond the current footprint of the principal residence, such an addition shall be consistent with the existing roof pitch, siding and windows. If an accessory unit is detached from the main building it must also be consistent with the existing roof pitch, siding and windows. In addition, only one entrance to the main building will be permitted in the front of the principal residence. A separate entrance for the accessory building shall be located off either the side or rear of the building;

i. The accessory dwelling unit shall meet all technical code standards including building, electrical, fire, plumbing and other applicable code requirements.

E. Structure necessary for the City or for a public utility to provide service to the neighborhood in which it is located. Such structures shall include but not be limited to the following:

1. Electric service meters, lines, transformers, and poles;
2. Natural gas lines;
3. Telephone lines and poles;
4. Water and sewer lines;
5. Streets and sidewalks.

F. Child care facilities as defined by this ordinance, complying with ORS 657A.030 and 657A.250 to 657A.450.

G. The taking of boarders or renting of rooms by a resident family, provided that the total number of boarders and roomers does not exceed two (2) in any single-family dwelling or exceed four (4) in any duplex.

H. Home Occupations in accordance with Subchapter 72.

I. Manufactured home that meets the standards set forth in Section 61.050.

J. Residential home, as defined by this Ordinance.

**20.020 Conditional Uses.** If authorized under the procedures provided for conditional uses in this ordinance, the following uses will be permitted in an RS Zone:

A. Two-family dwelling (duplex) on a corner lot provided that such a lot has an area of at least 8,000 square feet;

B. Church and other religious assemblies and institutions;

C. Community or neighborhood club building, swimming pool, and other allied facilities owned and operated by a non-profit community club for the improvement of the neighborhood or recreation of the members;

D. Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power;

E. Planned unit development, in accordance with the provisions of Chapter 91;

I. School (elementary, middle school; high school);

**20.025 Lot Area.** The minimum area of any lot created in the RS Zone shall be 5,000 square feet. In subdivisions, not more than 20% of the lots may be not less than 5,000 square feet and 80% of the lots must be not less than 6,000 square feet. (Amended by Ordinance 1219, September 6, 2005)

**20.030 Lot, Frontage.** The minimum width at the front lot line of any lot created in the RS Zone shall be 25 feet.

**20.035 Lot Width.** The minimum width at the front building line of any lot created in the RS Zone shall be 50 feet.

**20.040 Yards.**

A. No main building shall be constructed, erected, or placed within a required yard. No main building shall be constructed, enlarged, altered, or repaired in such a way that it extends into any required yard except as may be authorized under the provisions of Chapter 75, "Yards." When this or any other ordinance requires a setback or yard of greater depth than is required in this section, the greater setback or yard requirement shall apply.

B. In the RS Zone, the minimum depth of any front, side, or rear yard shall be determined from the following table:

**TABLE 20-1**  
**HEIGHT OF MAIN BUILDING**

	1 Story	2 Stories
<b>MINIMUM FRONT YARD DEPTH:</b>		
Interior Lot	15'	15'
Corner Lot	15'	15'
<b>MINIMUM REAR YARD DEPTH:</b>		
Interior Lot	15'	15'
Corner Lot	15'	15'
<b>MINIMUM SIDE YARD DEPTH:</b>		
Yard Not Adjoining Street	5'	5'
Yard Adjoining Street	10'	10'

**20.045 Height.** No building in an RS Zone shall exceed two (2) stories, with a maximum height of 30 feet, except that a church, other religious assembly or institution or public service building may be built to a height not to exceed 45 feet.

**20.050 Lot Coverage.** No main building or group of main buildings in an RS Zone shall occupy more than 40 percent of the area of any single lot.

## SUBCHAPTER 21

### MEDIUM DENSITY RESIDENTIAL (RM) ZONE

**21.005 Purpose.** The purpose of the Medium Density Residential (RM) Zone is to define and protect areas suitable for medium density residential uses. Such areas are intended for the development and use of medium density residential structures such as duplexes, row houses, and townhouses.

**21.010 Density.** The density of residential development upon any lot in an RM Zone shall not exceed twelve (12) dwelling units per acre.

**21.015 Permitted Uses.** Within any RM Zone, no structure shall be used, constructed, altered and no lot, tract, or parcel of land shall be used or occupied for any purposes except the following:

A. Two-family dwelling (duplex);

B. Medium density residential structure such as a townhouse, row houses, provided that the aggregate number of dwellings in the structure does not exceed six (6);

C. Playground, garden, or park;

D. Garden, orchard, or crop cultivation provided that no stable or barn, and no more than three (3) hens or ducks are maintained in connection therewith. Maintaining cattle, horses, or other poultry or livestock is not permitted. The occasional sale or trading of plants and produce grown on the premises shall be permitted;

E. Accessory uses and structures:

1. Customary residential accessory buildings and structures for private use, such as a pergola, greenhouse, hobby shop, patio, porch, deck, wood shed, shelter for domestic pets of the resident, fence, and fallout shelter;

2. Private garage, as defined in this Ordinance;

3. Parking area for one (1) commercial vehicle having a gross weight less than 20,000 pounds;

4. Parking or storage area for a boat, camper, trailer or recreational vehicle of the residents;

5. Swimming pool for private use;

6. Guest house or quarters not in the main building provided that such house or quarters are dependent upon the main building for either kitchen or bathroom facilities or both and that they are not used for residential purposes.

F. Structure necessary for the City or for a public utility to provide service to the neighborhood in which it is located. Such structures shall include but not be limited to the following:

1. Electric service meters, lines, transformers, and poles;

2. Natural gas lines;
3. Telephone lines and poles;
4. Water and sewer lines;
5. Street and sidewalks.

G. The taking of boarders or renting of rooms by a resident family, provided that the total number of boarders and roomers does not exceed two (2) in any single-family dwelling or four (4) in any duplex;

H. Childcare facilities, as defined by this Ordinance, complying with ORS 657A.030 and 657A.250 to 657A.450.

I. Parking area or structure for a multi-family dwelling.

J. Home Occupation in accordance with Subchapter 72.

K. Residential home, as defined by this Ordinance.

L. Residential facility, as defined by this Ordinance.

**21.020 Conditional Uses.** If authorized under the procedures provided for conditional uses in this Ordinance, the following uses will be permitted in an RM Zone:

A. Medium density residential structure, having more than six (6) dwelling units within a single building;

B. Dwelling, quad or quint;

C. Manufactured Dwelling Park, in accordance with the provision of Chapter 61;

D. Church and other religious assembly and institution;

E. Community or neighborhood club building, swimming pool, and other allied facilities owned and operated by a non-profit community club for the improvement of the neighborhood or the recreation of the members;

F. Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power;

G. Planned Unit development, in accordance with the provisions of Chapter 91;

H. School (elementary, middle school, senior high)

I. Boarding House, provided that the total number of boarders does not exceed three (3)

- J. Rooming House, provided that the total number of roomers does not exceed three (3)
- K. Private or public parking area when used in conjunction with a commercial, office or industrial use on an adjacent lot provided said parking area is located within 300 feet of the main building, structure or use.
- L. Single-family dwelling.
- M. Manufactured home which meets the requirements of Section 61.050.

**21.025 Lot Area.** The minimum area of any lot created in the RM Zone shall be 7,260 square feet.

**21.030 Lot Frontage.** The minimum width at the front lot line of any lot created in the RM Zone shall be 25 feet.

**21.035 Lot Width.** The minimum width at the front building line of any lot created in the RM Zone shall be 50 feet.

**21.040 Yards.**

A. No main building shall be constructed, erected or placed within a required yard. No main building shall be constructed, enlarged, altered, or repaired in such a way that it extends into any required yard except as may be authorized under the provisions of Chapter 75, "Yards." When this or any other ordinance requires a setback or yard of greater depth than is required in this section, the greater setback or yard requirement shall apply.

B. In an RM Zone the minimum distance for any front, side, or rear yard, or between the two main buildings on the same lot shall be determined from the following table:

**TABLE 21-1**

**HEIGHT OF MAIN BUILDING**

	1 Story	2 Stories
<b>MINIMUM FRONT YARD DEPTH:</b>		
Interior Lot	15'	15'
Corner Lot	15'	15'
<b>MINIMUM REAR YARD DEPTH:</b>		
Interior Lot	15'	15'
Corner Lot	15'	15'
<b>MINIMUM SIDE YARD DEPTH:</b>		
Yard Not Adjoining Street	5'	5'
Yard Adjoining Street	10'	10'
<b>MINIMUM DISTANCE</b>		
Between Main Buildings on the Same Lot	10'	15'

**21.045 Height.** No building in an RM Zone shall exceed two (2) stories with a maximum height of 32 feet, except that a church, other religious assembly or institution, or public service building may be built to a height not to exceed 45 feet.

**21.050 Lot Coverage.** No main building or group of main buildings in an RM Zone shall occupy more than 40 percent of the area of any single lot.

**21.055 Recreation Area Required.** Each lot having a multi-family residential building on it shall have at least 300 square feet of recreation area per dwelling unit. The required recreation area can be located within the required front yard otherwise developed and landscaped in a manner suitable for pedestrian traffic and recreation.



## SUBCHAPTER 22

### HIGH DENSITY RESIDENTIAL (RH) ZONE

**22.005 Purpose.** The purpose of the High Density Residential (RH) Zone is to define and protect areas suitable for medium and high density residential uses.

**22.010 Density.** The density of residential development upon any lot in an RH Zone shall not exceed twenty (20) dwelling units per acre.

**22.015 Permitted Uses.** Within any RH Zone, no structure shall be used, constructed, erected, or altered, and no lot shall be used or occupied for any purposes except the following:

- A. Multi-family buildings, including apartment houses, court apartments, and garden apartments;
- B. Medium density residential structure such as a townhouse or row house;
- C. Two-family dwelling (duplex);
- D. Dwelling, quad or quint;
- E. Playground or park;
- F. Garden, orchard, or crop cultivation provided that no stable or barn, and no more than three (3) hens or ducks are maintained in connection therewith. Maintaining cattle, horses, or other poultry or livestock is not permitted. The occasional sale or trading of plants and produce grown on the premises shall be permitted;
- G. Accessory uses and structures:
  - 1. Customary residential accessory buildings and structures for private use, such as a pergola, greenhouse, hobby shop, patio, porch, deck, wood shed, shelter for domestic pets of the resident, fence, and fallout shelter;
  - 2. Private garage, as defined in this Ordinance;
  - 3. Parking area for one (1) commercial vehicle having a gross vehicle weight less than 20,000 pounds;
  - 4. Parking or storage area for a boat, camper, trailer, or recreational vehicles of the residents;
  - 5. Swimming pool for private use;
  - 6. Guest house or quarters not in the main building provided that such house or quarters are dependent upon the main building for either kitchen or bathroom facilities or both and that they are not used for residential purposes;
- H. Structure necessary for the City or for a public utility to provide service to the neighborhood in which it is located. Such structures shall include but not be limited to the following:

1. Electric service meter, lines, transformers, and poles;
  2. Natural gas lines;
  3. Telephone lines and poles;
  4. Water and sewer lines;
  5. Streets and sidewalks;
- I. Boarding house, provided that the total number of boarders does not exceed five (5).
- J. Child care facilities, as defined by this Ordinance, complying with ORS 657A.030 and 657A.250 to 657A.450.;
- K. Parking area or structure for a multi-family dwelling;
- L. Rooming house, provided that the total number of roomers does not exceed five (5)
- M. Dormitory;
- N. Fraternity, sorority, or student house;
- O. Nursing home;
- P. Home Occupation in accordance with Subchapter 72.
- Q. Residential home, as defined by this Ordinance.
- R. Residential facility, as defined by this Ordinance.

**22.020 Conditional Uses.** If authorized under the procedures provided for conditional uses in this ordinance, the following uses will be permitted in an RH Zone:

- A. Manufactured dwelling park, in accordance with the provisions of Chapter 61;
- B. Church and other religious assembly and institution;
- C. Community or neighborhood club building, swimming pool and other allied facilities owned and operated by a non-profit community club for the improvement of the neighborhood or the recreation of the members;
- D. Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power;
- E. Planned unit development, in accordance with the provisions of Chapter 91;
- F. School (elementary, middle school, and senior high)

G. Private or public parking area when used in conjunction with a commercial office or industrial use on an adjacent lot provided said parking area is located within 300 feet of the main building, structure or use.

H. Single-family dwelling.

I. Manufactured home which meets the requirements of Section 61.050.

**22.025 Lot Area.** The minimum area of any lot created in the RH Zone shall be 5,000 square feet.

**22.030 Lot Frontage.** The minimum width at the front lot line of any lot created in the RH Zone shall be 25 feet.

**22.035 Lot Width.** The minimum width at the front building line of any lot created in the RH Zone shall be 50 feet.

**22.040 Yards.**

A. No main building shall be constructed, erected or placed within a required yard. No main building shall be constructed, enlarged, altered, or repaired in such a way that it extends into any required yard except as may be authorized under the provisions of Chapter 75, "Yards." When this or any other ordinance requires a setback or yard of greater depth than is required in this section, the greater setback or yard requirement shall apply.

B. In an RH Zone, the minimum distance for any front, side, or rear yard, or between two main buildings on the same lot shall be determined from the following table:

**TABLE 22-1**

**HEIGHT OF MAIN BUILDING**

	1 Story	2 Stories	3 Stories-
<b>MINIMUM FRONT YARD DEPTH:</b>			
Interior Lot	15'	15'	15'
Corner Lot	15'	15'	15'
<b>MINIMUM REAR YARD DEPTH:</b>			
Interior Lot	10'	10'	10'
Corner Lot	10'	10'	10'
<b>MINIMUM SIDE YARD DEPTH:</b>			
Yard Not Adjoining Street	5'	5'	5'
Yard Adjoining Street	10'	10'	10'
<b>MINIMUM DISTANCE</b>			
Between Main Buildings on the Same Lot	10'	15'	15'

**22.045 Height.** No building in an RH Zone shall exceed a height of 45 feet.

**22.050 Lot Coverage.** No main building or group of main buildings in an RH Zone shall occupy more than 45 percent of the area of any single lot.

**22.055 Recreation Area Required.** Each lot having a multi-family residential building on it shall have at least 300 square feet of recreation area per dwelling unit. The required recreation area can be located within the required front otherwise developed and landscaped in a manner suitable for pedestrian traffic and recreation.

## SUBCHAPTER 23

### MIXED DENSITY RESIDENTIAL (MX) ZONE

**23.005 Purpose.** The City of Monmouth recognizes that land is a precious, non-renewable resource, and that conventional zoning tends to foster a pattern of development that excessively separates land uses and results in the requirement of extensive vehicular travel. The Mixed Density (MX) Residential Zone is intended primarily as residential area with supporting and complementary commercial and public uses. The purpose of the Mixed Density (MX) Residential Zone is to provide the development option of a subdivision that will promote:

- The physical and social integration of citizens diverse in age, lifestyle and economic status;
- An adequate supply of housing that is affordable by households at all income levels.
- A greater diversity than found in other Monmouth neighborhoods of types of housing; and
- An alternative means of developing land and otherwise promote public health, safety and welfare that fosters a strong sense of neighborhood identity based on a shared, coherent, functionally efficient physical environment.

The form of the MX Zone is designed to provide a coordinated and attractive living environment that responds to local conditions and emphasizes a range of good circulation opportunities for walking, bicycling, using transit and driving personal vehicles. Essential development characteristics within the MX Zone are:

- A mixing of residential housing types including detached single-family dwellings, apartments, residential flats and townhouses.
- Studio apartment units in the same structure with single-family dwellings or their detached garage.
- Generally regular geometric network of streets, alleys and blocks arranged to provide easy orientation and alternative routes for each destination.
- A hierarchy of streets, including narrow streets convenient for a balanced mix of pedestrians and automobiles, and wider streets to carry greater traffic.
- Well-configured squares, gardens, and open spaces woven into street and block patterns and dedicated to collective social activity, recreation and visual enjoyment.
- A built-up neighborhood area with an overall size small enough to permit residents and workers the option of walking or riding bicycles conveniently to work places and neighborhood shopping, schools and recreation. The size and density of the MX zone/neighborhood is designed to create ten-minute maximum walking times to activities within the zone/neighborhood.

**23.010 Definitions.** The following definitions are used for terms found within the MX Zone and shall pertain to the MX Zone lands only. All terms not defined herein shall be defined by the general definitions of the City of Monmouth Zoning Ordinance (Subchapter 13), or if not found anywhere in these sections, ordinary dictionary meanings.

Neighborhood Coffee House. A restaurant with not more than 800 square feet and not more than four (4) employees, and which is open for business not more than fourteen (14) hours per day Sunday through Thursday, and not more than sixteen (16) hours Friday and Saturday.

Residential Flat. A residential dwelling unit situated on a second floor or higher above permitted nonresidential uses.

Shared Parking. Any parking spaces intended for use by more than one (1) use, where persons occupying the spaces are unlikely to need the spaces at the same time of day.

**23.020 Residential Density.** To achieve balance and integration of a range of housing types, sizes, and densities, the Mixed Density Residential (MX) Zone relies on three (3) criteria.

A. The intent of the MX Zone is to achieve an overall density of nine (9) dwelling units per net acre of residential land

B. To reflect the demand for rental and higher-density housing within the region, at least one-third of the units must be either in multifamily or attached single-family structures, e.g., townhomes.

C. To meet the continuing demand for single-family housing while reducing land costs, the majority of residential land in each neighborhood should be for higher-density single-family housing, either detached (generally between six (6) to nine (9) dwellings per net acre) or attached (generally between nine (9) to twelve (12) dwellings per net acre).

**23.030 Permitted Uses.** Within any MX Zone, no structure shall be used, constructed, erected, or altered, and no lot shall be used or occupied for any purposes except the following:

A. Residential dwellings, including single-family, manufactured homes, and multifamily structures.

B. Except as otherwise provided in this subchapter, any commercial uses listed within Subchapter 33, Commercial Retail Transitional (CRT) Zone, except for auto-oriented uses. “Automobile-oriented uses” means automobiles and/or other motor vehicles are an integral part of the use.

C. Open Space Uses.

D. Neighborhood Coffee House as defined in this subchapter.

E. Residential Care Homes and Facilities. Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for five (5) or fewer individuals (“homes”) or six (6) to fifteen (15) individuals (“facilities”) who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660-670:

1. Licensing. All residential care homes shall be duly licensed by the State of Oregon.

2. Parking. A minimum of one (1) parking space shall be provided for each employee and typical number of visitors, in accordance with Subchapter 73 Parking.

3. Development Review. Development review shall be required for new structures to be used as residential care homes or facilities, and for conversion of an existing residence to be used as a residential care home, to ensure compliance with the licensing, parking, and other requirements of this Ordinance.

F. Residential Flats situated on the second floor above permitted nonresidential uses.

G. Childcare facilities, as defined by this Ordinance, with ORS 657A.030 and 657A.250 to 657A.450.

**23.035 Prohibited Uses.** Generally, only the uses listed under ‘Permitted Uses’ are allowed in the MX Zone. All other uses are not allowed. The following uses are listed as specifically prohibited activities.

A. Any commercial use that is directed to patrons who are encouraged by the site layout or buildings to remain in their automobile while receiving goods or services.

B. Light Industrial.

C. Kennel

D. Recreational Vehicle Park

**23.040 Conditional Uses.** If authorized under the procedures provided for conditional uses in this Ordinance, the following uses will be permitted in the MX Zone:

A. **Neighborhood Commercial Land Uses.** All neighborhood commercial uses shall comply with the following standards, which are intended to promote land use compatibility and transition between neighborhood commercial and residential uses.

1. Permitted Uses. Only those neighborhood commercial uses specifically listed in “a”-“1” below may be permitted. Residential and neighborhood commercial uses may be

mixed “vertically” meaning that a residential use is developed above the commercial use (i.e., ground floor retail/office with upper-story apartments, townhomes, or condominiums), or may be mixed “horizontally” meaning commercial and residential uses both occupy ground floor space. Automobile-oriented uses are expressly prohibited.

- a. Day care center, day nursery, and kindergarten, as defined by this Ordinance.
- b. Food services, excluding automobile-oriented uses
- c. Laundromats and dry cleaners
- d. Retail goods and services
- e. Medical and dental offices, clinics, laboratories
- f. Personal services (e.g., barber shops, salons, similar uses)
- g. Professional and administrative offices
- h. Repair services, conducted entirely within building; auto repair, similar services excluded
- i. Mixed use building (residential with other permitted use)
- j. Church and other religious assembly and institution
- k. Planned Unit Development, in accordance with the provisions of subchapter 91 of the Monmouth Zoning and Development Ordinance.
- l. Other similar uses

2. Dispersion of Neighborhood Commercial Development. A neighborhood commercial site shall be located no closer than one-half mile from another neighborhood commercial site or area zoned for commercial use within the city. A “neighborhood commercial site” means a lot or parcel zoned Residential (RS, RM, RH, or MX) and containing commercial uses.

3. Location and Access. Neighborhood commercial developments shall have frontage onto a collector or arterial with available on-street parking, and shall conform to the building orientation and parking location standards in Subchapter 73.

4. Building Mass Supplemental Standards. The maximum width or length of a neighborhood commercial or mixed use (residential and commercial) building shall not exceed 160 feet (from end-wall to end-wall).

5. Floor Area Supplemental Standards. An individual commercial use (or leasable business space) shall not exceed 2,000 square feet of floor area. Floor area is measured



by totaling the interior floor area of all building stories, except crawl spaces (i.e., with less than 7 ½ feet of vertical clearance).

6. Hours of Operation. Neighborhood commercial land uses shall be limited to the following hours of operation, 6:30 a.m. to 8:30 p.m.

B. Manufactured Dwelling Park, in accordance with the provisions of Chapter 61.

### **23.050 Building Setbacks.**

A minimum of five (5) foot setback is required from all alleys. For residential uses, a minimum of ten (10) foot setback is required for a front yard (street side) setback. Open covered and uncovered porches may extend within the front setback to within five (5) feet of the front property line. Except as may otherwise be required with the MX Zone, there shall be no other minimum building setbacks.

### **23.060 Lot Requirements.**

A. There are no minimum lot-size requirements, except as lot size is controlled by overall MX Zone density and lot coverage requirements.

B. Lot frontage. Lots within the MX Zone shall have the following street frontage requirements:

	<b>Maximum</b>	<b>Minimum</b>
Commercial	250 feet	16 feet
Single-Family Residential	100 feet	25 feet
Multifamily Residential	30 feet / unit	6 feet / unit, min. 24 feet

C. Lot Coverage in the MX Zone. The total building coverage for the entire MX Zone shall not exceed 45 percent, including street area.

**23.070 Building Height.** No building height shall exceed three (3) stories or 35 feet in height.

### **23.080 Building Orientation.**

A. Purpose. The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more “eyes-on-the-street”.

B. Applicability. This section applies to:

1. Single family Attached townhomes that are subject to Site Plan Review (2 or more attached units);
2. Multi-family Housing;
3. Neighborhood Commercial buildings; and
4. Public and Institutional buildings, except that the standard shall not apply to buildings that do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses.)

C. Building orientation standards. All developments listed in “B” shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 23.050.
2. All buildings shall have their primary entrance(s) oriented to the street. Multifamily and neighborhood commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street. In this case, at least one (1) entrance shall be provided not more than twenty (20) feet from the closest sidewalk or street.
3. Off-street parking, drives or other vehicle areas shall not be placed between buildings and streets where building placement complies with this standard.

### **23.090 Architectural Guidelines and Standards**

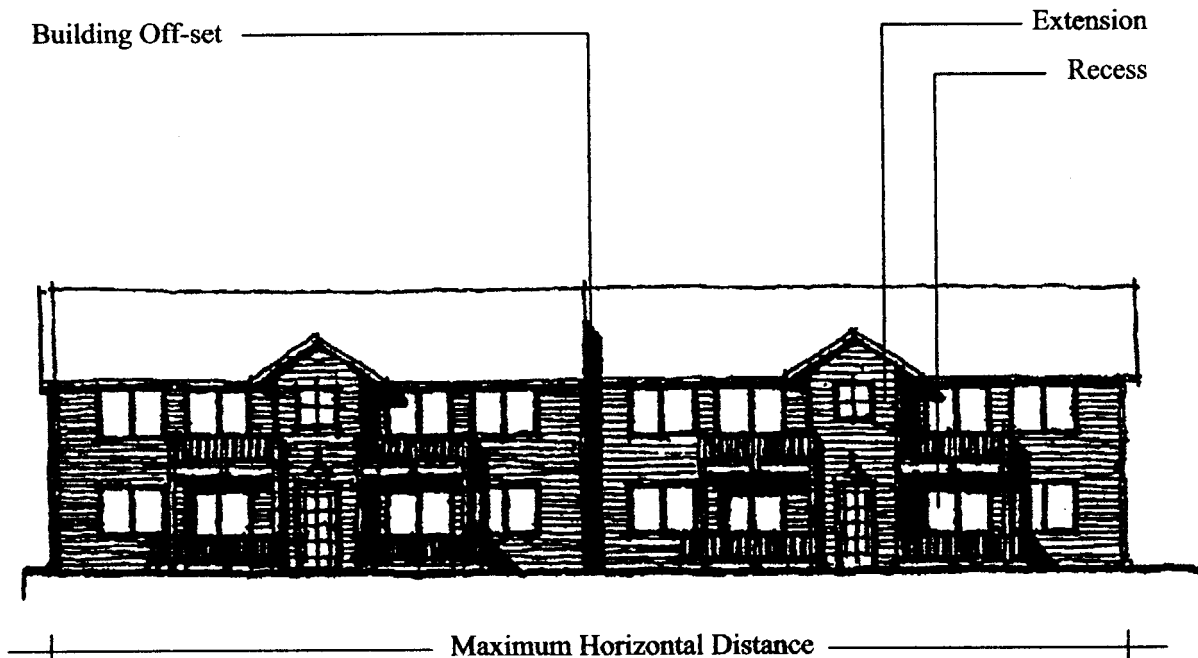
A. Purpose. The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all of the following types of buildings, and shall be applied during Site Plan Review:

1. Single family attached townhomes which are subject to Site Plan Review (2 or more attached units)];
2. Multi-family housing;
3. Public and institutional buildings;
4. Neighborhood commercial and mixed use buildings; and
5. Duplexes and Triplexes

C. Standards. All buildings that are subject to this Section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

**Figure 23.090(1) – Building Form (Multifamily Housing Example)**



1. Building Form. The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed 160 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in Figure 23.090(1). Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two (2) of the following features:

- a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of four (4) feet;
- b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet; and/or
- c. Offsets or breaks in roof elevation of two (2) feet or greater in height.

2. Eyes on the Street. All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of 50 percent of front (i.e., street-facing) elevations, and a minimum of 25 percent of side and rear building

elevations, as applicable, shall meet this standard. “Percent of elevation” is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

**Figure 23.090(2) – Examples of Architectural Details**

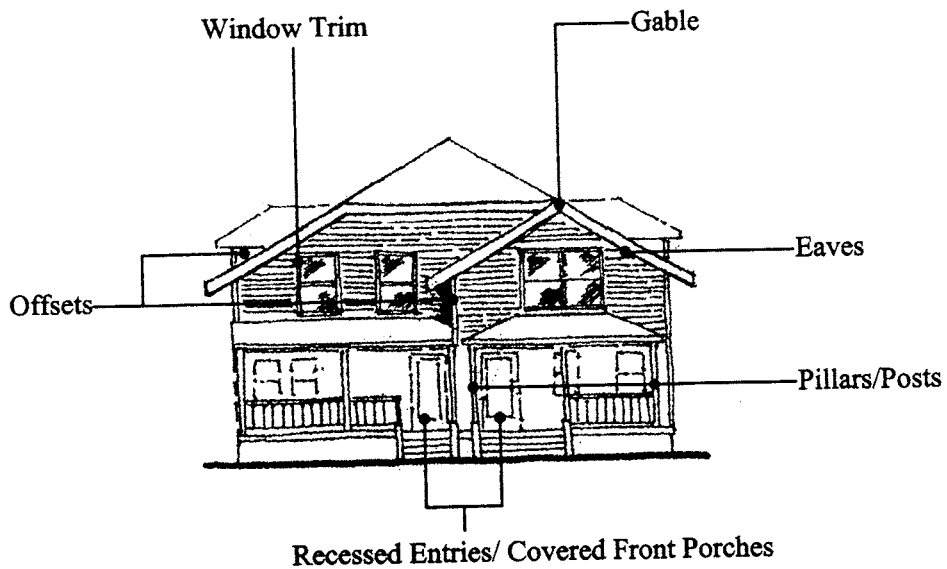
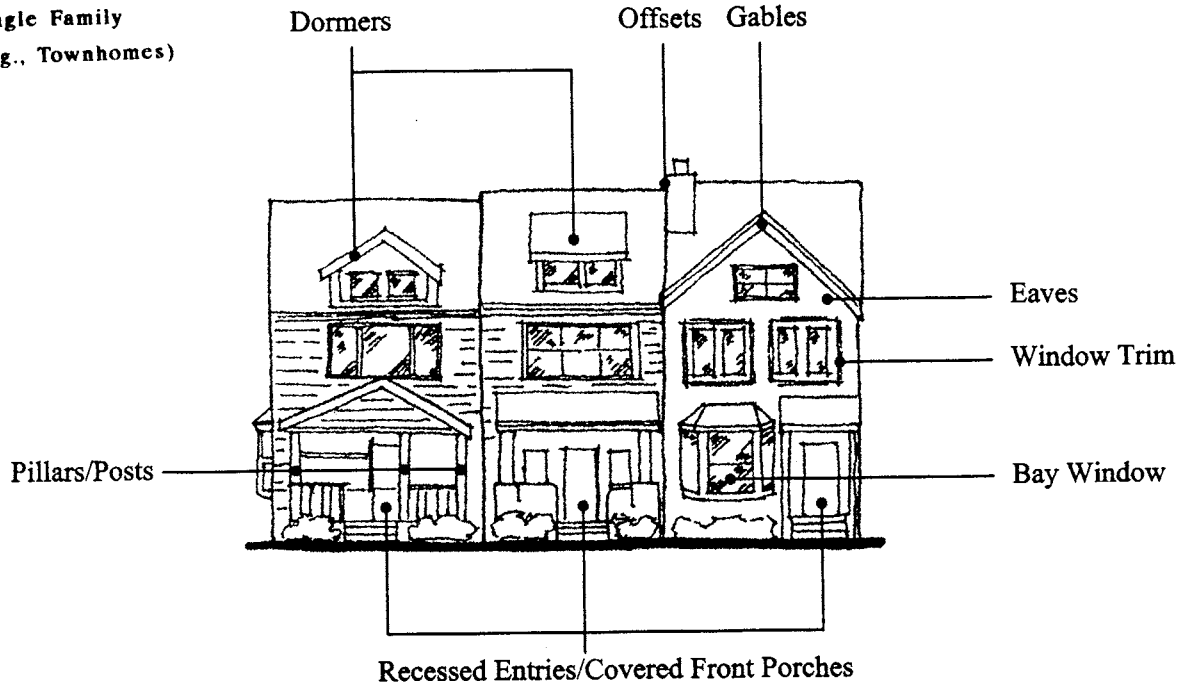
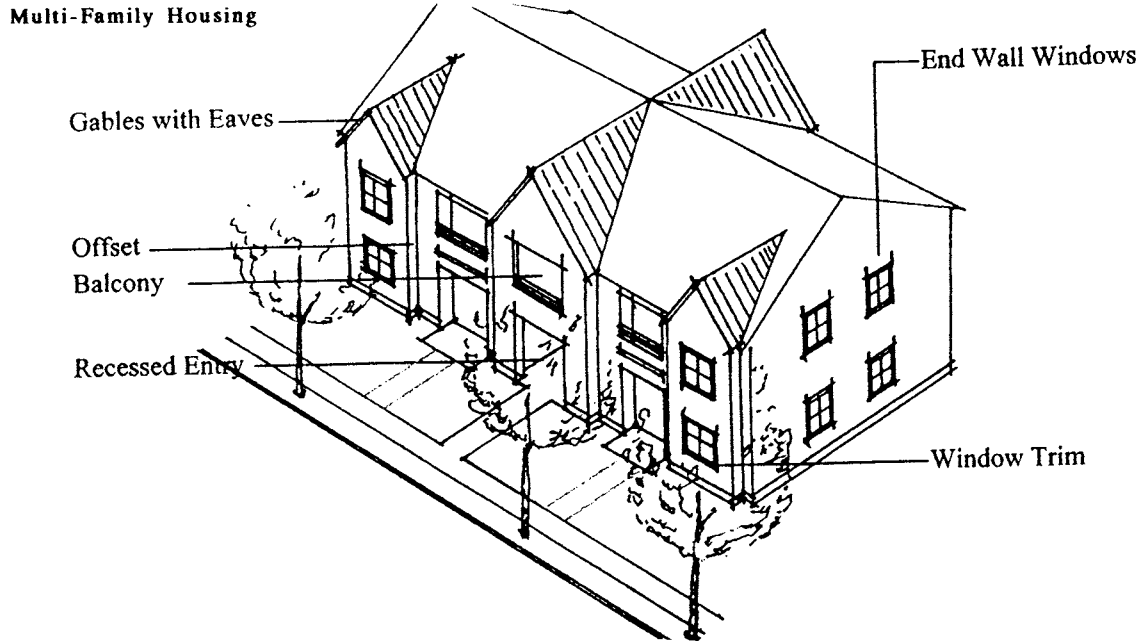


Figure 23.090(2) – Examples of Architectural Details (Continued)

Single Family  
(e.g., Townhomes)



**Figure 23.090(2) – Examples of Architectural Details (Continued)**



3. Detailed Design. All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least two (2) of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

- a. Dormers
- b. Gables
- c. Recessed entries
- d. Covered porch entries
- e. Cupolas or towers
- f. Pillars or posts

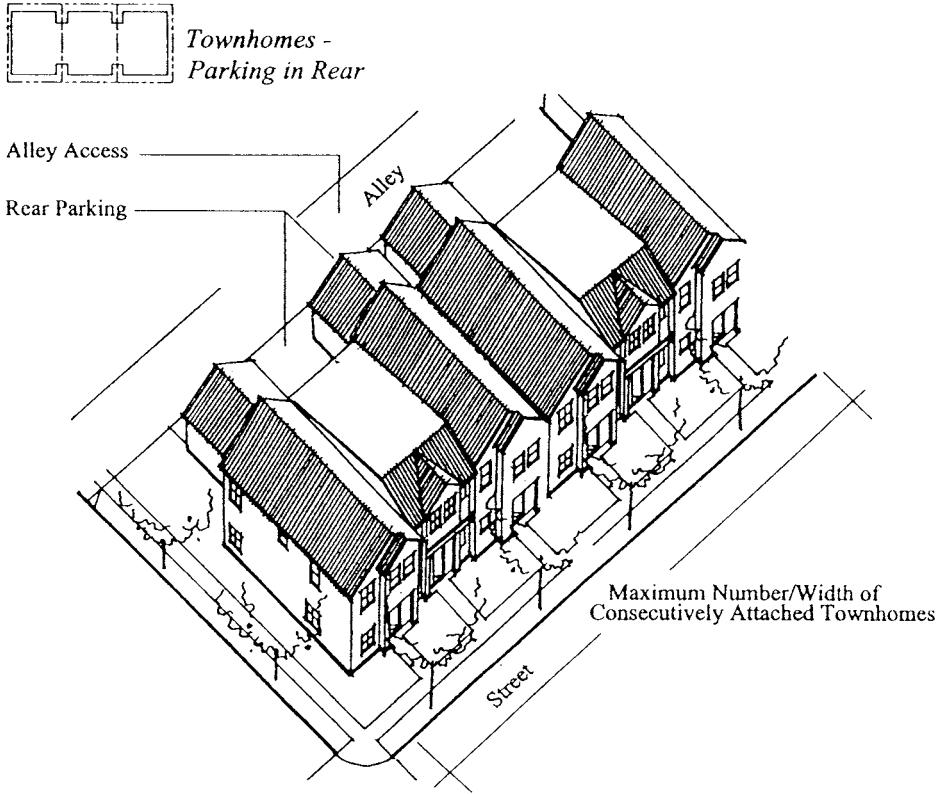
- g. Eaves (min. 6-inch projection)
- h. Off-sets in building face or roof (minimum 16 inches)
- i. Window trim (minimum 4-inches wide)
- j. Bay windows
- k. Balconies
- l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
- m. Decorative cornices and roof lines (e.g., for flat roofs)
- n. An alternative feature providing visual relief, similar to options a-m.

### **23.100 Special Standards for Certain Uses**

A. Single-family attached Townhomes, Duplexes and Triplexes. Single-family attached housing (townhome units on individual lots), duplex and triplex developments shall comply with the standards in 1-4, below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

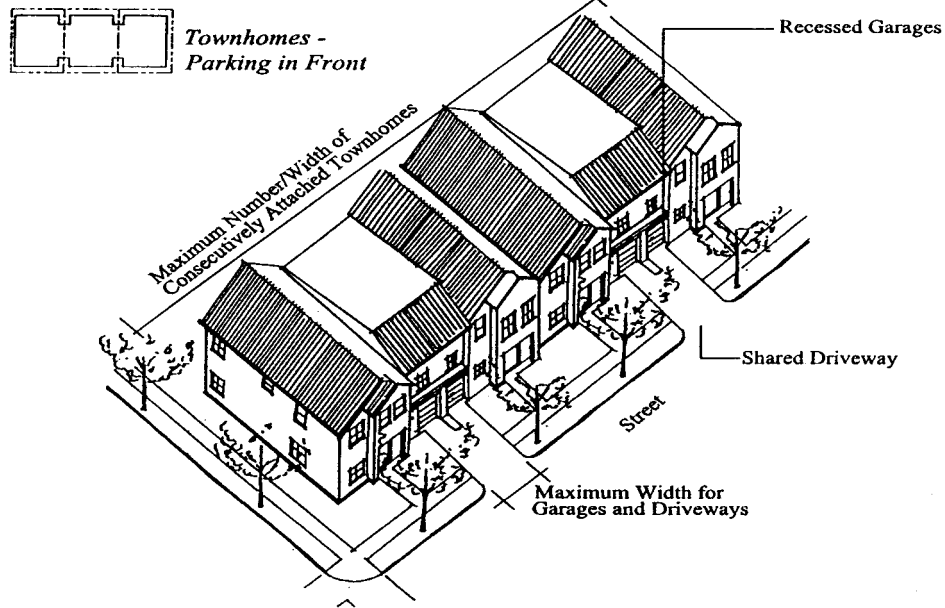
1. Building Mass Supplemental Standard. Within the Mixed Density Residential (MX) District, the maximum number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed four (4) units, or 80 feet (from end-wall to end-wall), whichever is less.
2. Townhome, duplex and triplex subdivisions (4 or more lots) may receive vehicle access from a rear alley. Alley(s) shall be created at the time of subdivision approval. Alleys are not required when existing development patterns or topography make construction of an alley impracticable (See #3 for standards). As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Subchapter 77 for access and circulation.

**Figure 23.100(1) - Townhomes and Multiplex Housing with Alley Access**





**Figure 23.100(2) - Townhomes and Multiplex Housing With Street**



3. Street Access Developments. Townhomes, duplexes and triplexes receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.

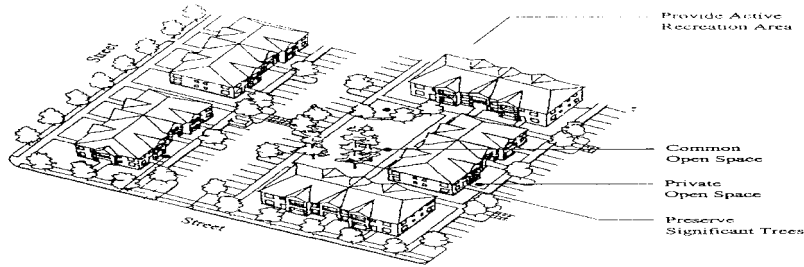
- a. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of four (4) feet.
- b. The maximum allowable driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one twelve (12) foot wide recessed garaged facing the street.
- c. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than twenty (20) feet (i.e., the width of one (1) on-street parking space). When a driveway serves more than one (1) lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, before building permit issuance.

4. Common Areas. “Common areas” (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for

exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the City before building permit approval.

B. Multifamily housing. Multi-family housing is allowed within the Mixed Density Residential (MX) Zone. Multifamily housing means housing that provides three (3) or more dwellings on an individual lot (e.g., multi-plexes, apartments, condominiums, etc.). New multifamily developments shall comply with all of the following standards:

**Figure 23.100(3) – Multifamily Housing (typical site layout)**



1. Building Mass Supplemental Standard. Within the Mixed Density Residential (MX) Zone, the maximum width or length of a multiple family building shall not exceed 160 feet (from end-wall to end-wall).
2. Common open space standard. Inclusive of required setback yards, a minimum of 15 percent of the site area shall be designated and permanently reserved as usable common open space in multiple family developments with greater than ten (10) dwellings. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.
3. Private open space standard. Private open space areas shall be required for ground- floor and upper-floor housing units based on all of the following standards:
  - a. A minimum of 50 percent of all ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within five (5) feet of the finished ground elevation (i.e., after grading and landscaping);
  - b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches measuring at least 24 square feet. Upper-floor housing means housing units that are more than five (5) feet above the finished grade; and
  - c. Private open space areas shall be oriented toward common open space areas and away from adjacent single-family residences, trash receptacles, parking and drives to the greatest extent practicable.

4. Exemptions. Exemptions to the common open space standard may be granted for multi-unit developments of up to ten (10) units. Exemptions may be granted for the first 20 units of a larger project when these developments are within one-quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), lighted, and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides active recreation areas such as play fields; children's play area, sports courts, walking/fitness course, or similar facilities.

5. Trash receptacles. Trash receptacles shall be oriented away from adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height.

## SUBCHAPTER 30

### COMMERCIAL OFFICE (CO) ZONE

**30.005 Purpose.** The purpose of the Commercial Office (CO) Zone is to define and protect areas suitable for offices and businesses providing personal and professional services.

**30.010 Permitted Uses.** Within any CO Zone, no structure shall be used, constructed, erected, or altered and no lot shall be used or occupied for any purposes except the following:

A. Personal Services:

1. Advertising agency;
2. Barber shop;
3. Beauty shop;
4. Clothing and costume rental;
5. Child care facilities, as defined by this Ordinance, complying with ORS 657A.030 and 657A.250 to 657A.450.
6. Dry cleaning and dyeing establishment except for those cleaning rugs or using inflammable solvents;
7. Employment agency;
8. Health studio;
9. Laundry;
10. Laundry, self-service;
11. Massage parlor;
12. Mortuary or funeral home;
13. Parcel delivery agency;
14. Shoe repair or shoeshine shop;
15. Sign-painting shop, if wholly within a building;
16. Tennis club, swimming pool, or other athletic or recreational facility;
18. Residential home, as defined by this Ordinance;
18. Nursing home or assisted living facility;
19. One dwelling for the owner, manager, or operator of a permitted activity on the same lot;

20. Travel agent;
21. Other businesses offering personal or professional services.

B. Professional Offices:

1. Attorney or Lawyer's office;
2. Medical or dental office or clinic;
3. Bank or other lending institution;
4. Club, lodge, fraternal, and religious association;
5. Accountant or bookkeeping office;
6. Optician and optometrist office;
7. Real estate, insurance, stock brokerage office;
8. Abstracting or title insurance office;

C. Playground or park;

D. The taking of boarders or renting of rooms by a resident family, provided that the total number of boarders and roomers does not exceed two (2) in any single-family or four (4) in any duplex;

E. Home occupation as defined in this Ordinance;

F. Public garage;

G. Private garage;

H. Accessory uses and structures:

1. Customary residential accessory buildings and structures for private use, such as a pergola, greenhouse, hobby shop, patio, porch, deck, wood shed, shelter for domestic pets of the resident, fence, and fallout shelter;
2. Parking or storage area for a boat, camper, trailer or recreational vehicle of the residents;
3. Swimming pool for private use;
4. Guest house or quarters not in the main building, provided that such house or quarters are dependent upon the main building for either kitchen or bathroom facilities or both and that they are not used for residential purposes.

I. Structure necessary for the City or for a public utility to provide service to the neighborhood in which it is located. Such structures shall include but not be limited to the following:

1. Electric service meters, lines, transformers and poles;
2. Natural gas lines;
3. Telephone lines and poles;
4. Water and sewer lines;
5. Streets and sidewalks;

J. A business or office that provides personal or professional services similar to those listed in Subsections A & B above and which does not involve the manufacture, storage, or retail sale of commodities;

K. Parking Lot public or private.

**30.015 Conditional Uses.** If authorized under the procedures provided for conditional uses in this Ordinance, the following uses will be permitted in a CO Zone:

A. Church and other religious assembly and institution;

B. Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power;

C. School (elementary, middle school, senior high);

D. Trade or commercial school;

E. Small commercial activities in conjunction with and secondary to a business or office permitted outright in the CO Zone. Such uses shall include but not be limited to a news stand, coffee shop, dining room, or pharmacy. There shall be no exterior displays or advertisements for such secondary commercial uses except that one (1) sign having a maximum area of four (4) square feet shall be permitted near each door of the business. No more than one-half the floor area of one (1) story shall be devoted to such secondary commercial uses;

F. Hospital;

G. Veterinary clinic, not to include the boarding of animals;

H. Heliport.

I. Single-family dwelling.

J. Manufactured home that meets the requirements of Section 61.050.

**30.020 Lot Area.** The minimum area of any lot created in the CO Zone shall be 5,000 square feet.

**30.025 Lot Width.** The minimum width at the front lot line of any lot created in the CO Zone shall be 50 feet.

**30.030 Yards.**

A. No main building shall be constructed, erected, or placed within a required yard. No main building shall be constructed, enlarged, altered, or repaired in such a way that it extends any required yard except as may be authorized under the provisions of Chapter 75, "Yards." When this or any other ordinance requires a setback or yard of greater depth than is required in this section, the greater setback or yard requirement shall apply.

B. Front Yard. The minimum depth of a front yard in the CO Zone shall be ten (10) feet except where such zone adjoins property zoned for residential uses, in which case the minimum depth of the front yard shall be fifteen (15) feet.

C. Side Yard. No side yard shall be required in the CO Zone, except where such zone adjoins property zoned for residential uses, in which case the minimum depth of the side yard shall be five (5) feet.

D. Rear Yard. No rear yard shall be required in a CO Zone except where such a zone adjoins property zoned for residential uses, in which case the minimum depth of the rear yard shall be ten (10) feet.

E. A commercial office use located adjacent to any residential zone, or residential use, shall be enclosed with an ornamental fence, masonry wall or compact evergreen hedge having a minimum height of two (2) feet.

**30.035 Height.** No building in a CO Zone shall exceed a height of 45 feet.

**30.045 Parking.** Parking and loading spaces for uses and activities in the CO Zone shall be provided in accordance with the requirements of Chapter 73, "Parking."

## SUBCHAPTER 31

### COMMERCIAL HIGHWAY (CH) ZONE

**31.005 Purpose.** The purpose of the Commercial Highway (CH) Zone is to define and protect areas suitable for commercial uses which require exposure and access to major traffic arterials and which provide facilities and services to motorists.

**31.010 Permitted Uses.** Within a CH. Zone, no structure shall be used, constructed, erected, or altered and no lot shall be used or occupied for any purposes except the following:

- A. One (1) dwelling for the owner, manager, or operator of a permitted activity on the same lot;
- B. Motel, hotel;
- C. Restaurant;
- D. Drive-in restaurant;
- E. Grocery store;
- F. Service station;
- G. Bus station;
- H. Automobile rental agency;
- I. Truck and trailer rental agency;
- J. Sporting equipment and other recreational equipment rental service;
- K. Tool and equipment rental agency;
- L. Car wash;
- M. Photographic shop;
- N. Drugstore, pharmacy;
- O. Gift, novelty, curio, or souvenir shop;
- P. Florist shop or plant nursery;
- Q. Automobile sales and service center;
- R. Newsstand;



- S. Bakery;
- T. Apparel store;
- U. Antique shop;
- V. Storage rental units (mini-warehouses);
- W. Any use permitted outright in the Commercial Office (CO) Zone in accordance with the provisions of Section 30.010;
- X. Parking lot or garage, public or private.
- Y. Residential home, as defined by this Ordinance.

**31.015 Conditional Uses.** If authorized under the procedures provided for conditional uses in this Ordinance the following uses will be permitted in a CH Zone:

- A. Church and other religious assemblies and institutions;
- B. Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power, and shall not include outdoor stockpiling of material supplies;
- C. School (elementary, middle school, senior high)
- D. Trade or commercial school;
- E. Truck fueling service stations;
- F. Hospital;
- G. Recreational vehicle park;
- H. Campground;
- I. Bicycle or motorcycle sales;
- J. Veterinary clinic, not to include boarding of animals;
- K. Heliport;
- L. A commercial activity involving retail sales and service and which is not listed as a conditional use in the CR Zone;

M. A commercial activity involving personal or professional services and which is not listed as a conditional use in the CR Zone.

N. Tourist Information Center;

O. Public or private museum, art gallery, or similar use.

**31.020 Lot Area.** The minimum area of any lot created in the CH Zone shall be 5,000 square feet.

**31.025 Lot Width.** The minimum width at the front lot line of any lot created in the CH Zone shall be 50 feet.

### **31.030 Yards.**

A. No main building shall be constructed, erected, or placed within a required yard. No main building shall be constructed, enlarged, altered, or repaired in such a way that it extends into any required yard except as may be authorized under the provisions of Chapter 75, "Yards." When this, or any other, Ordinance requires a setback or yard of greater depth than is required in this section, the greater setback or yard requirement shall apply.

B. Front Yard. The minimum depth of a front yard in the CH Zone shall be ten (10) feet, except where such zone adjoins property zoned for residential uses, in which case the minimum depth of the front yard shall be fifteen (15) feet.

C. Side Yard. No side yard shall be required in the CH Zone, except where such zone adjoins property zoned for residential uses, in which case the minimum depth of the side yard shall be five (5) feet.

D. Rear Yard. No rear yard shall be required in a CH Zone except where such a zone adjoins property zoned for residential uses, in which case the minimum depth of the rear yard shall be ten (10) feet.

E. Distance Between Main Buildings. The minimum distance between two main buildings on the same lot in a CH Zone shall be ten (10) feet.

**31.035 Height.** No building in a CH Zone shall exceed a height of 45 feet.

**31.045 Parking.** Parking and loading spaces for uses and activities in the CH Zone shall be provided in accordance with the requirements of Chapter 73, "Parking."

## SUBCHAPTER 32

### COMMERCIAL RETAIL (CR) ZONE

**32.005 Purpose.** The purpose of the Commercial Retail (CR) Zone is to define and protect areas suitable for the development of a wide range of retail commercial facilities and services.

**32.010 Permitted Uses.** Within any CR Zone, the following uses shall be permitted:

- A. A commercial activity involving retail sales and service and which is not listed as a conditional use in the CR Zone;
- B. A commercial activity involving personal or professional services and which is not listed as a conditional use in the CR Zone;
- C. Office;
- D. Playground or park;
- E. Garage, Repair or parking lot;
- F. Garage, Private or parking lot;
- G. Structure necessary for the City or for a public utility to provide service to the neighborhood in which it is located. Such structures shall include but not be limited to the following:
  - 1. Electric service meters, lines, transformers, and poles;
  - 2. Natural gas lines;
  - 3. Telephone lines and poles;
  - 4. Water and sewer lines;
  - 5. Streets and sidewalks.

**32.015 Conditional Uses.** If authorized under the procedures provided for conditional uses in this ordinance, the following uses will be permitted in a CR Zone:

- A. Church and other religious assembly and institution;
- B. Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power;
- C. Trade or Commercial school;
- D. Hospital;
- E. Veterinary Clinic;

- F. Transmitter station, towers, relay stations and similar facilities for electronic communications;
- G. Bus terminal or depot;
- H. Freight forwarding facility;
- I. A residential use, provided that at least 50 percent of the floor area of the building is used for a commercial activity permitted in Section 32.010. At least two (2) off-street parking spaces for each such dwelling unit shall be provided in addition to any parking spaces required for the commercial activity.

**32.020 Lot Area.** The minimum area of any lot created in the CR Zone shall be 5,000 square feet.

**32.025 Lot Width.** The minimum width at the front lot line of any lot created in the CR Zone shall be 50 feet.

### **32.030 Yards.**

A. No main building shall be constructed, erected, or placed within a required yard. No main building shall be constructed, enlarged, altered, or repaired in such a way that it extends into any required yard except as may be authorized under the provisions of Chapter 75, "Yards." When this or any other ordinance requires a setback or yard of greater depth than is required in this section, the greater setback or yard requirement shall apply.

B. Front Yard. The minimum depth of a front yard in the CR Zone shall be ten (10) feet except where such zone adjoins property zoned for residential uses, in which case the minimum depth of the front yard shall be fifteen (15) feet.

C. Side Yard. No side yard is required for commercial buildings in the CR Zone except that where the side of a lot abuts any residential zone, there shall be a landscaped side yard of the same depth required in the abutting residential zone.

D. Rear Yard. No rear yard is required for commercial buildings in the CR Zone except that where the rear of the lot abuts any residential zone, there shall be a landscaped rear yard of the same depth required in the abutting residential zone.

**32.035 Height.** No building in a CR Zone shall exceed a height of 45 feet.

**32.040 Parking.** Parking and loading spaces for uses and activities in the CR Zone shall be provided in accordance with the requirements of Chapter 73, "Parking."

**32.045 Prohibited Uses.** Within the CR Zone the following uses shall not be permitted:

- A. Residential uses, except as provided in Section 32.0151;

- B. Manufacturing or processing not associated with and incidental to a retail commercial activity permitted in Sections 32.010 or 32.015;
- C. A warehouse or wholesale firm not open to the general public;
- D. School (elementary, middle school, senior high);
- E. Truck fueling and service station;
- F. Recreational vehicle park;
- G. Campground;
- H. Kennel;
- I. Heliport;

## SUBCHAPTER 33

### COMMERCIAL RETAIL TRANSITIONAL (CRT) ZONE

**33.005 Purpose.** The purpose of the Commercial Retail Transitional (CRT) Zone is to define areas suitable for the development of a wide range of mixed commercial and/or residential uses facilities and services. The CRT Zone is considered a transitional zone in that uses are expected to gradually evolve from predominantly residential to predominantly commercial.

**33.010 Density.** The density of residential development on any lot in the CRT Zone shall not exceed twelve (12) dwelling units per acre.

**33.020 Permitted Uses.** Within any CRT Zone, the following uses are permitted:

A. Any commercial activity involving retail sales and service which is not listed as a conditional use in the CR Zone or CRT Zone;

B. Any commercial activity involving personal or professional services which is not listed as a conditional use in the CR Zone or CRT Zone;

C. Office;

D. Playground or park;

E. Garage, Repair or parking lot;

F. Garage, Private or parking lot:

G. Structure necessary for the City or for a public utility to provide service to the neighborhood in which it is located. Such structures may include but are not limited to:

1. Electric service meters, lines, transformers, and poles;
2. Natural gas lines;
3. Telephone lines and poles;
4. Water and sewer lines;
5. Streets and sidewalks.

H. Two-family dwelling (duplex);

I. Medium density residential structure such as a townhouse or row houses, provided that the aggregate number of dwelling units in any one (1) structure does not exceed six (6);

J. Accessory uses and structures:

1. Customary residential accessory buildings and structures for private use, such as a pergola, greenhouse, hobby shop, patio, porch, deck, wood shed, shelter for domestic pets of the resident, fence or fallout shelter;
  2. Private garage, as defined in this Ordinance;
  3. Parking or storage area for a boat, camper, trailer or recreational vehicle of the residents;
  4. Guest house or quarters not in the main building provided that such house or quarters are dependent upon the main building for either kitchen or bathroom facilities, or both, and that they are not used for continuous residential purposes;
- K. The taking of boarders or renting of rooms by a resident family, provided that the total number of boarders and roomers does not exceed two (2) in any single-family dwelling or four (4) in any duplex;
- L. Childcare facilities, as defined by this Ordinance, complying with ORS 657A.030 and 657A.250 to 657A.450.
- M. Parking area or structure for a multi-family dwelling;
- N. Home occupation, in accordance with provisions of Subchapter 72 of this Ordinance;
- O. Rooming House, provided that the total number of roomers does not exceed three (3);
- P. Private or public parking area when used in conjunction with a commercial use on an adjacent lot provided said parking area is located within 300 feet of the main building, structure or use.

**33.025 Conditional Uses.** If authorized under the procedures provided for conditional uses in this Ordinance, the following uses may be permitted in a CRT Zone:

- A. Church and other religious assembly and institution;
- B. Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities may include but are not limited to: fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power;
- C. Trade or Commercial school;
- D. Hospital;
- E. Veterinary Clinic;
- F. Transmitter station, towers, relay stations and similar facilities for electronic communications;
- G. Bus terminal or depot;
- H. Freight forwarding facility;

I. Medium density residential structure having more than six (6) dwelling units within a single building;

J. Dwelling, quad or quint, as defined in this Ordinance;

K. A mixed use consisting of two (2) or more of the above listed permitted or conditional uses.

L. Single-family dwelling.

M. Manufactured home which meets the requirements of Section 61.041.

**33.035 Lot Area.** The minimum area of any lot created in the CRT Zone shall be 5,000 square feet.

**33.040 Lot Width.** The minimum width at the front lot line of any lot created in the CRT Zone shall be 50 feet.

### **33.345 Yards.**

A. No main building shall be constructed, erected, or placed within a required yard. No main building shall be constructed, enlarged, altered, or repaired in such a way that it extends into any required yard except as may be authorized under the provisions of Subchapter 75, "Yards." When this, or any other ordinance, requires a setback or yard of greater depth than is required in this section, the greater setback or yard requirement shall apply.

B. Front Yard. Buildings in a CRT Zone shall be set back fifteen (15) feet from the front property line. Residential buildings, whether within or outside of the downtown core area, shall be set back fifteen (15) feet from the front property line.

C. Side Yard. No side yard is required for commercial buildings in the CRT Zone except that where the side of a lot abuts any residential zone, or residential use, there shall be a landscaped side yard of the same depth required in the abutting residential zone but in no case less than five (5) feet.

D. Rear Yard. No rear yard is required for commercial buildings in the CRT Zone except that where the rear of the lot abuts any residential zone, or use, there shall be a landscaped rear yard of not less than five (5) feet.

**33.050 Height.** No building in a CRT Zone shall exceed a height of 45 feet.

**33.055 Parking.** Parking and loading spaces for uses and activities in the CRT Zone shall be provided in accordance with the requirements of Chapter 73. "Parking" and shall be determined by the actual or proposed use of the property.

**33.360 Prohibited Uses.** Within the CRT Zone the following uses shall not be permitted:



- A. Manufacturing or processing not associated with and incidental to a retail commercial activity permitted in Sections 33.020 or 33.025;
- B. A warehouse or wholesale firm not open to the general public;
- C. School (elementary, middle school, senior high);
- D. Truck fueling and service station;
- E. Recreational vehicle park;
- F. Campground;
- G. Kennel;
- H. Heliport;

**33.065 Lot Coverage.** For residential uses, no main building or group of main buildings in a CRT Zone shall occupy more than 40 percent of the area of any single lot.

**33.070 Recreation Area Required.** Each lot having a multi-family residential building on it shall have at least 300 square feet of recreation area per dwelling unit. The required recreation area can be located within the required front yard and be otherwise developed and landscaped in a manner suitable for pedestrian traffic and recreation.

## SUBCHAPTER 34

### MAIN STREET (MS) DISTRICT ZONE

**34.005 Purpose.** The Main Street District Zone is intended to provide a vibrant mix of commercial uses in a pedestrian-friendly environment. The standards encourage mixed-use development, supporting the retail shopping environment and reducing the need for people to drive. Combining housing with commercial uses provides greater housing options for employees, and housing for those who prefer to live close to the amenities and services of Main Street. Providing this type of activity “around the clock” also increases business security after hours.

A City goal is to strengthen the Main Street District as the “heart” of the community and as the logical place for people to gather and create a business center. The District is intended to support this goal through elements of design and appropriate mixed-use development. This chapter provides standards for the orderly improvement of the Main Street District based on the following principles:

Efficient use of land and urban services;

- A mixture of land uses to encourage walking as an alternative to driving, and provide more employment and housing options;
- Main Street provides both formal and informal community gathering places;
- There is a distinct storefront character that identifies Main Street;
- The Main Street District is connected to neighborhoods and other employment areas;
- Transit-oriented development reduces reliance on the automobile and reduce parking needs along Main Street;
- Design standards/guidelines maintain and enhance the City’s historic architecture

**34.010 Area of Application.** The Main Street (MS) District Zone is applied to the area located west of Highway 99W (Pacific Street), excluding the Commercial Highway (CH) zoned property adjacent to Highway 99W, south of Jackson Street, north of Clay Street, and east of College Street, excluding the High Density Residential (RH) zoned property east of College Street.

**34.020 Permitted Land Uses.** The following land uses are permitted in the Main Street District Zone, subject to the provisions of this Subchapter.

A. Residential\* [Residential shall remain secondary to commercial use in the MS District]:

1. Single-family detached housing, existing housing only
2. Zero-lot line housing, existing only
3. Accessory dwellings
4. Manufactured homes – individual lots, existing housing only
5. Single-family attached townhome
6. Two- and three-family housing (duplex and triplex)
7. Multi-family housing
8. Residential homes and facilities, as defined by this Ordinance.
9. Daycare facilities, provided they are located within office buildings and do not exceed 1,500 square feet or serve more than thirteen (13) children.

B. Home occupations subject to the standards in Subchapter 72 of this Ordinance

C. Public and Institutional\*:

1. Clubs, lodges, similar uses
2. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)
3. Public parking lots and garages, Main Street excepted.
4. Private utilities
5. Public and private educational facilities and trade schools, art, music, or dance studios, radio and television studios, excluding transmission towers.

D. Accessory Uses and Structures\*

E. Commercial:

1. Automobile-oriented uses and facilities
2. Coffee shops, cafes and delicatessens which serve at least breakfast and/or lunch, and catering services

3. Health and recreational facilities, such as exercise spas, gymnasiums, tennis and racquetballs courts, saunas
4. Entertainment (e.g., theaters, clubs, amusement uses)
5. Hotels, motels
6. Medical and dental offices, clinics and laboratories
7. Mixed use development (housing and other permitted use)\*
8. Office uses (i.e., those not otherwise listed) and telecommuting centers
9. Personal and professional services (e.g., flower or plant store, pet shop, hardware store, pharmacy, Laundromats, and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)
10. Graphic arts, printing, blue printing, photo processing or reproduction labs, publishing and book binding services, and testing laboratories and facilities, provided no operation shall be conducted or equipment used that would create hazards and/or noxious or offensive conditions.
11. Repair services (must be enclosed within building)
12. Retail trade and services
13. Uses similar to those listed above subject to conditional use requirements, as applicable

F. Industrial\*: Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods when in conjunction with retail)

Uses marked with an asterisk (\*) are subject to the standards in Section 34.080, "Special Standards for Certain Uses."

**34.030 Conditional Uses.** If authorized under the procedures provide for conditional uses in this Ordinance, the following uses may be permitted in the MS District:

- A. Bed & Breakfast inns and vacation rentals
- B. Telecommunications equipment (including wireless)
- C. Churches and other places of worship or religious assembly
- D. Galleries and museums, small-scale (seating capacity up to 500) assembly or convention facilities and theaters for performing arts, exhibition halls, administrative facilities, libraries, and senior centers.

E. Public parks and recreational facilities

F. Uses similar to those listed under Permitted Uses, subject to conditional use requirements, as applicable.

### **34.040 Building Setbacks (Yards).**

In the Main Street District Zone, buildings are placed close to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street, and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed-use buildings for a walkable Main Street.

Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed below, apply to primary structures as well as accessory structures. The standards may be modified only by approval of a variance, in accordance with Subchapter 70.

#### **A. Front Yard Setbacks.**

1. Minimum Setback. There is no minimum front yard setback required.
2. Maximum Setback. The maximum allowable front yard setback is ten (10) feet. This standard is met when a minimum of 50 percent of the front building elevation is placed no more than ten (10) feet back from the front property line. On parcels with more than one (1) building, this standard applies to the largest building. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. (See also, Pedestrian Amenities Standards in Section 34.070, and Architectural Standards in Section 34.060 for related building entrance standards.)

#### **B. Rear Yard Setbacks.**

1. Minimum Setback. The minimum rear-yard setback for all structures shall be zero (0) feet for street-access lots, and six (6) feet for alley-access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking.
2. Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in “A” shall apply.

C. Side Yard Setbacks. There is no minimum side yard setback required, except that buildings shall conform to the vision clearance standards in Chapter 75 and the applicable fire and building codes for attached structures, firewalls, and related requirements.

D. Setback Exceptions. Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features may encroach into setbacks by no more than four (4) feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. Walls and fences may be placed on the property line, subject to the requirements of Subchapter 74 Accessory Structures.

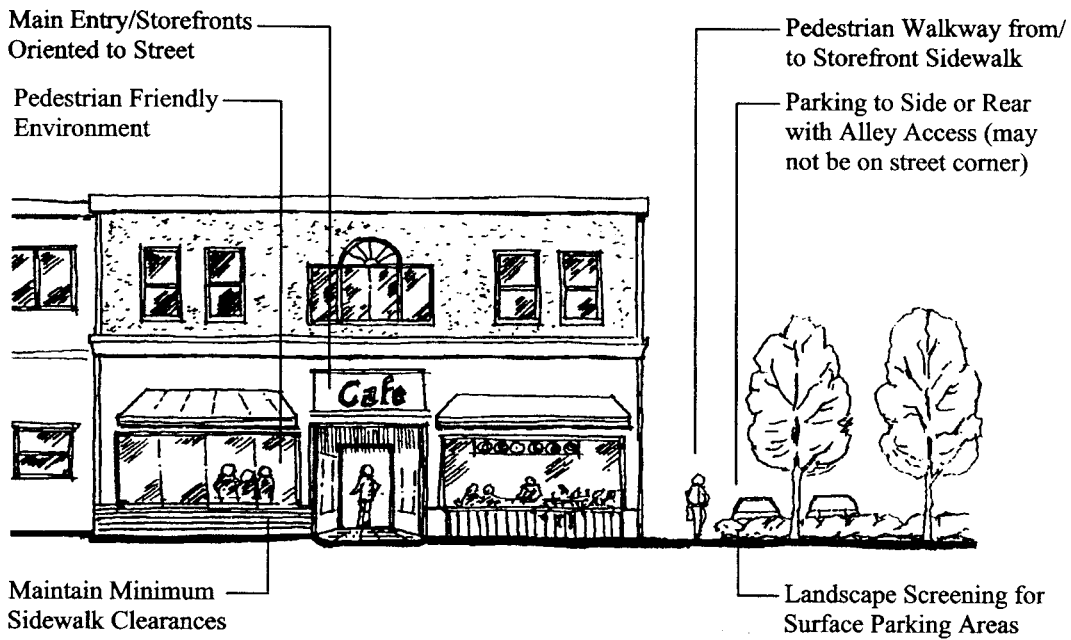
**34.050 Lot Coverage.** There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 %) lot coverage for some land uses.

**34.060 Building Orientation.** This section is intended to promote the walkable, storefront character of Main Street by orienting (placing or locating) buildings close to streets. Placing buildings close to the street also slows traffic down and provides more “eyes on the street”, increasing the safety of public spaces. The standards, as listed on the following page and illustrated above, complement the front yard setback standards in Section 34.020.

A. Applicability. This Section applies to new Land Divisions and all of the following types of development (i.e., subject to Design Review):

1. Three (3) or more single family attached townhomes on their own lots (i.e., townhomes subject to Design Review);
2. Duplex and triplex developments with more than one (1) building (i.e., duplex and triplex developments subject to Design Review);
3. Multi-family housing;
4. Public and institutional buildings, except that the standard shall not apply to buildings that are not subject to Design Review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and Commercial and mixed use buildings subject to Design Review.
5. Compliance with all of the provisions of subsections B and D, below, shall be required.

**Figure 34.060 - Building Orientation (Typical)**



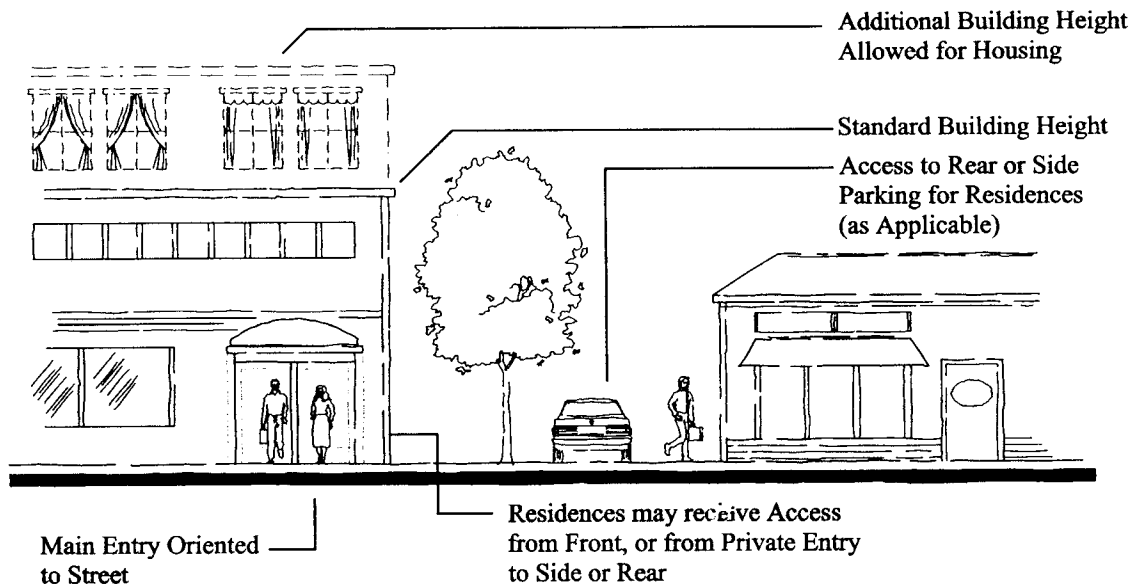
B. Building Orientation Standard. All of the developments listed in Section A shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

1. The minimum and maximum setback standards in Section 34.020 are met;
2. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding twenty (20) feet in length is provided between the building entrance and the street right-of-way.
3. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street used to comply with subsection '2', above. On corner lots, buildings and their entrances shall be oriented to the street corner, as shown in Figure 34.060; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.

C. Variances. The standards of this Section may be varied to address topographic or other physical constraints, in accordance with the provisions for variances in Subchapter 70.

**34.070 Building Height.** All buildings in the Main Street District Zone shall comply with the following building height standards. The standards are intended to allow for development of appropriately-scaled buildings with a storefront character:

**Figure 34.070 - Building Height Diagram (Credit for Housing)**



A. Maximum Height. Buildings shall be no more than 45 feet in height. The building height increase for housing shall apply only to that portion of the building that contains housing.

B. Method of Measurement. "Building height" is measured as 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 mansard 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 building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of an exterior wall of the building 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 subsection '1' 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. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features that are not for human occupancy.



### 34.080 Architectural Guidelines and Standards

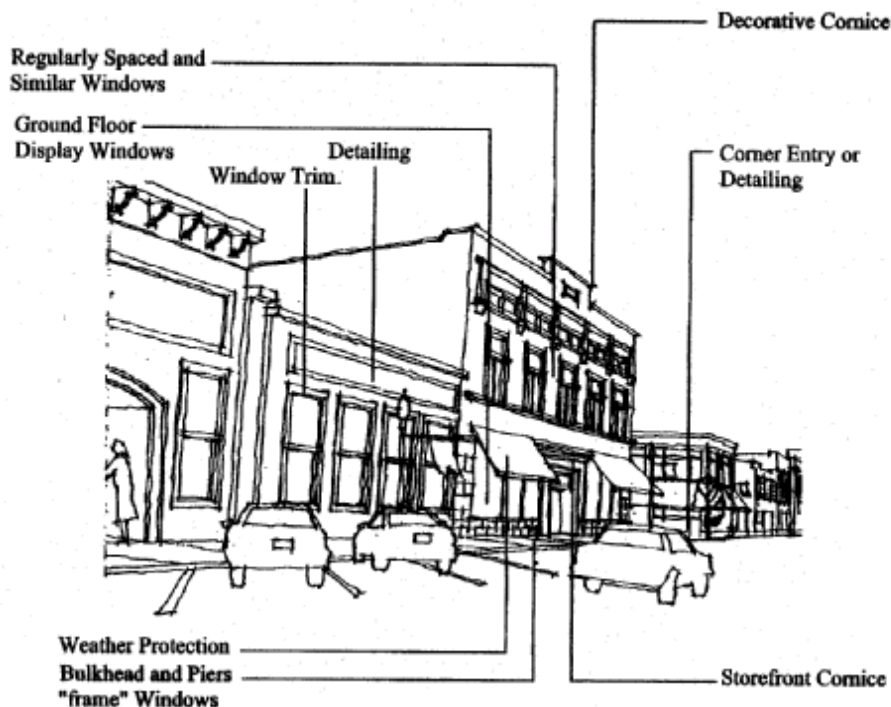
A. Purpose and Applicability. The Main Street District architectural guidelines standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles. This section applies to all of the following types of buildings:

1. Three or more single family attached townhomes on their own lots (i.e., townhomes subject to Design Review);
2. Duplex and triplex developments with more than one (1) building (i.e., duplex and triplex developments subject to Design Review);
3. Multi-family housing;
4. Public and institutional buildings, except that the standard shall not apply to buildings that are not subject to Design Review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
5. Commercial and mixed-use buildings subject to Design Review.

B. Guidelines and Standards. Each of the following standards shall be met. An architectural feature used to comply with one standard may be used to comply with another standard.

#### Figure 34.080 - Main Street Building Design Elements

Figure 2.2.160B(1) - [Downtown / Main Street] Building Design Elements (Typical)



1. Detailed Storefront Design. All buildings shall contribute to the storefront character and visual relatedness of downtown buildings. This criteria is met by providing all of the architectural features listed in a-e, below, along the front building elevation (i.e., facing the street), as applicable. *[Note: the example shown above is meant to illustrate required building design elements, and should not be interpreted as a required architectural style.]*

a. Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled, or incorporates other detailing to reduce the angular appearance of the building at the street corner.

b. Regularly spaced and similar-shaped windows with weather protection or trim (all building stories).

c. Large display windows on the ground floor (non-residential uses only). Display windows shall be framed by bulkheads, piers and a storefront cornice (e.g., separates ground-floor from second story, as shown in Figure 34.080).

d. Decorative cornice at top of building (flat roof); or eaves provided with pitched roof.

e. All residential buildings subject to Design Review shall comply with the Mixed Density Residential (MX) Zone architectural guidelines, as listed in Subchapter 23, Section 23.090.

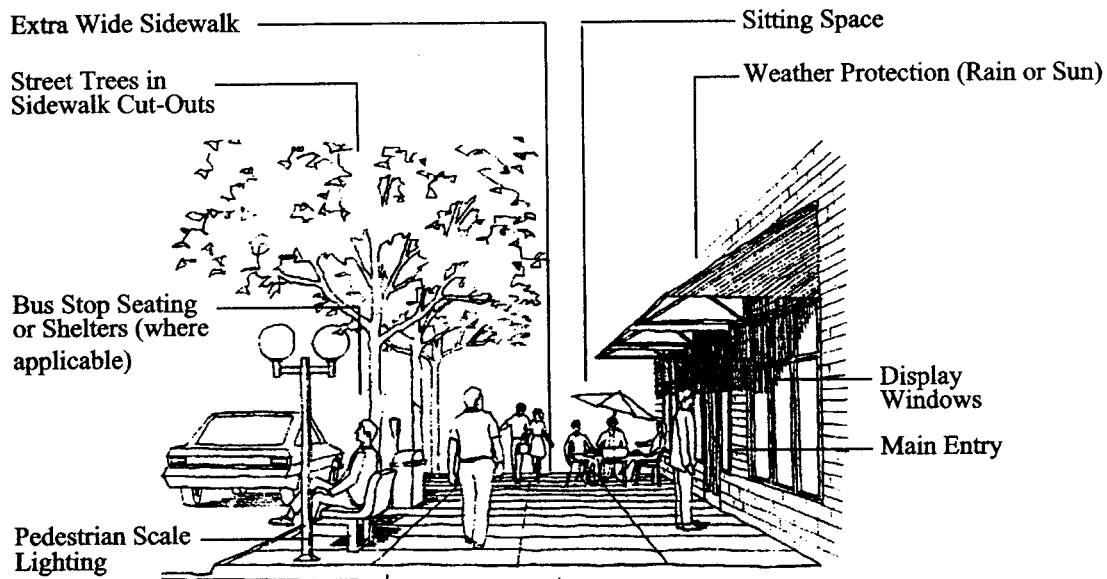
f. Historic Preservation. For properties located within a historic district, please refer to the Historic Buildings and Sites Commission, Subchapter 60.

### 34.090 Pedestrian and Transit Amenities

A. Purpose and Applicability. This section is intended to complement the building orientation standards in Section 34.040, and the street standards in Section 68.020, by providing comfortable and inviting pedestrian spaces within the Main Street District Zone. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the City’s downtown, and contribute to a walkable district. This section applies to all of the following types of buildings:

1. Three (3) or more single family attached townhomes on their own lots (i.e., townhomes subject to Site Plan Review);
2. Duplex and triplex developments with more than one (1) building (i.e., duplex and triplex developments subject to Design Review);
3. Multifamily housing;
4. Public and institutional buildings, except that the standard shall not apply to buildings that are not subject to site development review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
5. Commercial and mixed use buildings subject to Site Plan Review.

**Figure 34.090 - Pedestrian and Transit Amenities (Typical)**



B. Guidelines and Standards. Every development shall provide one or more of the “pedestrian amenities” listed in 1-4, below, and illustrated above. *[Note: the example shown in Figure 34.090 is meant to illustrate examples of pedestrian amenities. Other types of amenities and*

*designs may be used.]* Pedestrian amenities may be provided within a public right-of-way when approved by the applicable jurisdiction (i.e., City of Monmouth, Oregon Department of Transportation).

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 10 feet);
2. Sitting space (i.e., dining area, benches or ledges between the building entrance and sidewalk (minimum of sixteen (16) inches in height and 30 inches in width);
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of four (4) feet over a sidewalk or other pedestrian space).
4. Public art that incorporates seating (e.g., fountain, sculpture, etc.).
5. Transit amenity, such as bus shelter or pullout, in accordance with the City's Transportation Plan and guidelines established by the Chemeketa Area Regional Transportation Service.

**34.100 Special Standards for Certain Uses.** This section supplements the standards contained Sections 34.010 through 34.090. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential District:

- Residential Uses
- Public and Institutional Uses
- Accessory Uses and Structures
- Automobile-Oriented Uses and Facilities
- Outdoor Storage and Display
- Light Manufacture

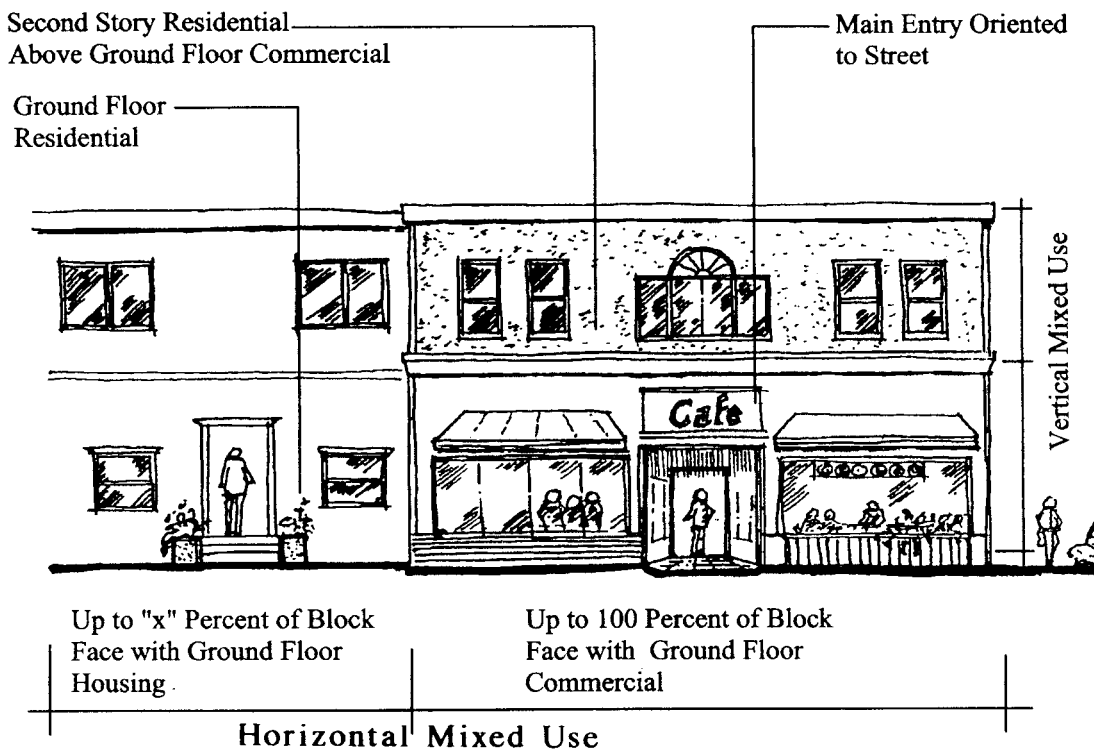
A. Residential Uses. Higher density residential uses, such as multifamily buildings and attached townhomes, are permitted to encourage housing near employment, shopping and services. All residential developments shall comply with the standards in 1-6, below, which are intended to require mixed use development; conserve the community's supply of commercial land for commercial uses; provide for designs that are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses existing before the effective date of this Ordinance are exempt from this Section.

1. Mixed Use Development Required. Residential uses shall be permitted only when part of a mixed-use development (residential with commercial or public/institutional use).

Both “vertical” mixed use (housing above the ground floor), and “horizontal” mixed-use (housing on the ground floor) developments are allowed, subject to the standards in 2-6.

2. Limitation on street-level housing. No more than 50 percent of a single street frontage may be occupied by residential uses. This standard is intended to reserve storefront space for commercial uses and public/institutional uses; it does not limit residential uses above the street level on upper stories, or behind street-level storefronts.
3. Density. There is no minimum or maximum residential density standard. Density shall be controlled by the applicable lot coverage, and building height standards.

**Figure 34.100 - Mixed Use Development in the Main Street District**



4. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, or located in parking areas located behind or to the side of the building; except that side yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., structured parking) shall be recessed behind the front building elevation by a minimum of four (4) feet. On corner lots, garage entrances shall be oriented to a side street (i.e., away from Main Street) when access cannot be provided from an alley.

One off-street parking space is required for each residential unit. No off-street parking is required for non-residential uses.

5. Creation of Alleys. When a subdivision (e.g., four (4) or more townhome lots) is proposed, a public or private alley shall be created for the purpose of vehicle access. Alleys are not required when existing development patterns make construction of an alley impracticable. As part of a subdivision, the City may require dedication of right-of-way or easements, and construction of pathways between townhome lots (e.g., between building breaks) to provide pedestrian connections through a development site.

6. Common Areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the City before building permit approval.

B. Public and Institutional Uses. Public and institutional uses (as listed in Section 34.010.C) are allowed in the Main Street District Zone, except that automobile-oriented uses shall comply with the standards in “D”, below. Typical automobile oriented uses in this category include public works yards, equipment storage and repair, school bus companies, and similar facilities that store, repair or service automobiles, trucks, buses, heavy equipment and construction materials.

C. Accessory Uses and Structures. Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Main Street District Zone include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the Main Street District Zone, as identified in Section 34.010. Accessory structures shall comply with the following standards:

1. Primary use required. An accessory structure shall not be allowed before or without a primary use, as identified in Section 34.020.

2. Setback standards. Accessory structures shall comply with the setback standards in Section 34.020, except that the maximum setback provisions shall not apply.

3. Design guidelines. Accessory structures shall comply with the Main Street design guidelines, as provided in Section 34.060.

4. Compliance with subdivision standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

D. Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in the Main Street District Zone. The standards are intended to provide a vibrant storefront character, slow traffic down, and encourage walking.

1. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed underground, or located in parking areas located behind or to the side of a building; except that side-yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front elevation by a minimum of four (4) feet. On corner lots, garage entrances shall be oriented to a side street (i.e., away from Main Street) when vehicle access cannot be provided from an alley. Individual surface parking lots shall not exceed 60 parking spaces, or one-half city block, whichever is smaller.

2. Automobile-Oriented Uses. “Automobile-oriented use” means automobiles and/or other motor vehicles are an integral part of the use. These uses are restricted because, when unrestricted, they detract from the pedestrian-friendly, storefront character of the district and can consume large amounts of land relative to other permitted uses. Automobile-oriented uses shall comply with the following standards:

a. Vehicle repair, sales, rental, storage, service. Businesses that repair, sell, rent, store, or service automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, and similar vehicles and equipment are permitted when the use is contained within an enclosed building.

b. Drive-up, drive-in, and drive-through facilities. Drive-up, drive-in, and drive-through facilities (e.g., associated with restaurants, banks, car washes, and similar uses) are permitted.

E. Sidewalk Displays. Sidewalk display of merchandise and vendors shall be limited to cards, plants, gardening/floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians (i.e., non-automobile oriented). Displays may extend up to four (4) feet from the face of the building; however, a minimum clearance of three (3) feet shall be maintained to accommodate pedestrian traffic along the sidewalk. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment, is prohibited.

F. Light Manufacture. Light manufacture uses are allowed in the Main Street District Zone. “Light manufacture” means production or manufacturing of small-scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, furniture, and similar goods. Light manufacture uses shall conform to all of the following standards that are intended to protect the pedestrian-friendly, storefront character of Main Street:

1. Retail or Service Use Required. Light manufacture is allowed only when it is in conjunction with a permitted retail or service use and does not exceed 50 percent of the gross floor area.
2. Location. The light manufacture use shall be enclosed within a building, or shall be located within a rear yard not adjacent to a street.



## SUBCHAPTER 40

### LIGHT INDUSTRIAL (IL) ZONE

**40.005 Purpose.** The purpose of the Light Industrial (IL) zone is to define and protect areas suitable for a wide range of light manufacturing and related activities.

**40.010 Permitted Uses.** Within any IL zone, no structure shall be used, constructed, erected, or altered and no lot shall be used or occupied for any purposes except the following:

A. Appliance, office and electrical equipment manufacture:

1. Batteries;
2. Communications equipment;
3. Electrical industrial apparatus;
4. Electrical lighting and wiring equipment;
5. Electric transmission and distribution equipment;
6. Electronic components and accessories;
7. Household appliances;
8. Office, computing, accounting equipment;
9. Radio and television receiving sets.

B. Building supply manufacture, contracting and allied trades:

1. Building supply sales (wholesale only);
2. Cabinet manufacture and installation;
3. Heating and air-conditioning manufacture, repair and service;
4. Insulation and weather-stripping firm;
5. Plumbing fixture manufacture and installation;
6. Roofing firm;

7. Special trade contractor firms:

- a. Cleaning and janitorial service;
- b. Exterminating and fumigating services;
- c. Floor laying firm;
- d. Furnace cleaning service;
- e. Masonry and stone-cutting firm;
- f. Ornamental metal-working firm;
- g. Painting and paperhanging firm;
- h. Plastering;
- i. Plumbing;
- j. Sheet metal shop;
- k. Special building equipment installation.

C. Clay, glass and stone products manufacturing facilities:

1. Abrasive and other non-metallic minerals;
2. Cut stone (monuments);
3. Flat glass;
4. Glass and glassware, pressed or blown;
5. Glass products made of purchased glass;
6. Pottery and related products;
7. Structural clay.

D. Chemicals and allied products manufacture:

1. Perfumes, cosmetics and other toilet preparations;
2. Pharmaceutical.

E. Food processing:

1. Bakery products;
2. Beverage industries (soft drinks, including bottling, flavoring extracts, etc);
3. Confectionery and related products (candy, chocolate, chewing gum).

F. Furniture and fixture manufacture:

1. Custom cabinet, carpenter shop;
2. Furniture repair, re-upholstery;
3. Household furniture.

G. Secondary manufacture of leather products, not including tanning:

1. Boots and shoes;
2. Footwear from materials other than rubber;
3. Handbags and other personal leather goods;
4. Industrial leather belting and packing;
5. Leather gloves and mittens;
6. Luggage.

H. Metal fabricated products manufacture:

1. Cutlery, hand tools, and general hardware;
2. Metal stampings;
3. Sawmill equipment;
4. Machinery manufacture.

I. Miscellaneous uses:

1. Ambulance service;
2. Appliance repair;
3. Business office of a firm or industry;

4. Dairy products (butter, ice cream, or cheese making; milk processing);
5. Fire station;
6. Frozen food or cold storage locker and ice plant;
7. Garden, crop cultivation;
8. Greenhouse;
9. Metal working equipment wholly within a building;
10. Outdoor plant nursery;
11. Parking lot or public garage;
12. Public utility;
13. Welding shop and blacksmith shop.

J. Paper and allied products, assembly only.

K. Printing and publishing;

1. Books;
2. Bookbinding and related industries;
3. Commercial printing;
4. Greeting card manufacturing;
5. Manifold business forms manufacture;
6. Newspaper, publishing and printing;
7. Periodical, publishing and printing.

L. Recreational facilities:

1. Athletic club;
2. Boxing arena;
3. Gymnasium;
4. Swimming pools;

5. Tennis courts;
6. Other public or private recreational facilities.

M. Storage facilities:

1. Rental storage units;
2. Storage for furs and clothing;
3. Storage for vehicles, boats, or other transportation equipment.

N. Transportation equipment manufacture or repair and sales:

1. Aircraft and parts;
2. Aircraft and parts dealer, distributor;
3. Boat building, repair and service, boat sales secondary;
4. Motor vehicle and equipment painting, conducted wholly within a building;
5. Rental and storage of motor vehicles;
6. Tractor and heavy equipment service, equipment sales secondary;
7. Trade or vocational school teaching heavy equipment use, repair and service;
8. Utility equipment storage yard and vehicle parking area.

O. Warehouse;

P. Well-Drilling and pump-repair facility;

Q. Wholesale firm (not open to general public);

R. Wood and lumber products processing, manufacture and storage:

1. Millwork (doors, windows, precut structures);
2. Prefabricated structural wood products;
3. Wooden containers;
4. Wood fuel dealer.

**40.015 Conditional Uses.** If authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in an IL zone:

A. Chemicals, fertilizers, insecticides, paint and allied products manufacturing facilities:

1. Fertilizers;
2. Insecticides.

B. Food, grain, feed, and derivative products processing facilities:

1. Gelatin;
2. Glue and size;
3. Rendering.

C. Meat products processing and manufacturing facilities (slaughtering, canning, curing, smoking, preserving).

D. Paper and allied products manufacturing facilities:

1. Building paper and building board;
2. Converted paper and paperboard;
3. Paperboard containers and boxes.

E. Underground storage or petroleum products.

**40.020 Prohibited Uses.** Within an IL zone, the following uses are prohibited:

A. Residential dwellings of any kind, including dwellings or mobile homes used for caretakers or night watch persons.

B. Automobile wrecking yards;

C. Tanning;

D. Other uses not expressly permitted under the provisions of Section 40.010.

**40.025 Lot Area.** The minimum area of any lot created in an IL zone shall be 5,000 square feet.

**40.030 Lot Width.** The minimum width at the front lot line of any lot created in the IL zone shall be 50 feet.

#### **40.035 Yards.**

- A. Front Yard: There shall be a front yard on every lot or parcel in the IL Zone. Such a yard shall have a depth of at least twenty (20) feet.
- B. Side Yard: Side yards shall have a depth of at least ten (10) feet.
- C. Rear Yard: Rear yards shall have a depth of at least ten (10) feet.

**40.040 Height.** No building in an IL zone shall exceed a height of 45 feet.

**40.045 Access.** Access points to property from a street shall be located to minimize traffic congestion, and maximum effort shall be made to avoid directing traffic into residential areas. Existing access roads and access points shall be used to the maximum extent possible to serve the greatest number of uses. All access roads and driveways shall be surfaced with asphaltic concrete or similar permanent surfacing.

**40.060 Industrial Performance Standards.** No structure shall be used, constructed, erected, or altered and no lot shall be used or occupied for any purposes in the IL Zone until they are found to be in conformance with the review procedures of Section 11.050 and the standards set forth in this section.

The discharge into the environment of solids, liquids, or gases in such quantities as to be detrimental to the public health, safety and welfare or to cause injury to human, plant or animal life or to property is prohibited in this zone. In an IL zone, no land or structure shall be used or occupied unless there is continuing compliance with the following standards:

A. Heat, glare and light:

1. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building; such heat and glare shall not be discernable at or beyond the property line;
2. Exterior lighting shall be directed away from and shall not reflect on adjacent properties.

B. Noise. Noise shall be muffled and shall not be objectionable due to intermittence, frequency, or shrillness and shall not exceed the standards established by the State Department of Environmental Quality.

C. Sewage. Adequate provision shall be made for the disposal of sewage and waste materials. Such provisions shall meet the requirements of the State Department of Environmental Quality.

D. General Standards. No activity shall be conducted in the IL zone that will cause the emission of noise, vibration, residue, discharge, or odor that is offensive to the community.

**40.065 Conditions.** Conditions may be established by the Planning Commission for any use, activity, or structure subject to the site review provisions of the IL zone. Such conditions shall be the minimum necessary to insure that the purpose of the IL zone is accomplished. Guarantees and evidence that such conditions will be complied with may be reviewed. Site Plan Review requires applicants to state the hours of operation for their activities and state how they will comply with the City's industrial performance standards.



## SUBCHAPTER 42

### INDUSTRIAL PARK (IP) ZONE

**42.005 Purpose.** The Industrial Park Zone is intended to accomplish the following purposes:

- A. To define and protect areas for manufacturing and related industrial activities;
- B. To ensure that such activities are developed and maintained so as to be compatible with immediately surrounding land uses and the general community;
- C. To provide standards and review procedures by which such compatibility can be assured.

**42.010 Permitted Uses.** Within any Industrial Park Zone, no structure shall be used, constructed, erected, or altered and no lot shall be used or occupied for any purposes except those uses listed in this section and found to be in conformance with the review procedures of section 42.045 and below:

A. Appliances, office and electrical product equipment manufacture:

- 1. Battery manufacture;
- 2. Communications equipment;
- 3. Electrical industrial apparatus;
- 4. Electrical lighting and wiring equipment;
- 5. Electric transmission and distribution equipment;
- 6. Electronic components and accessories;
- 7. Household appliances;
- 8. Office, computing, accounting equipment;
- 9. Radio and TV receiving sets.

B. Building supply manufacture, contracting and allied trades:

- 1. Building supply sales (wholesale only);
- 2. Cabinet manufacture and installation;
- 3. Heating and air-conditioning manufacture, repair, and service;
- 4. Insulation and weather-stripping firm;
- 5. Plumbing fixture manufacture and installation;
- 6. Roofing firm;

7. Business sign and outdoor advertising, sales and service;
8. Special trade contractor firms:
  - a. Cleaning and janitorial service;
  - b. Exterminating and fumigating services;
  - c. Floor laying firm;
  - d. Furnace cleaning service;
  - e. Masonry and stone-cutting firm;
  - f. Ornamental metal-working firm;
  - g. Painting and paperhanging firm;
  - h. Plastering;
  - i. Plumbing;
  - j. Sheet metal shop;
  - k. Special building and equipment installation.

C. Chemicals and allied products manufacture:

1. Perfumes, cosmetics, and other toilet preparations;
2. Pharmaceuticals.

D. Food processing:

1. Bakery products;
2. Beverage industries (soft drinks, including bottling, flavoring extracts, etc.)
3. Confectionery and related products (candy, chocolate, chewing gum.)

E. Furniture and fixtures manufacture:

1. Custom cabinet, carpenter shop;
2. Furniture repair, re-upholstery;
3. Household furniture.

F. Leather and leather products manufacture:

1. Boots and shoes;

2. Footwear from materials other than rubber;
3. Handbags and other personal leather goods;
4. Industrial leather belting and packing;
5. Leather gloves and mittens;
6. Luggage.

G. Metal fabricated products manufacture;

1. Cutlery, hand tools, and general hardware.

H. Miscellaneous;

1. Advertising sign or structure pertaining to the business conducted on the premises;
2. Ambulance service;
3. Appliance repair;
4. Business office of a firm or industry;
5. Dairy products (butter, ice cream, or cheese making; milk processing);
6. Dwelling for a caretaker or watchman for the premises only;
7. Fire station;
8. Frozen food or cold storage locker and ice plant;
9. Garden, crop cultivation;
10. Greenhouse;
11. Metal working equipment wholly within a building;
12. Outdoor plant nursery;
13. Parking lot or public garage;
14. Public utility;
15. "U-Haul" concrete mix store;
16. Welding shop and blacksmith shop.

I. Paper and allied products assembly.

J. Printing, publishing and allied industries:

1. Books;
2. Bookbinding and related industries;
3. Commercial printing;
4. Greeting card manufacture;
5. Manifold business forms manufacture;
6. Newspapers. publishing and printing;
7. Periodicals, publishing and printing.

K. Professional, scientific and control equipment manufacture:

1. Engineering, laboratory, scientific, and research instruments and associated equipment;
2. Instruments for measuring, indicating and controlling physical characteristics;
3. Optical equipment instruments, lenses;
4. Surgical, medical and dental instruments and supplies;
5. Watches, clocks. clockwork operated devices and parts.

L. Recreational facilities:

1. Athletic club;
2. Boxing arena;
3. Gymnasium;
4. Swimming pools;
5. Tennis courts;
6. Other public or private recreational facilities.

M. Storage facilities:

1. Rental storage units;
2. Storage for furs and clothing;
3. Storage for vehicles, boats, or other transportation equipment.

N. Transportation equipment manufacture or repair:

1. Aircraft and parts;

2. Aircraft and parts dealer, distributor;
  3. Boat building and repair;
  4. Boat sales and service;
  5. Motor vehicle and equipment, painting, conducted wholly within a building;
  6. Rental and storage of motor vehicles;
  7. Tractor and heavy equipment sales and service;
  8. Trade or vocational school teaching heavy equipment use, repair, and service;
  9. Utility equipment storage yard and vehicle parking area;
  10. Warehouse;
  11. Well-drilling and pump-repair facility.
0. Wholesale firm (not open to general public).
- P. Wood and lumber products processing, manufacture and storage:
1. Millwork (doors, windows, pre-cut structures);
  2. Prefabricated structural wood products;
  3. Wooden containers.

**42.015 Conditional Uses.** If authorized under the procedure for conditional uses in this Ordinance, the following uses will be permitted in an IP Zone:

- A. Wireless Communication Facilities, in accordance with the provisions of Subchapter 82.
- B. Other industrial uses not permitted under Section 42.010 or 42.015.A may be permitted in accordance with the conditional use procedures specified in Section 42.045.

**42.020 Prohibited Uses.** Within an IP Zone, the following uses are prohibited:

- A. Single-family dwelling, except a dwelling for a caretaker or watchman as specified in Section 42.010(H)(6);
- B. Multiple-family dwelling, including but not limited to duplexes, townhouses, and apartments.

**42.025 Height.** Within an IP Zone, no building shall exceed a height of 45 feet.

**42.030 Lot Area.** The minimum area of any lot or parcel within an IP Zone shall be 10,000 square feet.

**42.035 Yards.**

A. Front Yard. There shall be a front yard on every lot or parcel in an IP Zone. Such a yard shall have a depth of at least twenty (20) feet. No front yard shall be used as a loading, parking, or storage area. Additional yard area depth, landscaping or other requirements in addition to those specified in this section may be required in accordance with the site plan review provisions of Section 42.045.

B. Side and Rear Yards. There shall be side yards and a rear yard on every lot or parcel in an IP Zone. Such yards shall have a depth of at least ten (10) feet. No rear or side yards shall be required adjacent to a railroad, railroad siding, or spur track. Additional yard area, depth, landscaping, or other requirements in addition to those specified in this section may be required in accordance with the site review provisions of Section 42.040.

**42.040 Site Plan Review.** All proposals for uses and activities to be built or conducted in an IP Zone shall be submitted to and reviewed by, and approved by the Site Plan Review Committee prior to the issuance of any building permit. Such proposals shall be submitted in accordance with the following procedures. No proposal shall be approved unless it satisfies all site criteria in 42.020 and 42.045 and meets the purpose of the IP Zone and also meets each of the industrial performance standards in 42.050.

A. Proposals shall include the following information:

1. Vicinity Map. The vicinity map shall indicate the subject property, all surrounding properties within 1,000 feet, streams or drainage ways and roads;
2. Plot Plan. The plot plan shall be drawn at a scale of one inch equals 100 feet or at a larger scale and show the following:
  - a. Property lines;
  - b. Required yards and setbacks;
  - c. Location of proposed structures;
  - d. Location of storage and loading areas;
  - e. Location of parking spaces and facilities;
  - f. Access and circulation system;
  - g. Landscaping, screening, and fencing;
  - h. Existing and proposed utilities and service;
  - i. Public areas, dedicated rights-of-way and easements.
3. Address and legal description of the property;
4. The fee established by the City to defray the costs of processing the site plan review;
5. Township range, section, and tax lot number;

6. A brief statement regarding the proposed water supply system;
7. A brief statement regarding the proposed sewage and waste disposal system;
8. An outline of proposed deed restrictions or covenants.

B. Five (5) copies of the plans and information required in this section above shall be submitted to the City at least twenty (20) days prior to the meeting at which the proposal is to be reviewed.

C. The Site Plan Review Committee shall review the proposal in accordance with the site review criteria specified in Section 42.045, and may suggest revisions to the proposal. No building permit for any use or activity in an IP Zone shall be issued until the written approval of the Site Plan Review Committee has been received by the building official. Any building permit for a use, activity, or structure subject to the site plan review provisions of the IP Zone shall be issued only for the development as approved by the Site Plan Review Committee.

Under the provisions of this section, the Site Plan Review Committee may approve, conditionally approve, or disapprove a proposal for a use or structure in the IP Zone. The decision of the Site Plan Review Committee shall be made in writing and shall be sent to the applicant and the building official within ten (10) days from the time of the Site Plan Review Committee's action.

**42.045 Site Plan Review Criteria.** The Site Plan Review Committee shall consider the following criteria in evaluating site review applications in order to ensure that the purposes of this section are met:

A. That the location, design, size, shape and arrangement of the uses and structures are in scale with and are compatible with surrounding structures and land uses.

B. That there is an efficient, workable interrelationship among buildings, parking, circulation, open space, landscaping, and related activities and uses.

C. That the quantity, location, height, and materials of walls, fences, hedges, screen plantings, and landscaped areas are such that they serve their intended purpose and have no undue adverse effect on abutting land uses.

D. That suitable planted ground cover or other surfacing is provided to prevent erosion and reduce dust.

E. That the location, design, and size of the structures are such that the activities to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intended activities, in conformity with the comprehensive plan for Monmouth.

F. That, based on anticipated traffic generation, adequate right-of-way and road improvements are provided by the development in order to promote traffic safety and reduce traffic congestion. Consideration shall be given to the need and feasibility of widening and improving abutting streets to City specifications, and also to the necessity for such additional requirements as lighting, sidewalks, turn and deceleration/acceleration lanes and frontage roads.

G. That there is a safe and efficient circulation pattern within the boundaries of the development. Consideration shall be given to the layout of the site with respect to the location and dimensions

of vehicular and pedestrian entrances, exits, drives, walkways, buildings, and other related facilities.

H. That there are adequate off-street parking and loading-unloading facilities provided in a safe and efficient manner. Such consideration shall include the layout of the parking and loading-unloading facilities and their surfacing, lighting and landscaping.

I. That all signs and illumination are in scale and harmonious with the site and area, and comply with subchapter 81.

J. That adequate methods are provided to ensure continued maintenance and necessary normal replacement of required features such as landscaping, screening, ground cover, and similar items.

**42.050 Industrial Performance Standards.** The discharge into the environment of solids, liquids, or gases in such quantities as to be detrimental to the public health, safety and welfare or to cause injury to human, plant or animal life or to property is prohibited in this zone. In an IP Zone, no land or structure shall be used or occupied unless there is continuing compliance with the following standards:

A. Heat, glare, and light.

1. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building; such heat and glare shall not be discernible at or beyond the property line;
2. Exterior lighting shall be directed away from and shall not reflect on adjacent properties.

B. Noise. Noise shall be muffled and shall not be objectionable due to intermittence, frequency, or shrillness and shall not exceed the standards established by the State Department of Environmental Quality (DEQ).

C. Sewage. Adequate provisions shall be made for the disposal of sewage and waste materials. Such provisions shall meet the requirements of the DEQ.

D. Vibration. No vibration, other than that caused by highway vehicles and trains, shall be permitted if such vibration will endanger the health, welfare or safety of the public or constitute a public nuisance.

E. General Standards. No activity shall be conducted in the IP Zone that will cause the emission of noise, vibration, residue, discharge or odor which is offensive to the community.

**42.055 Conditions.** Conditions may be established by the Planning Commission for any use, activity, or structure subject to the site review provisions of the IP Zone. Such conditions shall be the minimum necessary to insure that the purpose of the IP Zone is accomplished. Guarantees and evidence that such conditions will be complied with may be reviewed.



## SUBCHAPTER 49

### PUBLIC SERVICE COLLEGE (PSC) ZONE

**49.001 Purpose.** The purposes of the Public Service College (PSC) Zone are:

1. To define and protect the Western Oregon University (WOU) Campus area, as a special district within the Public Service Zone, for a wide range of structures and uses appropriate to college services.
2. To simplify land use matters relating to WOU through recognition of a unified campus-wide planning process; consistent with the Monmouth Comprehensive Plan.
3. To preserve campus open space, historical buildings and facilities serving the general public.
4. To protect adjacent land uses from any adverse effects of campus development.

#### **49.005 Definitions.**

Adjacent Areas. All land areas within 250 feet of the campus boundaries.

Campus Plan. The development plan and policies adopted by Western Oregon University and the State Board of Higher Education to accommodate anticipated growth of the University.

Comprehensive Plan. The Comprehensive Plan of the City of Monmouth as adopted by the City Council and acknowledged by the Oregon State Land Conservation and Development Commission. Unless otherwise noted, the term “comprehensive plan” refers to the current adopted and acknowledged plan.

Western Oregon University Campus. Referred to herein as "campus." The land area owned and operated by the Oregon State Board of Higher Education as shown on the map at the end of this Subchapter.

**49.008 Campus Plan/Comprehensive Plan Relationship.** Both the Monmouth Comprehensive Plan and the campus plan shall conform to state land use planning goals set forth in the Oregon Revised Statutes (ORS 197). Planning efforts of both Western Oregon University and the City of Monmouth shall be coordinated as required by the Oregon Revised Statutes 197.175 through 197.190. To the greatest extent possible, periodic review processes for either plan shall provide an opportunity for both the University and the City to each comment upon the plan of the other. Both the City and the University shall give notice to each other prior to adoption of their land use plans and at any time, such plans are revised, updated or amended.

**49.010 Permitted Uses.** Within the PSC Zone no structure shall be used, constructed, erected or altered and no land parcel shall be used or occupied for any purposes except the following:

- A. Administrative offices;
- B. Athletic fields, exercise paths, tennis courts and similar outdoor, physical education facilities;
- C. Auditorium;
- D. Book, school supply or art supply store;
- E. College, university or community college;
- F. Convention Center;
- G. Dormitory;
- H. Dwelling for faculty, staff or students;
- I. Food Service Building(s), cafeterias, snack bars, etc.;
- J. Grade school;
- K. Gymnasium;
- L. Health Service Building;
- M. Instructional buildings which may include any or all of the following: class rooms, laboratories, assembly rooms, offices, dining areas, machine, woodworking, ceramic or similar shops, data processing, studios for music or art;
- N. Library;
- O. Municipal or governmental service structure or use including, but not limited to: water reservoirs, pump stations, fire station, transformer station, electrical substation, bus terminal;
- P. Museum;
- Q. Non-residential school or institution for the handicapped;
- R. Open space, landscaped or undeveloped;
- S. Parking lot, public or private;
- T. Service and maintenance shops and offices;
- U. Stadium.

**49.015 Conditional Uses.** If authorized under procedures provided for Conditional Uses in this Ordinance, the following uses will be permitted in the PSC Zone:

- A. Commercial uses directly related to the operation of the University provided the proposed use is listed as a permitted or conditional use in the CO or CR Zone.
- B. Residential school for the handicapped.
- C. Home occupations, in accordance with the provisions of Subchapter 72.
- D. Wireless Communication Facilities, in accordance with the provisions of Subchapter 82.

**49.020 Prohibited Uses.** The following uses are expressly prohibited in the PSC Zone:

- A. Any use listed in the (IP) Industrial Park Zone.
- B. Adult businesses as defined in the Adult Business ordinance (Ordinance No. 929).
- C. Alcoholic beverage dispensary.

**49.025 Abandonment of Use or Transfer of Ownership.** Whenever the existing use on any parcel zoned PSC is abandoned or the property is transferred to private ownership for a different use, the property owner or the Planning Commission shall initiate the zone change process as provided in Subchapter 12.

**49.030 Campus Planning Criteria.** Within the boundaries of WOU, the Campus Development Plan shall conform to the following general planning criteria:

- A. Maximum building height 60 feet.
- B. Maximum building area coverage 50 percent of the total gross area of the campus.
- C. Maximum building area no maximum.
- D. Building setbacks:
  - 1. From street rights of way twenty (20) feet minimum.
  - 2. From adjacent private property lines ten (10) feet minimum for buildings up to 35 feet high. One additional foot setback for each floor of building height in excess of 35 feet.
- E. Distance between buildings ten (10) feet minimum, but in no case less than the distance necessary for emergency vehicle access.

F. Off-street parking:

1. Provide and maintain a minimum of one (1) off-street parking space for each 2.5 full-time-equivalent student, faculty and staff.
2. Parking areas shall generally conform to the requirements of Subchapters 73.005, 73.015, 73.020, 73.025 and 73.035. Other sections of Subchapter 73 do not apply to the PSC Zone.
3. Parking Lot Access Access to parking lots shall be limited to curb cuts no wider than 25 feet. Curb cuts shall be not closer to street intersections than 50 feet. Parking lots shall have no more than one (1) curb cut per each side of street frontage. Driving isles within parking lots shall be a minimum of 25 feet wide.

G. Pedestrian circulation. All uses shall provide adequate pedestrian walkways in order to afford convenient and safe pedestrian circulation. Sidewalks shall be constructed adjacent to all streets and shall be constructed within properties as deemed necessary by the Planning Commission.

H. Screening. Any exterior storage or refuse areas, exposed machinery, service areas, truck loading areas, utility buildings and structures, and similar accessory structures, shall be screened by appropriate fences or walls, constructed with materials which are complementary to adjacent buildings, to a height of no less than five (5) feet nor more than seven (7) feet, as measured from finished grade to the highest structural component of the fence or wall.

I. Utilities shall be underground.

J. Storm drainage. Shall conform to City of Monmouth Storm Drain Design Standards for a ten (10) year return period storm.

**49.040 Development Procedure.** Upon completion of the Campus Plan, but prior to adoption of the Plan by the Oregon State Board of Higher Education, the Planning Commission shall review the Plan and hold a public hearing in accordance with Subchapter 11. At a minimum, the Campus Plan shall include:

- A. A map showing campus boundaries.
- B. Projections of student, faculty and staff FTE for the selected planning period.
- C. Existing and proposed buildings and future development areas.
- D. Parking and pedestrian circulation routes.
- E. Adjacent land uses.
- F. Such other information as the Planning Commission may require to determine that the Plan meets the planning criteria set forth in Section 49.030.

Once approved by the Planning Commission and adopted by WOU and the Oregon State Board of Higher Education. The Campus Plan shall become the controlling document for development within the WOU boundaries. Thereafter, construction may proceed subject only to site plan review, building permit and Sign Ordinance, as applicable.

## **Western Oregon University (WOU) Campus Map**

## SUBCHAPTER 50

### PUBLIC SERVICES (PS) ZONE

**50.005 Purpose.** The purpose of the Public Services (PS) Zone is to define and protect areas suitable for structures and uses owned or operated by governmental agencies or for public uses and facilities serving the general community.

**50.010 Permitted Uses.** Within any PS Zone, no structure shall be used, constructed, erected, or altered and no lot shall be used or occupied for any purposes except the following:

- A. Auditorium;
- B. College, university or community college;
- C. Dwelling or mobile home for a caretaker or watchman;
- D. Municipal golf course;
- E. Municipal or government service structure or use, including, but not limited to, a reservoir, water tower, pump station, bus terminal or station, fire station, transformer station or sub-station;
- F. Parkway;
- G. Public park (non-commercial);
- H. School or institution for the handicapped, provided that it is non-residential;
- I. School;
- J. Stadium;
- K. Convention Center;
- L. Franchised telecommunications, radio towers and structures and similar uses.
- M. Library;
- N. Recreation center.

**50.015 Conditional Uses.** If authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in a PS Zone:

- A. Cemetery;

- B. Commercial utilities for the purpose of generating power for sale to the public, including, but not limited to, turbine, thermo-nuclear, geothermal, or hydroelectric installations;
- C. Detention and correctional home, institution, or school;
- D. Hospital;
- E. Hospital and institution for the mentally retarded;
- F. Penal institution;
- G. Public or private solid waste disposal site, solid waste transfer facility, sanitary land fill;
- H. Reformatory;
- I. Residential school for the handicapped.
- J. Wireless Communication Facilities, in accordance with the provisions of Subchapter 82.

**50.020 Abandonment of Use or Transfer of Ownership.** Whenever the existing use on any lot zoned PS is abandoned or the property is transferred to private ownership for a different use, the property owner or the Planning Commission shall initiate the zone change process as provided in Subchapter 12.

**50.025 Height.** No building or structure in a PS Zone shall exceed 65 feet in height.

**50.030 Yards.**

A. Front Yard. There shall be a front yard of at least twenty (20) feet on every lot in a PS Zone. No parking or motor vehicles shall be permitted in the required front yard.

B. Side Yard. There shall be a side yard of at least five (5) feet on each side of any lot in a PS Zone. The minimum depth of any side yard adjoining a street shall be twenty (20) feet; no parking of motor vehicles shall be permitted in the first ten (10) feet of such a required side yard that adjoins the street.

C. Rear Yard. There shall be a rear yard of at least twenty (20) feet on any lot in a PS Zone.

**50.035 Additional Yard Requirements for Tall Buildings.** In a PS Zone, the minimum front, side and rear yard requirements shall be increased by one foot for each foot of building height above 35 feet.

**50.040 Lot Coverage.** No main building shall occupy more than 50 percent of the area of any lot in a PS Zone.

**50.045 Minimum Lot Area.** There shall be no requirement for the minimum area of any lot in a PS Zone.

**50.050 Parking.** Parking and loading spaces for uses and activities in the PS Zone shall be provided in accordance with the requirements of Chapter 73, "Parking."



## SUBCHAPTER 51

### FLOOD PLAIN (FP) OVERLAY ZONE

**51.002 Statutory Authorization.** The Legislature of the State of Oregon has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Monmouth, does ordain as follows:

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

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

**51.005 Purpose.** It is the purpose of the Flood Plain Overlay Zone to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health;

B. To minimize expenditure of public money and costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**51.008 Methods of Reducing Flood Losses.** In order to accomplish its purposes, this Ordinance includes methods and provisions for:

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

**51.010 Definitions.** Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

Appeal: A request for a review of the interpretation of any provision of this Ordinance or a request for a variance.

Area of Shallow Flooding: A designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of Special Flood Hazard. The land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

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

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations that produce, use or store hazardous materials or hazardous waste.

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

Elevated Building: For insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Existing Manufactured Home Park or Subdivision: A manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of run-off of surface waters from any source.

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

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

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

Lowest Floor. The lowest floor of the lowest enclosed area (including basement) . An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance found in Section 51.047.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when

connected to the required utilities. The term "manufactured home" does not include "recreational vehicle".

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction. Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

Recreational Vehicle: A vehicle that is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is restored before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance: A grant of relief from the requirements of this Ordinance that permits construction in a manner that would otherwise be prohibited by this Ordinance.

Water Dependent: A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

**51.015 Application of the Flood Plain Overlay Zone.** This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Monmouth.

**51.016 Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled Flood Insurance Study, Polk County Oregon and Incorporated Areas, dated April 5, 1988, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this Ordinance. The Study is on file at City Hall and Monmouth Public Library.

**51.018 Penalties for Noncompliance.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall be subject to the provisions of Section 10.070 of this Ordinance.

**51.019 Abrogation and Greater Restrictions.** This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However,

where this Ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**51.021 Interpretation.** In the interpretation and application of this Ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit or repeal any other powers granted under State statutes.

**51.023 Development Permit Required.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 51.016. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions,” and for all development including fill and other activities, also as set forth in the “Definitions.”

**51.024 Application for Development Permit.** Application for a development permit shall be made on forms furnished by the City of Monmouth which may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 51.047(B); and
- D. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

**51.026 Floodplain Administration.** The City Planner is hereby appointed to administer and implement this Ordinance by granting or denying development permit applications in accordance with its provisions.

Duties of the floodplain administrator shall include, but not be limited to:

- A. Review all development permits to determine that the permit requirements of this Ordinance have been satisfied.

B. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

C. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 51.048 (A) are met.

**51.027 Use of Other Base Flood Data.** When base flood elevation data has not been provided in accordance with Section 51.016, Basis for Establishing the Areas of Special Flood Hazard, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 51.047, Specific Standards for Flood Hazard Reduction, and 51.048 Floodways.

**51.041 Interpretation of Flood Insurance Rate Map (FIRM) Boundaries.**

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

**51.045 Provisions for Flood Hazard Reduction.**

A. Anchoring.

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

B. Construction Materials and Methods.

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

water from entering or accumulating within the components during conditions of flooding.

C. Utilities.

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

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five (5) acres (whichever is less).

E. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

**51.047 Specific Standards for Flood Hazard Reduction.** In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 51.016, Basis for Establishing Flood Hazard, or Section 51.027, Use of Other Base Flood Data, the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation.



2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one (1) foot above grade.
- c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one (1) foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 51.024(C).;
4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 51.047.A.
5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one (1) foot below that level).

C. Manufactured Homes.

1. Specific provisions for flood hazard reduction apply to all manufactured homes to be placed or substantially improved within Zones A1-A30, AH, and AE on the community's FIRM on sites:
  - a. Outside of a manufactured home park or subdivision,

- b. In a new manufactured home park or subdivision,
- c. In an expansion to an existing manufactured home park or subdivision, or
- d. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood.

2. All manufactured homes, as described in subsection 1 above, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

D. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community’s FIRM either:

- 1. Be on the site for fewer than 180 consecutive days,
- 2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- 3. Meet the requirements of Section 51.047(C) and the elevation and anchoring requirements for manufactured homes.

**51.048 Floodways.** Located within areas of special flood hazard established in Section 51.010 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- 1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- 2. If Section 51.048 (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 51.047.

**51.050 Determination of Flood Elevations.** Where elevation data for the 100-year flood are not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of such safety may be based on historical data, high water marks, photographs of past flooding, or other relevant information.

**51.054. Information to be Obtained and Maintained.**

A. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 51.027, the applicant shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

B. For all new or substantially improved, floodproofed structures, the applicant shall verify and record the actual elevation (in relation to mean sea level).

C. The City shall maintain the floodproofing certifications required in Section 51.024(C).

D. The City shall maintain, for public inspection, all records pertaining to the provisions of the Flood Plain Overlay Zone.

### **51.056 Alteration of Watercourses.**

A. The City shall notify adjacent communities and the Department of Land Conservation and Development prior to alteration or relocation of any watercourse and shall submit evidence of such notification to the Federal Insurance Administration.

B. The Planning Commission shall require that maintenance be provided within the altered or relocated watercourse so that flood carrying capacity is not diminished.

**51.057 Encroachments.** The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point.

**51.058 Standards for Shallow Flooding Areas (AO Zones).** Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

A. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one (1) foot or more above the depth number specified on the FIRM (at least two (2) feet if no depth number is specified).

B. New construction and substantial improvements of nonresidential structures within AO zones shall either:

C. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one (1) foot or more above the depth number specified on the FIRM (at least two (2) feet if no depth number is specified); or

D. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 51.047.B.3.

E. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

F. Recreational vehicles placed on sites within AO Zones on the community's FIRM shall either:

1. Be on the site for fewer than 180 consecutive days,
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the requirements of Section 51.047(C) and the elevation and anchoring requirements for manufactured homes.

**51.060 Non-Liability of City.** The granting of any request for a development permit for structures or uses in the flood plain shall not constitute a representation, guarantee, or warranty of any kind by the City of Monmouth or the practicability or safety of any structure or use proposed.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by artificial or natural causes. This Ordinance does not imply that land outside these areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the City of Monmouth, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Ordinance or any administrative decision made hereunder.

## **100-Year Floodplain Profile Diagram**

## SUBCHAPTER 60

### HISTORIC BUILDINGS AND SITES COMMISSION

**60.110 Short Title.** This subchapter shall be known and may be cited as the "Historic Preservation Ordinance of the City of Monmouth, Oregon."

**60.120 Purpose.** For the purpose of promoting the historic, educational, cultural, economic and general welfare of the public through the preservation, restoration and protection of buildings, structures and appurtenances; sites, places, and elements of historic interest within the City of Monmouth, Oregon.

**60.130 Definitions.** For the purposes of carrying out the intent and purposes of this Ordinance, words, phrases and terms, as used herein, shall be deemed to have meaning ascribed to them in this section:

Alteration. The significant or material addition to, removal of or from, or physical modification of any exterior part or portion of a landmark, identified building or object.

Archeological significance. A site that has potential to yield information significant in pre-history or history.

Architectural significance. When a building:

- a. Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
- b. Embodies those distinguishing characteristics of an architectural type/specimen;
- c. Is the work of an architect or master builder whose individual work has influenced the development of the City; or
- d. Contains elements of architectural design, detail materials or craftsmanship that represent a significant innovation.

Certificate of Appropriateness. Written authority granted by the City for exterior alteration or demolition of a historic landmark.

Commission. The Monmouth Historic Buildings and Sites Commission.

Cultural Significance. Associated with and illustrative of Board patterns of the development of music, literature, civilization, and the arts in the community, state or nation.

Demolish. To raze, destroy, dismantle, deface, or in any other manner cause ruin of a designated landmark.

Exterior. Any portion of the outside of a historic landmark.

Historic Resource(s). A building, site, object or structure of architectural, historic, cultural or archeological significance.

Historic Significance. When a building is at least 50 years old and

- (1) Has character, interest or value as part of the development, heritage or cultural characteristics of the City, State or Nation;
- (2) Is the site of a historic event with an effect upon society;
- (3) Is identified with a person or group of persons who had some influence on society; or
- (4) Exemplifies the cultural, political, economic, social or historic heritage of the community.

Landmark. A building, structure, object, or site of historic, architectural, archeological, or cultural significance as shall be designated by the Commission.

### **60.140 Monmouth Historic Buildings and Sites Commission.**

A. A Historic Buildings and Sites Commission consisting of seven (7) regular members and such additional ex-officio members as the Council may from time to time determine by resolution shall be appointed by the City's Mayor, subject to confirmation by a majority of the Council. The regular members so appointed shall be registered voters within the City of Monmouth, Oregon, or taxpayers upon real property situated within the City of Monmouth, Oregon. Ex-officio members may be persons who do not qualify as regular members, but who have a special interest or expertise in the matters, which are within the jurisdiction of the Commission. The regular members of the Commission shall have the sole voting power on any action taken by the Commission.

B. Four (4) of the initial regular members shall be appointed for one (1) term of two (2) years, and three (3) initial regular members shall be appointed for one (1) term of three (3) years each. All initial members may be re-appointed. All succeeding terms shall be for a period of three (3) years. Ex-officio members shall hold their office at the pleasure of the majority of the council.

C. A chairperson and vice-chairperson shall be elected from the Commission membership and shall serve for a period of one (1) year subject to re-election. After initial election, elections shall be held in the month of January each year.

D. A secretary shall be elected and need not be a member of the Commission and shall serve for a period of one (1) year subject to re-election.

E. Four (4) members shall constitute a quorum and shall be entitled to conduct official business and act for the entire Commission.

### **60.150 Historic Buildings and Sites Commission Duties.** The Commission shall:

- A. Study and determine those buildings and sites of the City of Monmouth, Oregon which are worthy of consideration of receiving the designation of Historic Buildings and Sites;
- B. Promulgate and recommend the adoption of rules and regulations for adopting and maintaining "Historical Buildings and Sites";
- C. Serve as an advisory board concerning historic buildings and sites to the City Council, Planning Commission, and other public or private agencies on matters relating to preservation of such buildings and sites.
- D. Review and act on National Register of Historic District applications;
- E. Promote the use and preservation of historic resources by developing, in cooperation with other concerned parties, programs for the education, pleasure, energy conservation, housing and public welfare and benefit of the City, and provide technical assistance to owners wishing to improve their historic properties;
- F. Perform other duties relating to historic resources upon request of the City Council.

**60.155 Powers and Duties.** The following matters must be submitted to the Commission for its approval or decision:

- (1) Landmark designations.
- (2) Applications for certificates of appropriateness for exterior alterations to designated landmarks.
- (3) Demolition of designated landmarks.
- (4) Removal of a landmark from the list.

**60.160 Other Responsibilities and Duties of the Commission.**

- A. Members shall serve without compensation.
- B. Any member who has a financial interest beyond property ownership in any matter considered by the Commission shall disqualify himself or herself from voting on such matter.
- C. The Commission may adopt rules and regulations, not inconsistent with the intent and purpose of this Ordinance or with any of its sections, and may accept appropriations, employ clerical and technical assistants or consultants, and may accept money gifts and expend same for such purpose subject to approval of the City Council.
- D. The Commission may from time to time prepare information and materials for the purpose of assisting persons and property owners in conforming to the intent and purpose of this Ordinance.
- E. The Commission shall conduct one (1) meeting each quarter on the third Wednesday of that month (Jan. April, July, Oct.) and, if possible, shall conduct same in Volunteer Hall.



F. In the event that such regular meeting date is a recognized holiday, the Commission, at the regular meeting prior to the holiday conflict, shall establish a new meeting date to be held during the same week as the date in conflict.

### **60.170 Procedure for Notices, Hearings and Findings.**

A. The notice procedures contained in Section 11.025 should be followed for public hearings before the Commission to consider a site or structure as a Landmark.

B. Public hearings for designation of a site or structure as a Landmark shall be conducted in accordance with Section 11.030.

C. The Commission shall make written findings supporting its decision based upon the review criteria contained in Section 60.175.

D. Notice of a decision of the Commission shall be provided in accordance of Section 11.015(E).

### **60.175 Review Criteria.**

A. A site or structure shall be eligible for landmark designation if the resource is adequately identified and described by existing data sources or other information provided with the petition and the preponderance of evidence demonstrates that the site or structure:

1. Is at least fifty (50) years old, and includes identifiable integrity of location, design, setting, materials, workmanship, feeling, or association that reflects the significance of the property; and
2. Is associated with events that have made a significant contribution to the broad patterns of history of Monmouth, the region, the State or the nation; or
3. Is associated with the lives of persons significant in the history of Monmouth, the region, the State or the Nation; or
4. Embodies distinctive characteristics of a type, period, or method of construction, or possesses high artistic values, or represents a significant and distinguishable entity even though components may lack individual distinction; or
5. Represents types or styles of construction that were once common and now are among the last examples surviving in the City, the region or the State; or
6. Has yielded or may be likely to yield, information important in prehistory or history.

B. If the Commission determines that a resource is eligible for designation as a landmark pursuant to Section A of this Section, the Commission shall consider potential conflicting uses, which if allowed could negatively impact the resource, pursuant to Statewide Planning Goal 5. The Economic, Social, Environment and Energy Consequences (ESEE) of the conflicting uses shall be identified and evaluated to determine if conflicting uses should be limited or whether conflicting uses shall be fully allowed. If the conflicting use is found to have a higher value as

evident in the analysis of the ESEE consequences, the conflicting use may be allowed fully in accordance with statewide planning Goal 5 and the site or structure under review shall not be designated a Landmark.

**60.180 Maintenance and Repair of Architectural Features.** Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features which do not involve a material change in design, material or the outward appearance thereof, nor to prevent the construction, reconstruction, alteration or demolition of such feature which the City's Building Official shall certify as required by the public safety, nor exterior painting.

**60.185 Certificate of Appropriateness for Exterior Alteration.**

A. No person may significantly or materially alter the exterior of any structure designated as a historic landmark in such a manner as to significantly affect its exterior appearance unless the Commission has first issued a Certificate of Appropriateness. Further, no building or other permit shall be granted for any such purpose until such certificate has been issued.

B. Application for a Certificate of Appropriateness shall be filed with the City Recorder. Upon receipt of an application, the City Recorder shall forward a copy to the City Planner and the Building Inspector. The Planner shall approve Certificates of Appropriateness if there is to be no significant affect to the exterior appearance of the existing building. If the City Planner determines that there will be a significant effect to the appearance of the building, the Planner shall refer the matter to the Commission for its decision.

C. Applications for Certificates of Appropriateness shall be considered at the Commission's next regularly scheduled meeting. Failure of the Commission to reach a decision within sixty (60) days from the date of the application shall result in automatic approval of the application unless lapse of the 60-day period is caused by the failure or refusal of the applicant to provide requested information to the Commission.

D. The Commission shall review an application for exterior alteration pursuant to the following guidelines:

1. The removal or alteration of any historic material or distinctive architectural feature should be avoided.
2. Alterations that have no historical basis, or which seek to create an earlier or later appearance inconsistent with the age or type of the structure sought to be altered, should be discouraged.
3. Changes in a structure which have taken place over time and which have acquired significance in their own right within the meaning of Section 60.175.A, should be protected.
4. Deteriorated architectural features should be repaired rather than replaced. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities.

5. Repair or replacement of missing architectural features should be based on accurate duplication of the feature, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of architectural elements from other structures.
6. Contemporary design for alterations or additions to existing properties should be discouraged unless such alteration and additions will not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
7. New additions, or alterations should be done in such manner that if the additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
8. Alterations or additions should not significantly alter the character of the site or potential archaeological resource.

E. A decision by the Commission to approve, approve with conditions, or deny an application for an exterior alteration permit shall be based upon the following criteria.

1. The extent to which the state of repair of the structure creates a need for the alterations. An alteration required because of a defect or deterioration in the structural or environmental systems of the historic resource shall be given greater deference than an alteration for cosmetic purposes.
2. The cost of complying with the guidelines in Subsection E as compared to the cost of the alteration as proposed by the applicant shall not cause an undue hardship on the applicant; and
3. The significance and integrity of the historic resource, and the degree of impact of the proposed alteration.

F. The Commission may attach conditions to the approval of an alteration permit in order to mitigate the impact of an alteration on an historic resource. Conditions may address, but shall not be limited to:

- (1) Design;
- (2) Material;
- (3) Location;
- (4) Scale;
- (5) Size; and
- (6) Style

G. Nothing in this section prevents the construction, reconstruction, alteration, restoration, demolition, or removal of any exterior architectural feature or any property designated a Landmark when the Building Official, State Fire Marshall, or the Polk County Fire District #1 Fire Chief determines that such emergency action is required for the public safety due to unsafe or dangerous conditions. Prior to such emergency action, the Chair of the Commission shall be notified.

### **60.190 Withdrawal of Landmark Designation.**

A. The Commission or owner of the property may initiate proceedings for the withdrawal of a landmark designation. Applications for such withdrawal shall be filed with the City Recorder.

B. Upon receipt of an application for withdrawal of landmark designation, the request will be considered by the Commission at its next regular meeting. Notice of the meeting shall be sent to each property owner by certified mail and notice of the meeting posted visibly upon the property. The Commission shall approve the application, disapprove the application, or continue the application for further consideration. Within twelve (12) days from the final hearing, written notice of the decision, the reasons therefore, and appeal rights shall be mailed to the property owners.

C. A landmark designation may be withdrawn if the Commission finds that it no longer meets the definitions set forth in Section 60.175.A above and is neither:

1. 70 percent or more architecturally the same or essentially the same as it originally was; and
2. Where the historic or unique characteristics are found by the Commission to be grossly outweighed or overshadowed by the interest of the owner thereof in altering or demolishing the same or otherwise making full use of the property as otherwise permitted by law.

D. No such finding as set forth in subparagraph C above shall be entered if the change of circumstances is due to a willful or intentional disregard or violation of the requirements of this Ordinance or any other Ordinance of the City of Monmouth.

E. An order of withdrawal of landmark designation may be approved by the Commission upon clear and convincing proof that the original landmark designation was improperly entered or clearly in error.

**60.195 Burden of Proof.** The burden of proof in establishing a landmark is in the person or body proposing to have the site or structure classified or declassified as a landmark.

### **60.200 Demolition.**

A. No landmark shall be demolished or destroyed, in whole or in part, except for purposes of archeological research, without prior approval, given after notice and public hearing, by the Commission.

B. The Commission shall approve, approve with conditions, delay a final decision or deny an application for demolition or destruction of a landmark based upon the following criteria.

1. The state of repair of the structure. The Commission shall find that such landmark is, by reason of structural or economic obsolescence or decay, no longer reasonably suited for its original class of use, and

2. The rehabilitation costs. The structure cannot economically or reasonably be removed to another site for purpose of preservation

3. The cultural or historic significance of the resource, including assessment of such items as integrity of location, design, setting, materials, workmanship, feeling, or association; and

4. The economic, cultural, and energy consequences of demolition of the structure.

C. The Commission may order that action on a demolition request be deferred for a period not to exceed 150 days. A decision to defer action on a demolition request shall be based upon an identified course of action that provides for the investigation of alternatives to demolition, documentation of the property before demolition or other appropriate mitigative measures. During this period, the Commission may attempt to determine if public or private acquisition and preservation is feasible, or if other alternatives could be carried out to prevent demolition or removal of the structure. At the end of the delay period, the Commission shall make a final decision within twelve (12) days. Approval, or approval with conditions, shall only be made prior to the expiration of the 150-day waiting period when the Building Official and Fire Marshall or Polk County Fire District #1 Fire Chief have determined that the demolition request is necessary due to applicable building, fire, life, and safety codes.

**60.205 Appeals.** Any owner or party to the proceeding before the Commission, or agent thereof, who is aggrieved by a determination of the Commission, may, within fifteen (15) days from its final decision, file with the Recorder a notice of appeal. The filing of such notice shall have the effect of suspending any action of the Commission pending final determination by the City Council. Upon the filing of the notice of appeal, the Recorder shall set such appeal for hearing before the City Council at its next regular meeting and shall give notice of the time and place of the hearing by publishing said notice in a newspaper of general circulation in Monmouth, Oregon, not less than five (5) days prior to such hearing. The City Council shall hear the matter anew and shall, after making findings consistent with this ordinance, affirm, modify, or overrule the action of the Commission.

**60.210 Application to Public Projects.** This Ordinance shall have application to all properties within the City of Monmouth, whether owned by private individuals or city, county, state or federal agencies.

### **60.215 Special Use**

A. The following special uses may be allowed by conditional use permit pursuant to subchapter 71 of the Zoning Ordinance for a structure designated a Landmark by the Monmouth Historic Buildings and Sites Commission (Commission) in any zone, subject to review by the

Commission. The Commission shall recommend approval, approval with modifications, or denial of application to the City Planner who shall make the final decision.

1. Bed and breakfast accommodations.
2. Eating establishment.
3. Arts and craft galleries.

B. In addition to conditional use permit criteria; the decision to recommend or grant a special use shall be based on the findings that demonstrate compliance with the following criteria:

1. The proposed use will be conducted in the dwelling or existing buildings;
2. The proposed use will not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located;
3. The proposed use will be compatible with the historic and architectural integrity of the structure and surrounding site;
4. The proposed use will not destroy or detract from the distinguishing character or qualities of the structure and surrounding site;
5. The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood; and
6. The proposed site has the physical characteristics needed to support the proposed use, such as, but not limited to, adequacy of access (ingress and egress) and parking.

C. The City Planner, every twelve (12) months following the date the use is approved, shall review special uses. The use may continue if it complies with the conditions of its approval. The approval of a special use shall not be used as justification for a zone change; nor shall an approval permit construction of any new structure that would not otherwise be allowed in the zone in which the use is to be established.

D. All signs shall be subject to review and recommendation by the Commission, and shall not detract from the historic or architectural integrity of the site, considering the proposed material, design, size and location of such signs.

## SUBCHAPTER 61

### MANUFACTURED DWELLING SITING AND DEVELOPMENT

**61.005 Purpose.** The purpose of this chapter is to provide standards for the establishment, expansion, or alteration of manufactured dwelling parks; to provide standards for placement of manufactured dwellings on individual lots, and to ensure that manufactured housing development provides affordable and quality housing in accordance with the goals of the Monmouth Comprehensive Plan.

#### **STANDARDS FOR MANUFACTURED DWELLING PARKS**

**61.010 Manufactured Dwelling Parks as a Conditional Use.** The establishment, expansion, or alteration of a manufactured dwelling park shall be a conditional use and shall be subject to the provisions of Chapter 71, "Conditional Uses," in this Ordinance.

**61.015 Application of Standards.** The standards and requirements set forth in this chapter shall apply to any individually-sited manufactured dwelling, manufactured dwelling within a park, or manufactured dwelling park established, expanded, or altered after the date of adoption of this Ordinance. The Planning Commission shall have the power to impose conditions or requirements beyond those set forth in this chapter in accordance with the provisions of Chapter 71, "Conditional Uses."

#### **61.020 Development Standards.**

- A. Density. The maximum density of a manufactured dwelling park shall not exceed ten (10) units per gross acre.
- B. Minimum Area. The minimum area of any space to be occupied by a manufactured dwelling and its accessory structures shall be 2,500 square feet.
- C. Utility Connections. Each manufactured dwelling space shall be equipped with connections for running water, electricity, and sewage disposal. The cost of such utility connections from the property line to the manufactured dwelling space shall be born by the owner and shall not be paid by the City.
- D. Roadways. All roadways within the manufactured dwelling park shall be paved with asphaltic concrete or Portland Cement Concrete and shall be maintained in good condition thereafter. The minimum width of such roadways shall be 25 feet. Parking shall be restricted so that a minimum width of 20 feet is available for moving vehicles over the entire length of the roadway.
- E. Parking. Each manufactured dwelling space shall have sufficient parking area for two (2) vehicles. Such parking area shall be paved with asphaltic concrete or Portland Cement Concrete and shall have a minimum area of 400 square feet.
- F. Patio. Each manufactured dwelling space shall have, adjacent to and parallel to the manufactured dwelling space, a patio or deck of concrete, brick, stone, or wood. The minimum area of such a patio shall be 120 square feet. The patio shall not be used for the parking of vehicles.

G. Coverage of Manufactured Dwelling Spaces. No manufactured dwelling excluding its accessory structures, shall occupy more than 50 percent of the space provided for it.

H. Minimum Size and Facilities. No manufactured dwelling shall be permitted to be occupied for residential purposes in a manufactured dwelling park unless it has at least 160 square feet of floor area. Such area shall be determined by measuring the exterior of the manufactured dwelling at the floor level. Such a measurement shall exclude the trailer hitch, steps and similar exterior fittings. Each manufactured dwelling shall have its own water closet, lavatory, shower or bathtub. All of which shall be connected with drains and running water. Such facilities shall be located in a separate room within the manufactured dwelling. Each manufactured dwelling shall also contain a kitchen room or space which shall have hot and cold running water and a sink. The sink shall be connected to a drain system.

I. Electrical Connections. No manufactured dwelling shall be permitted in any manufactured dwelling park unless such manufactured dwelling shall contain integral electric wiring that supplies connection to convenience outlets in each room of the manufactured dwelling. If there is no separate kitchen room, at least one (1) convenience electrical outlet shall be located in the kitchen space in addition to outlets in other parts of the room in which the kitchen space is located. Outlets provided in the ceiling or walls and which are intended for lighting purposes shall not be counted as convenience outlets.

J. Foundation or Skirting. No manufactured dwelling shall be permitted in any manufactured dwelling park unless it rests on a continuous foundation or has opaque continuous skirting of non-decaying, non-corroding material extending to the ground. The skirting or foundation shall have provisions for ventilation and access to the space under the unit.

K. Storage Area. A storage structure having a gross floor area of at least 60 square feet shall be constructed and completed prior to the occupancy of any manufactured dwelling.

L. Screening of Park. Any manufactured dwelling park established, altered or expanded in accordance with the provisions of this chapter shall be surrounded, except at its entry and exit, by a sight-obscuring fence or hedge not less than six (6) feet in height at maturity. Such fence or hedge shall be maintained in a neat manner.

M. Numbering of Spaces. Each space within a manufactured dwelling park shall be legibly numbered so that emergency vehicles may easily find it. A plot plan showing the location of each numbered space shall be furnished to the Polk County Fire District #1.

N. Fire Safety Facilities.

1. An adequate number of fire hydrants shall be provided within the mobile home park so that no space or structure within the park is more than 400 feet from a hydrant. Each hydrant shall be located on a roadway within the park and shall conform in design and capacity to the public hydrants in the City. Hydrants within the manufactured dwelling park shall be installed at the expense of the developer of the park.

2. Water supplies for fire protection operations shall be as required by the Polk County Fire District #1.

3. Access to a manufactured dwelling park for fire protection shall be such as to permit fire apparatus to approach within 100 feet of each manufactured dwelling.



O. Lighting. Standard streetlights shall be installed at intervals of no more than 200 feet along all roadways within a manufactured dwelling park. As an alternative thereto, other lighting acceptable to the Planning Commission and providing a similar amount of lighting may be approved by the Planning Commission. All lighting within the park shall be installed and maintained at the expense of the owner of the property.

P. Landscaping. All open spaces not occupied by structures, manufactured dwelling, drives, or walkways, shall be planted or otherwise landscaped, and shall be properly maintained. Such landscaping shall include at least one (1) tree on each manufactured dwelling space within the park. Such trees shall have a height of not less than six (6) feet at maturity.

Q. Service Building. If a service building is provided, it shall conform to the following:

1. Be located ten (10) feet or more from any manufactured dwelling spaces;
2. Be permanent construction and be adequately lighted;
3. Be of moisture-resistant material to permit frequent washing and cleaning. Joints between floor and wall must be watertight. Base covering shall be installed in the toilet rooms and laundry rooms;
4. Have adequate heating facilities to maintain a temperature of 65 degrees Fahrenheit during cold weather, and to supply a minimum of three gallons of 120 degrees Fahrenheit minimum hot water per hour per manufactured dwelling space during the time of peak demands;
5. Have all rooms well ventilated;
6. Have toilet rooms separated by a sound resistant wall where toilet rooms for males and females are in the same building;
7. Have each toilet and shower compartment shielded to provide privacy;
8. Have a properly equipped laundry room containing at least one (1) clothes washing machine and one (1) clothes drying machine. In lieu of a drying machine, adequate outside drying space shall be provided adjacent to the service building.

R. Recreational Vehicle Parking Area. Each manufactured dwelling park shall have an area designated for the parking and storage of recreational vehicles. Roadways, vehicular parking areas, patios, and yards shall not be used for long-term parking or storage of trailers, boats, campers, and other recreational vehicles.

The recreational vehicle parking area shall have a surface of asphaltic concrete or Portland Cement Concrete. Each space designated for the parking of recreational vehicles shall have a minimum width of ten (10) feet, a minimum length of 22 feet, and sufficient area beyond the space to allow the entry and exit of recreational vehicles.

There shall be at least two (2) recreational vehicle parking spaces in the recreational vehicle parking area. In addition, there shall be at least one (1) recreational vehicle parking space for every seven (7) manufactured dwelling spaces in the manufactured dwelling park.

**61.025 Siting Manufactured Dwellings.** Manufactured dwelling within a manufactured dwelling park shall be sited in accordance with the following setbacks:

- A. A minimum of fifteen (15) feet from any other manufactured dwelling;
- B. A minimum of five (5) feet from any accessory building on any adjoining manufactured dwelling space;
- C. A minimum of ten (10) feet from any property line (excluding the boundaries between manufactured dwelling spaces);
- D. A minimum of 15 (fifteen) feet from any public right-of-way;
- E. A minimum of five (5) feet from any common roadway or walkway within the manufactured dwelling park.

**61.030 Additions to Manufactured dwellings.** Carports, cabanas, ramadas, awnings, and all other structures situated upon a manufactured dwelling space shall conform to the requirements of the Uniform Building Code.

**61.035 Recreation Area.** A minimum of 5,000 square feet or 200 square feet per manufactured dwelling space, whichever is greater, shall be provided and maintained by the owner of the manufactured dwelling park for a recreation area for group or community activities. The Planning Commission may require such area to be protected from streets, parking areas, or the like, by a fence, or the equivalent, at least 30 inches in height. Each such required area shall be maintained in a clean and orderly condition by the owner of the park.

**61.040 Conformity of Existing Manufactured Dwelling Parks.**

A. Any manufactured dwelling park now existing within the City shall meet the requirements of the following sections and subsections of this Ordinance within twelve (12) months from the date of the adoption hereof:

- 61.020C Utility connections
- 61.020F Patio
- 61.020H Minimum size and facilities
- 61.020I Electrical connections
- 61.020J Foundation skirting
- 61.020M Numbering of spaces
- 61.020N Fire Safety Facilities
- 61.0200 Lighting
- 61.020P Landscaping
- 61.020Q Service Building

B. Any manufactured dwelling park now existing within the City shall, within twelve (12) months from the date of adoption of this Ordinance, erect a fence, as required by Section

61.020L of this Ordinance or as an alternative, shall, within twelve (12) months from the date of adoption of this Ordinance, plant a hedge or vegetative screen which shall, within three (3) years from the date hereof, meet the requirements of 61.020L.

C. Within twelve (12) months from the date of the adoption of this Ordinance, all interior roadways in existing manufactured dwelling parks shall be paved with asphaltic concrete or Portland Cement Concrete to a width of 30 feet. If the topography or location of manufactured dwelling spaces within such parks does not permit paving to a width of 30 feet such roadways shall be paved to the greatest practicable width.

D. No manufactured dwelling park may be expanded so as to occupy greater aggregate space or house a greater number of manufactured dwellings or to house larger individual manufactured dwellings without approval from the Planning Commission. A request for expansion will be considered an application for a conditional use for a manufactured dwelling park. The Planning Commission shall not approve any such request for expansion unless the entire park shall conform in all particulars to this Ordinance.

**61.045 Interpretation of This Ordinance.** This Ordinance is intended to establish the minimum requirements for manufactured dwelling parks within the City. The Planning Commission shall, in considering an application for a conditional use permit for a manufactured dwelling park, consider the effects of the manufactured dwelling park upon the surrounding area, upon the utility systems of the City, and upon the streets and traffic volumes within the City.

#### **SITING STANDARDS OUTSIDE MANUFACTURED DWELLING PARKS**

#### **61.050 Development Standards for Manufactured Homes Located Outside Manufactured**

**Home Parks.** Individual manufactured homes, as defined by the Ordinance, shall be a permitted use in any zone where single-family dwellings are a permitted use, including but not limited to the Single-Family Residential (RS), Medium-Family Residential (RM), High-Density Residential (RH), Mixed-Density Residential (MX), and Commercial Retail Transition (CRT) zones. The manufactured home shall comply with the following standards:

A. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter with stone, brick or other masonry material such that the manufactured home is located not more than twelve (12) inches above grade.

B. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.

C. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on surrounding dwellings. Bare metal siding is not permitted. Appropriateness and similarity shall be determined by the City Planner whose decision shall be subject to appeal to the Planning Commission under the provisions of Section 10.035.

D. The manufactured home shall have a garage or carport constructed of like materials. An attached or detached garage shall be required in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings. Consistency with the surrounding dwellings shall be determined by the City Planner whose decision shall be subject to appeal to the Planning Commission under the provisions of Section 10.035.

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

F. The manufactured home shall have a pitched roof with a slope of not less than a nominal three (3) feet in height for each twelve (12) feet in width.

G. The manufactured home shall not be placed in a designated historic district or adjacent to a historic landmark.

H. This subsection shall not be construed as abrogating a recorded restrictive covenant.

## SUBCHAPTER 70

### VARIANCES

**70.005 Power to Grant Variances.** The Planning Commission may authorize variances from the requirements of this Ordinance where it can be shown that owing to special and unusual circumstances related to a specific piece of property, literal interpretation of the ordinance would cause undue or unnecessary hardship. It is the intent of this subchapter to provide flexibility, adaptability, and reasonableness in the application of this Ordinance where special conditions exist. No variance purporting to authorize a use not otherwise permitted for the property shall be granted.

**70.010 Procedures.** A variance is a land-use action. The procedures governing a request for a variance shall be those set forth in Chapter 11 of this Ordinance, "Land-Use Actions."

**70.015 Standards for Granting Certain Variances.** The Planning Commission may permit and authorize a variance from any dimensional development standard in the Zoning Ordinance, if the Commission finds that the variance meets all of the following standards:

- A. The condition which would cause the undue or unnecessary hardship is a condition peculiar to the applicant's property which is not found generally in other property in the zone.
- B. The variance will be consistent with the Comprehensive Plan and with the purpose of the zone in which the applicant's property is located;
- C. The variance will not be materially detrimental to the purposes of this Ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any City development, plan or policy.
- D. The variance requested is the minimum variance necessary from the provisions and standards of this Ordinance which will alleviate the hardship.

**70.025 Limiting Variances.** In granting any variance under the provisions of this chapter, the Planning Commission may impose conditions. Such conditions shall include, but not be limited to, limitations of the duration of the variance, restrictions on the dimensions of the structures, and conditions regarding the location of structures. Such conditions shall apply to the applicant for such variance and to any purchasers, renters, lessees, or subsequent owners of the subject property. A violation of such conditions shall constitute a violation of this Ordinance.

**70.030 Effective Date of the Variance.** A variance granted by the Planning Commission under the provisions of this Ordinance shall become effective twelve (12) days after the mailing of notice of the Planning Commission's action unless such action is appealed to the City Council. An appeal of the Planning Commission's decision shall stay such action until the appeal has been heard by the City Council.

**70.035 Exercise of Variance.** A variance granted under the provisions of this Ordinance shall be effective only if exercised within 180 days of the effective date. Failure to exercise the variance within 180 days of the effective date renders the variance void. Extensions of this time period may be granted by a majority vote of the Planning Commission. Such extensions shall not exceed 180 days. Requests for such extensions shall be submitted in writing to the City at least 30 days prior to the expiration of the effective period for the variance.

**70.040 Cessation of a Variance.** The discontinuance of any activity authorized by a variance for a continuous period exceeding 180 days shall be deemed an abandonment of such variance. The property affected by the variance shall thereafter be subject to all of the applicable provisions and requirements of this Ordinance.

**70.045 Transfer of a Variance.** Any variance granted to a property owner under the provisions of this Ordinance is transferable to subsequent owners of the same property unless otherwise provided at the time of the granting of the variance.

## SUBCHAPTER 71

### CONDITIONAL USES

**71.005 Power to Grant Conditional Uses.** The Planning Commission shall have the power to grant conditional uses listed in this Ordinance.

**71.010 Procedures.** A conditional use is a land-use action. The procedures governing a request for a conditional use shall be those set forth in Chapter 11 of this Ordinance, "Land-Use Actions."

**71.015 Conditions for Granting a Conditional Use.** A conditional use may be granted only if the following conditions are found to exist:

- A. The conditional use that is requested is listed as conditional use in the zone in which the subject property is located.
- B. Granting of the conditional use will not be materially detrimental to the public welfare or to improvements or residents in the neighborhood of the subject property.
- C. Granting of the conditional use will be consistent with the purpose of the zone in which the subject property is located and with the applicable comprehensive plan designation and policies.

**71.020 Limiting Conditional Uses.** In granting a conditional use, the Planning Commission may impose conditions. Such conditions shall include, but not be limited to, limitations on the duration of the conditional use, restrictions on the dimensions of structures, and restrictions regarding the location of structures. Such conditions shall apply to the applicant for the conditional use and to any purchasers, renters, lessees, or subsequent owners of the subject property. A violation of such conditions shall constitute a violation of this Ordinance.

**71.025 Effective Date of Conditional Use.** A conditional use granted by the Planning Commission under the provisions of this Ordinance shall become effective twelve (12) days after the mailing of notice of the Planning Commission's action, unless such action is appealed to the City Council. An appeal of the Planning Commission's decision shall stay such action until the appeal has been heard by the City Council.

**71.030 Exercise of a Conditional Use.** A conditional use granted under the provisions of this Ordinance shall be effective only if exercised within 180 days of the effective date. Failure to exercise the conditional use within 180 days of the effective date renders the conditional use void. Extensions of this time period may be granted by a majority vote of the Planning Commission. Such extensions shall not exceed 180 days. Requests for such extensions shall be submitted in writing to the City at least 30 days prior to the expiration of the effective period of the conditional use.

**71.035 Cessation of a Conditional Use.** The discontinuance of any activity authorized by a conditional use for a continuous period exceeding 180 days shall be deemed an abandonment of such conditional use. The property affected by the conditional use shall thereafter be subject to all the applicable provisions and requirements of this Ordinance.

**71.040 Transfer of a Conditional Use.** Any conditional use granted to a property owner under the provisions of this Ordinance is transferable to subsequent owners of the same property unless otherwise provided at the time of the granting of the conditional use.

**71.045 Expansion of a Conditional Use.** Any conditional use granted under the provisions of this Ordinance shall be granted only for the use or activity as described in the application for the conditional use or as prescribed by the Planning Commission. The enlargement or alteration of a conditional use beyond the size, area, or intensity described in the application or prescribed by the Planning Commission shall be considered a conditional use and shall be subject to all of the provisions of this chapter.



## SUBCHAPTER 72

### HOME OCCUPATIONS

**72.005 Purpose.** The purpose of this chapter is to set forth standards and requirements for the conduct of home occupations. The intent of this chapter is to allow, within certain zones as specified by this Ordinance, certain activities which are commercial in nature but which are incidental, subordinate, and secondary to the residential use and which are compatible with other residential activities within the neighborhood.

#### **72.008 Application of Standards**

A. A determination by the City Planner regarding a home occupation request shall be considered a ministerial (Type I) action as prescribed by Section 11.015(D) of the Zoning Ordinance. Notice of the decision shall be provided as required by Section 11.015(D).

B. Appeal of a home occupation decision shall be made to the Planning Commission as prescribed in Section 11.015(D) of the Zoning and Development Ordinance.

**72.010 Home Occupation Standards.** A home occupation may be any occupation or profession that can be carried on by a member of the family or person residing on the premises, provided that all of the following conditions are met:

A. No sign is used other than a name plate not over two square feet in area. Any sign shall be a wall sign. Projecting, free standing or other types of signs are not permitted.

B. There is no display that will indicate from the exterior that the building is being used for any purpose other than residential.

C. There is no outside storage of materials.

D. There are no outside non-resident employees paid or unpaid.

E. A home occupation may be conducted in an accessory building. No more than 500 square feet of floor area within any one or combination of accessory buildings shall be devoted to a home occupation.

F. No dwelling shall be modified to accommodate a home occupation in such a way as to alter the residential appearance of the dwelling or to render its appearance incompatible with the neighboring residential buildings.

G. No home occupation shall be used as an assembly point for employees or assistants to be dispersed or assigned to other locations.

H. There shall be no more than three (3) commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries between the hours of 8 p.m. to 8 a.m.

I. There shall be no more than one (1) client or customer's vehicle at any one time and no more than eight (8) per day at the home occupation site.

J. One commercially licensed vehicle associated with the home occupation is allowed at the home occupation site daily. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.

K. The home occupation can be conducted in a safe and healthful manner and not create unusual fire or safety hazards, potential health problems or be in violation of any federal, state or local law or ordinance.

L. The home occupation does not create any nuisance conditions as defined by the City's Nuisance Ordinance.

### **72.012 Prohibited Home Occupation Uses:**

A. Any activity that produces radio or TV interference, noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state, or federal standards, or that can be detected beyond the property lines is prohibited.

B. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music by a music teacher or the the sale of computer software from computer consultants, and similar incidental items for sale by home business are allowed subject to all other provisions of this chapter.

C. Any uses described in the section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:

1. Ambulance and towing services;
2. Animal hospital, veterinary services, kennels, animal boarding;
3. Auto and other vehicle repair; and
4. Repair, conditioning, or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on-site.

### **72.015 Home Occupation Complaint and Enforcement Procedures.**

A. Complaints regarding conditions A through L in Section 72.010 will be investigated by the City Planner. If the City Planner finds a violation of any of the conditions, he or she shall then notify the resident of the violation by certified letter. If the violation has not been corrected

within seven (7) days of the receipt of the letter informing the resident of the violation, or the resident has not requested an appeal pursuant to Section 11.015.D.9, the City Planner shall bring the matter before the Planning Commission for review.

B. At the request of two (2) or more Planning Commissioners, complaints may be reviewed by the Planning Commission at a public meeting. The Commission shall also review home occupations upon receipt of two (2) written complaints within a 60-day period from two (2) separate households located within 350 feet of the boundary of the property on which the home occupation is located. Said complaints shall set forth the nature of the objection. The City Planner shall investigate such complaints, and the results of the investigation shall be reported to the Planning Commission at a public meeting. If the Planning Commission elects to hold a public hearing on the complaint(s), the procedure shall conform to that required for Land use Actions in Subchapter 11 of the Zoning Ordinance.

C. The City Planner may visit and inspect the site of home occupations in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours and with reasonable notice. Code violations shall be processed in accordance with Section 10.070.

**SUBCHAPTER 73**

**PARKING**

**73.005 Parking Areas Required.** Any building constructed, enlarged, altered or subject to a change of use shall establish and maintain parking areas in accordance with the provisions of this chapter, unless specified within individual zones.

**73.010 Required Number of Parking Spaces.** The number of parking spaces required for any building or land use shall be determined from the following table:

<u>A. Residential Uses:</u>	<u>Number of Spaces Required:</u>
1. Low-Density Residential Zone (RS) Mixed Density Residential Zone (MX) Single-family dwelling	2 per dwelling unit

Parking for Neighborhood Commercial Conditional Uses listed in the MX Zone may utilize the on-street parking adjacent to the business.

2. Medium-Density Residential Zone (RM) High Density Residential Zone (RH) Commercial Retail Transitional Zone (CRT)	
a. Two-family dwelling (duplex)	4
b. Multi-family dwellings	
i. Studio units or 1-bedroom units less than 500 sq. feet in size	1 per unit
ii. 1-bedroom units 500 sq. feet in size or larger	1.5 per unit
iii. 2-bedroom units	1.75 per unit
iv. 3-bedroom or greater units	2 per unit
v. Retirement complexes for persons 55 years or greater	1 per unit
c. Quad dwelling	4 spaces per each unit
d. Quint dwelling	5 spaces per each unit
e. Clubs, fraternity, and sorority houses, rooming or boarding houses	4 spaces for every 5 guest rooms
f. Dormitories	1 space for every 100 square feet

Commercial uses within the CRT Zone shall be subject to the requirements of this subchapter.

Main Street District Zone (MSD)  
All residential uses

On-street parking spaces adjacent to the property line may be counted as part of the required residential parking.

- B. Commercial Uses:  
Commercial Highway Zone  
Commercial Office Zone  
Commercial Retail Zone  
Industrial Park Zone  
Light Industrial Zone

1. Commercial Lodging: Number of Spaces Required:  
a. Hotel 1 space per two guest rooms plus one space per two employees  
b. Motel 1 space per guest room or suite plus 1 additional space for owner or manager  
c. Club, lodge  
Meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
2. Institutions: Number of Spaces Required:  
a. Welfare or correctional institution 1 space per 5 beds for patients or inmates  
b. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged 1 space per 2 beds for patients or residents  
c. Hospital 3 spaces per 2 beds
3. Places of Public Assembly: Number of Spaces Required:  
a. Church 1 space per four seats or 8 feet of bench length in main auditorium  
b. Library; reading room 1 space per 400 square feet of floor area plus 1 space per 2 employees  
c. Pre-school nursery; kindergarten; child care facilities 2 spaces per teacher or employee  
d. Elementary or middle school 1-1/2 spaces per classroom plus 1 space per administrative employee or 1 space per 4 seats or 8 feet of bench length in the auditorium or assembly room, whichever is greater  
e. High school 1-1/2 spaces per classroom plus 1 space per administrative employee plus 1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater  
f. College; commercial school for adults 1-1/2 spaces per classroom, plus 1 space per 5 students the school is designed to accommodate  
g. Other auditoriums; meeting room 1 space per 4 seats or 8 feet of bench length  
h. Place of public assembly 1 space per 100 square feet

without fixed seats

4. Commercial Amusements: Number of Spaces Required:  
a. Stadium; arena; theater 1 space per 4 seats or 8 feet of bench length  
b. Bowling alley 5 spaces per alley plus 1 per 2 employees  
c. Dance hall; skating rink 1 space per 100 square feet of gross floor area plus 1 space per 2 employees
5. Commercial: Number of Spaces Required:  
a. Retail store except as service shop area 1 space per 400 square feet of gross floor area  
b. Service or repair shop; retail store handling area exclusively bulky merchandise such as automobiles and furniture 1 space per 650 square feet of gross floor area  
c. Bank, office (except medical and dental) area plus 1 space per 2 employees 1 space per 400 square feet of gross floor area  
d. Medical and dental clinic 1 space per 400 square feet of gross floor area plus 1 space per 2 employees  
e. Eating or drinking establishment area 1 space per 200 square feet of gross floor area  
f. Mortuary 1 space per 4 seats or 8 feet of bench length in chapels
6. Industrial: Number of Spaces Required:  
Industrial Park Zone  
Industrial Zone  
Light Industrial Zone  
a. Storage warehouse; air; rail 1 space per 1,000 square feet of gross floor or trucking freight terminal  
b. Wholesale establishment; 1 space per 700 square feet of gross floor area  
c. Manufacturing establishment 1 space per 700 square feet of gross floor area

The number of parking spaces required for buildings and uses not specifically listed in this section shall be determined by the Planning Commission.

### **73.015 Loading Space.**

- A. Any building constructed, enlarged, altered, or subject to a change of use in order to accommodate a commercial activity shall establish and maintain one or more loading spaces for commercial vehicles in accordance with the provisions of this chapter.
- B. Each required loading space shall have a minimum width of ten (10) feet.
- C. Each required loading space shall have a minimum length of 22 feet.
- D. Each required loading space shall have access to a street or alley.
- E. Each required loading space shall have a surface of asphaltic concrete or Portland cement concrete.

F. Number of loading spaces required:

1. Each commercial building having a gross floor area of 4,000 square feet or less shall have at least one loading space.
2. Each commercial building having a gross floor area greater than 4,000 square feet shall have at least two (2) loading spaces.

### **73.020 General Requirements for Parking and Loading Areas.**

A. Parking spaces and maneuvering areas shall be designed as depicted in the diagrams and tables in Section 73.035.

B. Any private or public parking area shall be surfaced with asphaltic concrete and shall be adequately graded and drained as required by the City. Appropriate bumper guards or wheel barriers shall be installed 2.5 feet from a required yard or from a property line and 4.5 feet from any structure excluding a private garage.

C. A public parking area located in any residential district or adjacent to any residential use shall be enclosed with an ornamental fence, masonry wall, or compact evergreen hedge having a height of not less than two (2) feet and maintained in good condition and shall observe the required front, side, or rear yard setbacks.

D. Lighting of parking and loading areas shall be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto any public street.

E. The provision and maintenance of off-street parking and loading space shall be a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking or loading space. The subsequent use of the property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance.

F. No owner or occupant of a lot or building shall change the use to which the lot or building is put, thereby increasing parking or loading requirements, until the required increase in off-street parking or loading is provided.

G. Each off-street parking space for a dwelling shall be located on the same lot with the dwelling. Other required parking space shall be located not farther than 300 feet from the building or use that it is to serve, measured in a straight line from the building or use.

H. Each required automobile parking space shall have access to a street or alley.

I. No portion of a parking space or aisle, as is identified in Section 73.035, shall be located in a required setback.

J. The minimum driveway length between a garage face and the back edge of the sidewalk shall be 20 feet.

K. Compact car parking spaces may be provided on the following basis:

10 or more total spaces required; 20 percent of total

8 to 9 spaces required; 2 spaces

4 to 7 spaces required; 1 space

1 to 3 spaces required; 0 space

L. For two-way circulation, the minimum aisle width shall be 20 feet. Adequate ingress, egress and turn around space shall be provided.

**73.025 Parking of Bicycles.** Any apartment, dormitory, fraternity, sorority, student home, or other multiple-family residential structure having more than four (4) dwelling units or more than twelve (12) residents shall provide a parking area for bicycles. Any new retail, office and institutional development shall provide a parking area for bicycles. Such a parking area shall include the following:

A. A sheltered area having direct access to an adjacent sidewalk or parking area. The bicycle parking area need not be fully enclosed but shall provide shelter from precipitation.

B. A parking surface of asphaltic concrete or Portland cement concrete.

C. Racks, frames, posts, or other devices of metal, concrete, wood, or other durable material. Such devices shall be adequate to hold and permit the locking of one (1) bicycle for every dwelling unit.

**73.030 Access To State Highways.** Access to State Highways is granted by the Oregon Department of Transportation (ODOT). A change of use to which the lot or building is put may require amending an existing highway approach permit.



**Parking standards table & diagram**

## SUBCHAPTER 74

### ACCESSORY STRUCTURES

#### **74.005 Requirements for Accessory Structures.**

- A. The requirements set forth in this chapter shall apply to accessory structures in the RS, RM, RH, MX and CO Zones.
- B. Any accessory building attached to the main building shall be considered a part of the main building and shall be subject to the same requirements as the main building.
- C. Any accessory building not attached to the main building shall be subject to the requirements of this chapter.
- D. Any accessory structure other than a building shall be subject to the requirements of this chapter, regardless of whether the accessory structure is attached to the main building.
- E. The requirements of this chapter shall apply only to accessory structures and not to main buildings. Requirements for the yards, height, and lot coverage of main buildings shall be determined according to the provisions of the zone in which the main building is located.

**74.010 Lot coverage by Accessory Structures.** The area covered by accessory structures shall not exceed 25 percent of the total area of any lot.

#### **74.015 Height of Accessory Structures.**

- A. The maximum height of any accessory structure attached to a main building shall be determined in accordance with the height requirements of the zone in which the main building is located.
- B. The maximum height of any accessory structure not attached to a main building shall be fifteen (15) feet.
- C. Television and radio antennae for the personal use of the owner of the lot on which they are located shall be exempt from the height requirements of subsections A and B above; such antennae shall have a maximum height of 50 feet above grade regardless of whether they are attached to a main building or are freestanding.
- D. The maximum height of any fence shall be seven (7) feet.

**74.020 Accessory Structures in Front Yards.** No accessory structure exceeding two (2) feet in height except a fence shall be permitted in a required front yard. Any fence or solid hedge located within ten (10) feet of the front property line shall have a maximum height of 42 inches.

**74.025 Accessory Structures Near Streets.** Notwithstanding any other requirement or standard set out in this Subchapter, no accessory structure or fence shall be constructed or located so as to obscure vision clearance required by action 75.055 of this Ordinance.

**74.030 Measurement of Height of Fences.** The height of a fence adjoining a street shall be determined by measuring the vertical distances from the sidewalk to the highest part of the fence. If no sidewalk exists, the height of the fence shall be determined by measuring the vertical distance from the curb to the highest part of the finished shoulder grade of the right-of-way or from the finished grade of the property along the fence.

## SUBCHAPTER 75

### YARDS

**75.005 Minimum Area of Lots.** No lot or parcel shall be divided or reduced in area in such a way as to violate the minimum area and width requirements of a zone in which the lot or parcel is located. No nonconforming lot of record shall be divided or reduced in area in such a way as to violate further the area and width requirements of the zone in which the lot or parcel is located.

**75.010 Required Yard Areas Not to be Divided.** No portion of a lot or parcel necessary to provide the lot area or density of dwelling units required by the zone or plan designation in which that lot or parcel is located shall be divided or reduced in area. No yard, landscaped area, open space, or common area required by this Ordinance shall be reduced in area or divided from the lot or parcel for which it is required.

**75.015 Yards Apply to Only One Main Building.** No yard, landscaped area, open space, or common area required for a lot or a main building shall be counted as meeting the yard, open space, or area requirements of another lot or building.

**75.020 Yards to be Unobstructed.** Every required front, side, and rear yard shall be open and unobstructed by buildings or structures from the ground to the sky except for those projections and accessory structures permitted by this Ordinance. Objects and materials such as firewood, building supplies, campers, boats, and vehicles that are stored for a period exceeding 30 consecutive days in one (1) calendar year shall be subject to the yard requirements of this Ordinance.

**75.025 Parking in Required Yards.** Parking in required yard areas is permitted in certain cases depending upon the zoning of both the subject property and the zoning of adjacent property, and subject to the provisions of Subchapter 73, Parking.

#### **75.030 Average Setback from Street.**

A. Every building in a zone permitting residential uses shall be set back from the front lot line at least fifteen (15) feet, except for the Main Street District and Mixed Density Residential Zones.

B. The average setback shall be found by measuring the distance from the front lot line to the closest part of the foundation for all dwellings which are within 200 feet of the subject property and which adjoin the same side of the street as that abutting the subject property. Buildings closer than ten (10) feet or farther than twenty (20) feet from the front lot line shall not be counted in determining average setback.

C. When other sections of this Ordinance or any other ordinance require a greater setback than is specified in this section, the greater setback shall apply.

**75.035 Projections into Required Front Yards.** The following projections and structures may project or extend into a required front yard:

- A. Planter boxes;
- B. Chimneys and flues;
- C. Steps;
- D. Cornices;
- E. Eaves;
- F. Gutters;
- G. Belt courses;
- H. Headers;
- I. Sills;
- J. Pilasters;
- K. Lintels;
- L. Other ornamental features not extending more than two (2) inches from the main building;
- M. Uncovered porches;
- N. Covered but unenclosed porches not more than fifteen (15) feet above grade and the floors of which are not more than four (4) feet above grade.

In no case shall any of the above projections or structures come closer than ten (10) feet from the front lot line.

**75.040 Projections into Required Side Yards.**

- A. Cornices, eaves, gutters, and fire escapes may project into a required side yard not more than 1/2 of the width of the side yard or more than three (3) feet whichever is less.
- B. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and ornamental features may project not more than 1-1/2 feet into a required side yard.
- C. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the side yard property line provided they are less than two (2) feet in height from ground level.

**75.045 Projections into Required Rear Yards.**

- A. Cornices, eaves, gutters, fire escapes, outside stairways or other unenclosed, unroofed projections may extend into a required rear yard a maximum distance of five (5) feet.
- B. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters, and other ornamental features may project not more than 1-1/2 feet into a required rear yard.
- C. Uncovered patios, porches, and decks attached to the main building and having a height of two (2) feet or less may extend to the rear property line.
- D. Garden sheds or accessory structures that are less than 500 square feet in size or under ten (10) feet in height may be placed within three (3) feet of a side or rear property line.

**75.050 Projections Above Required Heights.** Towers, chimneys, steeples, electronic communication antennae, and similar projections from the roof of a main building may exceed the height requirements of the zone in which they are located. Such projections shall not contain any habitable space and shall not exceed a total height above ground of 50 feet in any residential zone, or 85 feet in another zone.

**75.055 Vision Clearance.** Vision clearance shall be provided as follows at the end of this subchapter.

There shall be no sight obstruction in any zone (except Commercial Retail) between 2-1/2 and eight (8) feet above street grade within the triangular vision clearance area of any lot at the intersection of two (2) streets or public ways.

Two (2) sides of this triangle are curb lines at pavement measured back from that intersection as follows:

		<u>Paved Street</u>	<u>Alley</u>
A.	Residential Zones	30 feet	15 feet
B.	Commercial, Public or Industrial Zones	25 feet	15 feet

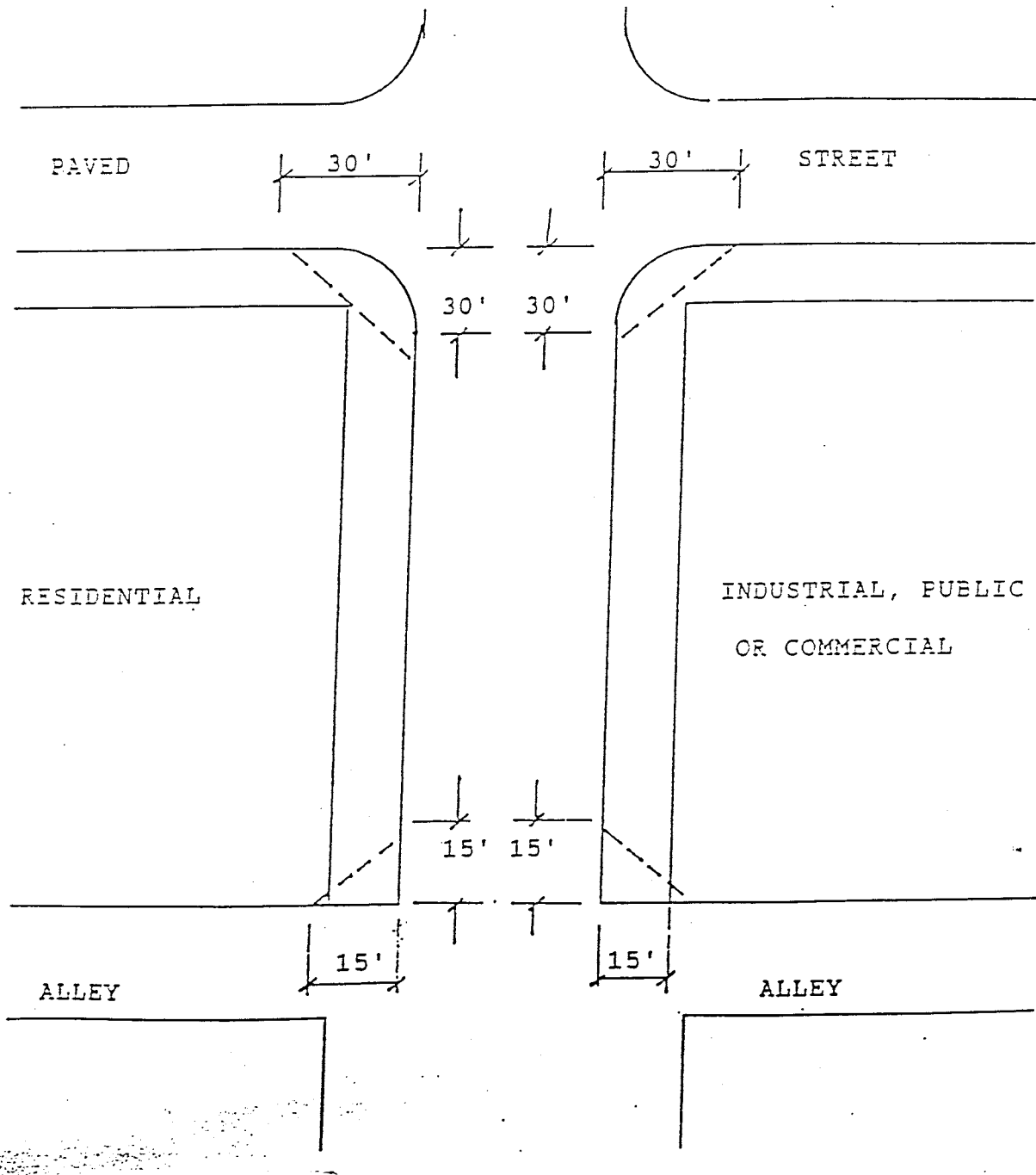
C. The vision clearances described above shall be considered minimum standards applicable to level, right angle intersections for local streets. For other intersections where a vision hazard is believed to exist, the City Council, Planning Commission, or City Manager may order that an investigation be done by the Police Department and/or Department of Public Works. In conducting such investigations, the standards of the American Association of State Highway and Transportation Officials (AASHTO) may be relied upon in determining whether or not a hazard exists, the Council may order the removal of the hazard by and at the expense of the property owner involved.

Traffic control signs, utility poles, tree trunks less than twelve (12) inches in diameter, and signs erected for public safety shall be excepted from these provisions.

75.055      Vision Clearance

Vision clearance shall be provided as follows:

**VISION CLEARANCE RESTRICTIONS**



## SUBCHAPTER 76

### LANDSCAPING AND STREET TREES

**76.005 Title.** This subchapter shall be known as the Monmouth Landscaping and Street Tree Ordinance.

**76.010 Purpose.** Monmouth recognizes the aesthetic and economic value of landscaping and encourages its use to maintain a pleasant community character. Monmouth values its existing trees and wishes to both protect and retain them. The purpose of this Ordinance is to promote attractive street views, and pleasing commercial frontages; to shade and soften the visual impact of parking lots; to require that trees be protected and retained and if not possible, to be replaced with similar or appropriate trees; and to establish regulations for the planting, maintenance, removal and replacement of plant materials in the public rights-of-way, and in multi-family, commercial, industrial, and subdivision developments.

#### **76.015 Definitions.**

Caliper. The diameter of the tree trunk measured five (5) inches above the base of the tree.

Diameter at breast height (dbh). A tree's diameter, in inches, at 4-1/2 feet above the ground.

Groundcover. Low-growing vegetation, excluding grass, that covers the ground in a solid mat.

Hazard tree. Any tree with any structural defect, disease, or a combination of these that make it subject to a structural failure that may cause damage to persons and/or property.

Heritage tree. Any tree, designated as such by the Historical Buildings and Sites Commission, due to its location, size, age, species, botanical interest, commemorative planting, or historical significance.

Park Strip. A portion of street right-of-way that is located between the curb and the sidewalk.

Plant materials. Trees, shrubs and perennials.

Right-of-way. The area between a street, or public easement, and private property.

Remove or Removal. The act of removing a tree by digging up, cutting down, or any act which causes a tree to die within a period of three (3) years, including, but not limited to, damage inflicted on the root system; changing the ground level at trunk or root zone; excessive pruning or any other action that is deemed harmful to the tree.



Severely prune. To top a tree, or to remove more than, twenty (20) percent of the canopy within one (1) year.

Specimen tree. A mature, well-developed example of a species.

Street tree. A tree or substantial shrub on land lying within a right-of-way or within a public utility easement,

Topping. The severe cutting back of limbs within the tree's crown so as to remove the normal canopy and to disfigure the tree.

Tree. Any self-supporting woody perennial that matures at a height of greater than six (6) feet.

**76.020 Compliance with other regulations.** The regulations set forth herein are intended to apply in addition to and not in lieu of any other applicable regulations, including, but not limited to, Chapter 33 of the Monmouth City Code entitled "Trees Within Rights-of-Way".

**76.025 Citywide standards.** The following regulations shall apply throughout the City of Monmouth:

- A. All required landscaping shall be installed prior to occupancy of a development unless arrangements are made with the City Manager to complete the landscaping at a later date, in which case a bond, or other form of security acceptable to the City Manager, in an amount sufficient to insure completion of the landscaping is required.
- B. Where landscaping or the preservation of existing trees is required, the property owner, or, in the case of street trees, the owner of the adjacent property, shall maintain the landscaping and/or trees during the normal life of the plant materials. Topping or severely pruning trees shall not occur. Only dead, damaged or diseased plant materials shall be removed and shall be replaced as soon as reasonably possible, with aesthetically appropriate plant materials.
- C. Existing plant materials. Significant existing plant, materials, including, but not limited to, heritage and specimen trees, shall be preserved and shall be integrated into the landscape plan when a plan is required. Tree preservation priority shall be given to heritage and specimen trees and trees located within, or adjacent to, sensitive natural areas, flood plains, and well head protection areas. Only healthy trees which are appropriate for the site at their mature size must be preserved. Removal of heritage trees must be approved by the City Manager and shall be allowed only if the tree is a hazardous tree.
- D. Protection from construction. Excavations, driveways, and general construction activities shall not occur within six (6) feet of any tree required to be preserved or within of 80 percent of the distance between the drip line and trunk of the tree, whichever is greater. Construction plans for property adjacent to significant plant materials including, but not limited to, heritage and specimen trees, must be approved in advance by the City Planner.

**76.030 Commercial, Industrial and Mufti-Family Developments.**

A. Site plans for all commercial, industrial and multi-family developments shall include a Landscape Plan, to be reviewed under the provisions of Section 11.050 of the Monmouth Zoning Ordinance entitled "Site Plan Review". The Landscape Plan shall include a detailed planting plan, the location, size and variety of all proposed and existing plant materials, groundcover and lawn areas and the method of irrigating the landscaped areas.

B. Landscaping with plant materials, lawn and/or groundcover is required in the setback/yard area. Gravel and/or bark mulch may be used for traveled surfaces such as paths and to mulch around the base of individual plant materials. Spacing of the plant materials, groundcover and/or lawn shall be appropriate to the species and the purpose for the planting. Where landscaping is required for screening and/or buffering, the plant materials shall be at least six (6) feet in height and 80 percent opaque within two (2) growing seasons.

C. Parking lot trees. The intent of requiring parking lots trees is to provide a canopy effect to shade and soften the visual impact of the parking lot. Parking lots which provide ten or more parking places shall have trees in planters at the rate of one (1) tree for every seven (7) parking spaces. The planters shall be a minimum of three (3) feet by three (3) feet and shall be protected by either curbs or tire stops. At the end of each parking aisle and in non parking areas (excluding traffic aisles) there shall be curbed planters, landscaped with appropriate plant materials.

D. Landscape contractor required. All landscaping installations shall be done by a landscape contractor licensed by the State of Oregon.

**76.035 Residential subdivisions.** Residential subdivisions shall submit, as part of the tentative subdivision plan application, a Landscape Plan delineating the type and placement of all street trees.

#### **76.040 Street trees.**

A. Acceptable trees. Street trees may be planted by the abutting property owner, after obtaining the consent of the City Manager as required by Section 76.025, provided the species is on the list of acceptable species set forth in this subchapter and meet all other requirements of this subchapter. Street trees under utility wires shall be of a species whose size and growth habit will not interfere with the overhead utility lines. Street trees shall have a minimum of a two (2) inch trunk caliper and shall be typical of the species, be healthy nursery stock, be free of pests and diseases and be of similar species to existing trees in the area.

B. Planting requirements. Street trees shall be planted a maximum of 50 feet apart and shall not be planted within 25 feet of a street corner, ten (10) feet of a fire hydrant, within a 10 foot triangular visual clearance area of a street intersection, driveway or alley, within four (4) feet of a street curb, or within ten (10) feet from a water valve, transformer or other above ground facility of an underground utility.

#### **76.045 Acceptable street and parking lot trees.**

A. Japanese Maple (*Acer palmatum*) many varieties for size and color.

- B. Norway Maple (*Acer platanoides*) some purple leaved varieties.
- C. Red Maple (*Acer rubrum*) some very upright varieties.
- D. European White Birch (*Betula pendula*) several varieties.
- E. Raywood Ash (*Fraxinus oxycarpa* "Raywood") lovely, rounded open crown, Good color.
- F. Sweetgum, Liquidambar (*Liquidambar styraciflua*) excellent Fall color. Upright branching.
- G. Tulip Tree (*Liriodendron tulipifera*) Large, dense. Interesting flower. Turns yellow in the fall.
- H. Saucer Magnolia (*Magnolia soulangeana*)
- I. Flowering Crabapple (*Malus*) many varieties of size and color.
- J. London Plane (*Platanus acerifolia*)
- K. Flowering Cherry (*Prunus*) many varieties of size and color.
- L. Bradford Flowering Pear (*Pyrus calleryana* "Bradford")
- M. Scarlet Oak (*Quercus coccinea*)
- N. Pin Oak (*Quercus palustris*) holds on to brown leaves long into Winter,
- O. Red Oak (*Quercus rubra*)
- P. Japanese Snowbell (*Styrax japonica*)
- Q. American Linden (*Tilia americana*)
- R. Little-leaf Linden (*Tilia cordata*) several varieties
- S. Elm (*Ulmus parvifolia*)
- T. Zelkova (*Zelkova serrata*)

## SUBCHAPTER 77

### SUBDIVISIONS AND PARTITIONS

**77.005 Title.** This chapter shall be known as the "Monmouth Subdivision Regulations" and may be so pleaded.

**77.010 Purpose.** The purpose of this chapter is to establish standards and procedures for land divisions in the City. These regulations are necessary to provide uniform procedures and standards for the subdivision and partition of land, to provide the proper construction and arrangement of street, utilities and public facilities, to coordinate development, to avoid undue congestion of population, to provide adequate light and air including protection and assurance of access to incident solar radiation for potential future use, to assure adequate sanitation and water supply, to provide for orderly development and conservation of land, to protect the general health, safety and welfare and to implement the Comprehensive Plan of the City of Monmouth, Oregon.

**77.015 Scope.** The criteria in this subchapter apply to all land divisions in the City.

**77.020 Sale Prohibited.** No person shall sell any lot or parcel created by a land division until final approval of the land division has been granted by the City. Final approval of a land division occurs when the partition or subdivision plat is recorded with the County Clerk.

**77.025 Building Permits and Improvements Prohibited.** No building permit shall be issued for any lot or parcel created after the effective date of this chapter if such lot or parcel was not created in conformity with the criteria set out in this subchapter. No excavation of land or construction of improvements shall be commenced except in conformity with this subchapter.

**77.030 Conditions.** The City may attach reasonable conditions to any approval it deems necessary to implement the provisions of this subchapter and the Comprehensive Plan of the City; to ensure the general health, safety and welfare of residents of the City and to promote the economical and aesthetic development of land in the City.

**77.035 Survey Requirements.** Land division actions are subject to the requirement that the property be surveyed and monumented in accordance with State Law and that a survey map be filed with the Polk County Surveyor. In addition, each partition or subdivision plat shall provide a space or signature line for the Planning Commission Chair and for the City Recorder to certify that the land division substantially complies with the Planning Commission's decision. Unless otherwise directed, partition or subdivision plats shall be completed within 180 days of the Planning Commission's decision.

**77.040 Violations and Penalties.** Violation of any provision of this chapter is punishable upon conviction by a fine not to exceed \$500.00. Each day of a continuing violation constitutes a separate violation.

#### **MINOR PARTITION PROCEDURES**

**77.045 Minor Partition Procedural Requirements.** Land divisions other than subdivisions or major partitions shall be known as minor partitions and shall be approved under the procedures contained in this subchapter. Preliminary plat approval for a minor land partition shall be made by the City Planner as a Type I decision under Zoning Code Section 11.015 and as

specified by this subchapter. Final plat review shall be conducted by the City Planner as a Type I procedure under Section 11.015 and as specified by this subchapter.

**77.050 Applications for Minor Partitions.** Applications for all minor partitions, as defined in this subchapter, shall be filed with the City. An application shall be submitted in writing in a format provided by the City. The owner of record shall sign the application. There shall be submitted to the City five (5) copies of a sketch map, 8 1/2 inches by 11 inches, or 11 by 17 inches in size with the following information:

- A. The date, north point, scale, and sufficient description to define the location and boundaries of the parcel to be partitioned and its location within the City.
- B. Name and address of the owner of record and of the person who prepared the sketch map.
- C. Approximate acreage of the parcel under the single ownership or, if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the minor partitioning.
- D. For land adjacent to and within the parcel to be partitioned, the locations, names, and existing widths of all streets and easements of way; location, width and purpose of all other existing easements; and location and size of sewer and water lines, drainage ways and power poles.
- E. Outline, location and setback dimensions to property lines of existing buildings to remain in place.
- F. Outline, location and dimensions of existing buildings or any other structures to be removed.
- G. Lot layout, showing size and relationship to existing or proposed streets, bikeways and pedestrian facilities, and utility easements.
- H. Such additional information as required by the City.

**77.055 Standards for Minor Partition Requests.**

The City Planner may approve a minor partition application upon a finding that:

- A. The proposed division complies with the requirements for its submittal, all requirements of the Comprehensive Plan, the intent and purposes of this Chapter, all provisions of the Zoning Ordinance, and all other applicable laws and regulations;
- B. The proposed division is not contrary to previous conditions imposed upon the use or development of the subject parcel by the City; and
- C. The proposed division is consistent with the extension of existing or planned City improvements such as streets and other public facilities.

D. The City may require dedication of land and easements and may specify conditions or modifications in the sketch plan necessary to carry out the City's Comprehensive Plan standards, land use regulations and other applicable legal requirements. In no event, however, shall the City require greater dedications or conditions than could be required if the parcel were subdivided.

E. If the parcel of land to be partitioned exceeds five (5) acres and within one (1) year is being partitioned into more than two (2) parcels, any one of which is less than one (1) acre, full compliance with all requirements for subdivisions may be required if the City should determine that the entire parcel being partitioned is in the process of being divided into small parcels.

### **77.060 Final Plat Submission Requirements**

A. An application for minor partition plat final approval shall be made by the person proposing the land division, or authorized agent or representative, on a form prescribed by the Planning Department and submitted after the effective date of preliminary plat approval. Said applications shall be accompanied by a final plat and additional information as prescribed in this section.

B. The applicant shall submit the final plat within one (1) year of preliminary plat approval.

**77.065 Technical Review.** Upon receipt of the final plat and accompanying data, the City Planner shall review the final plat and documents to determine that the plat conforms with the approved tentative plat, and that there has been compliance with provisions of the law of this chapter. The City Planner shall recommend final approval, denial, or when further information is required, postpone a decision on the application. If the City determines that there has not been full conformity, the partitioner shall be advised of the changes or additions that must be made and will be afforded a reasonable opportunity to make such changes or additions.

Approval shall be granted, provided that:

A. The plat is in substantial conformity with the provisions of the tentative plan for the subdivision or the major partition as approved, and all conditions of approval have been satisfied.

B. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect that the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U. S. Geological Survey or giving two (2) or more permanent objects for identifying its location.

### **77.070 Expiration of Minor Partition Approval.**

A. If the conditions set at the time of approval are not fulfilled within one (1) year of the signing of the Notice of Decision, the minor partition approval is null and void, and new application for plat approval must be submitted for reconsideration.

B. The City may, upon request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six (6) months. Requests for extension of approval shall be submitted, in writing, 30 days prior to the expiration date of the approval period to the City Planner.

**77.080 Appeal.** Appeals of minor land partition decisions shall be made as provided under Section 11.045.

**77.090 Resubmission of Requests.** Any request for a minor partition which has been denied by the City shall not be resubmitted for a period of one (1) year following the date of the denial unless consent for resubmission is approved by the Planning Commission or the City Council.

**77.100 Rescission of a Minor Partition Approval.** Prior to recording the final plat, any minor partition action granted under this subchapter may be rescinded by the City if it is found that the application for such action contains false statements, or if subsequent division, development, or use of land occurs in a manner different from that which was approved.

#### **MAJOR PARTITION and SUBDIVISION PROCEDURE**

**77.110 Major Partition and Subdivision Procedural Requirements.** Preliminary plat review for a major partition or subdivision shall be made by the Planning Commission as a Type II procedure under Zoning Ordinance Section 11.015 and as specified by this subchapter. Final plat review shall be conducted by the City Planner as a Type I procedure under Section 11.015 and as specified by this subchapter.

**77.115 Preliminary Conference.** A conference shall be held prior to the submission of any application for a major partition or subdivision. The conference will enable the City Planner to put the applicant on notice of the provisions of this subchapter. Any applicant for a land division shall submit a plan of the preliminary scheme for the layout of property to be divided to the City Planner. No statements or representations made by the City Planner shall constitute an agreement or approval with respect to any land division or requirements of this chapter.

**77.120 Tentative Plat.** The subdivider shall prepare a tentative plat together with improvement plans and other supplementary materials and, after payment of a the appropriate filing fee to the City, shall submit one (1) reproducible and five (5) reproducible copies of the tentative plat and supplementary data on forms prescribed by the City at least 45 calendar days prior to the next available Planning Commission meeting. The tentative plat shall show all pertinent information to scale in order that the Planning Commission may properly review the proposed development.

**77.125 Tentative Plat Scale.** The tentative plat shall show all pertinent information, normally at a scale of one (1) inch equals 100 feet. For subdivisions, the scale may be increased or decreased to fit standard size sheets of 18 by 29 inches. An 11 by 17 inch reproduction shall also be provided. However, in all cases the scale shall be standard, being 10, 50, 100 or multiples of 100 feet to the inch. No partition survey or description may be made by any surveyor or person until tentative approval has been given by the Planning Commission.

**77.130 Tentative Plat Information.** The following information shall be shown on the tentative plat:

- A. Proposed name of the subdivision. Except for the words, "town," "city," "place," "court," "addition," or similar words, the name shall be clearly different and clearly pronounced different than the name of any other subdivision in Polk County, unless the subject subdivision is contiguous to and platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block numbers of the subdivision of the same name last filed. The City shall reserve the right to assign or have assigned a sequential number placed upon the tentative map.
- B. The proposed language to be used in the dedication.
- C. Date, north point with orientation to the upper edge of the plan, and scale of drawing.
- D. Appropriate identification clearly stating the plan is a tentative plan.
- E. Location of the subdivision sufficient to define the location and boundaries of the proposed tract and its relation to surrounding land uses and existing and proposed transportation facilities.
- F. Names and addresses of the owner, subdivider, and surveyor.



- G. The location, width, names, approximate grades and radii of curves of streets. The relationship of streets, bikeways and pedestrian facilities to any existing or projected streets, bikeways and pedestrian facilities as shown on the Monmouth Transportation System Plan or as may be suggested by the Planning Commission in order to assure adequate traffic circulation.
- H. The approximate width and location of all existing and proposed easements for public utilities, and all reserve strips proposed to satisfy requirements that may be required as provided for in other sections of this subchapter.
- I. The location and approximate dimensions of lots and the proposed lot and block numbers.
- J. The approximate radii of all curves.
- K. Sites, if any, allocated for purposes other than single-family dwellings.
- L. A vicinity map, showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision, and showing how proposed streets, bikeways, pedestrian facilities, and utilities may be extended to connect to existing and proposed streets and utilities.
- M. Proposed deed restrictions, if any, in outline form.
- N. Approximate centerline profiles with extensions for a distance of 200 feet beyond the limits of the proposed land division showing the finished grade of streets and the nature and extent of street, bikeway, and sidewalk construction.
- O. A plan for domestic water supply, including the source, and plans for water lines.
- P. Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage way.
- Q. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.
- R. Proposals for other improvements such as electric utilities, street lighting, landscape plans.
- S. A complete service utility plan for the subdivision to be made which plan shall require easements adequate to meet the underground service utility requirements of the subdivision but not to exceed the preliminary requirements. The final plat of the subdivision as provided shall contain a dedication to the public of easements in accordance with the service utility plan as adopted by the Planning Commission.
- T. The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes and electric lines.
- U. Any other information relevant to the proposal consistent with the purposes and scope of this chapter.

V. Location of park property and other public areas.

W. A cross-section of each street, bikeway, and pedestrian facility proposed, including roadway pavement, curb, sidewalk, designated bikeway, gutters and planter strips.

X. The plat required above, reduced to 8 1/2 x 11 inches. This must be a legible mechanical transfer or reasonable facsimile.

Y. Soils Report

1. Any area proposed for subdivision development shall be investigated to determine the soil characteristics, and a soils engineering report shall be submitted with every application. This report shall include data regarding the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, and opinions and recommendations covering the adequacy of sites to be developed.

2. The investigation and subsequent report shall be completed and presented to the Commission by a professional geotechnical engineer registered in the State of Oregon and experienced and knowledgeable in the practice of soil mechanics.

3. Recommendations included in the report and approved by the engineer shall be incorporated in the design plan or specifications.

4. Any area which presents one or more of the following limiting factors shall not be subjected to development unless the engineer can demonstrate to the Commission that these limitations can be overcome in such a manner as to prevent hazard to life, hazard to property, adverse affects on the safety, use, or stability of a public way or drainage channel, and adverse impact on the natural environment:

a. Water table within three (3) feet of the surface during any time of year;

b. Natural slopes greater than fifteen (15) percent;

c. Soils with a "high shrink-swell potential", as defined by the Natural Resources Conservation Service;

d. Soils with a "severe rating" for the proposed use", as defined by the Natural Resources Conservation Service.

Z. Traffic Impact Analysis. Depending on the nature and scope of the proposed development, the City may require a traffic impact analysis report, prepared by a registered transportation engineer, including the following:

1. The total estimated vehicular, pedestrian, bicycle and other transit service trips to be generated from the proposed development;

2. The impact of the total estimated vehicular, pedestrian, bicycle and other transit service trips on the existing street, sidewalk, bicycle and other transit systems within the City; and
3. The estimated level of improvement necessary to mitigate the total impact from the proposed development as identified in item #2.

**77.135 Partial Subdivision Plat/Master Plan.** If the subdivision plat pertains to only part of the tract owned or controlled by the subdivider, the subdivider shall provide a sketch of a tentative layout for streets, bikeways, pedestrian facilities, and lots in the unsubdivided portion.

**77.140 Tentative Plat Changes.** Any changes in a tentative plat initiated by the applicant shall constitute a new application and shall be accompanied by the fees required in this subchapter.

**77.145 Existing Conditions.** The following existing conditions shall be shown on the tentative plat:

- A. The location, widths and names of both opened and unopened streets, bikeways and pedestrian facilities within or adjacent to the tract, together with easements and other important features, such as section lines, corners, City boundary lines and monuments.
- B. Location and size of sewer and water lines (including laterals, drainage way, and the location of power poles).
- C. Contour lines related to some established benchmark or other datum approved by the City and having minimum intervals as follows:
  1. For slopes of less than five (5) percent: show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed.
  2. For slopes of 5 percent to 15 percent: 5 feet.
  3. For slopes of 15 percent to 20 percent: 10 feet.
  4. For slopes of over 20 percent: 20 feet.
  5. For slopes in designated flood plain areas and drainage ways: five (5) feet except that the flood plain elevation and contour line shall also be noted.
- D. The location of at least one (1) temporary benchmark within the plain boundaries.
- E. The location and direction of watercourses and the location of areas subject to flooding.

F. Natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.

G. Existing uses of the property, including location of all existing structures to remain on the property after platting or mapping.

H. Locations and widths of streets,-roads, bikeways and pedestrian facilities held for private use, and all reservations or restrictions relating to such private roads and streets.

I. Existing uses of all abutting parcels, including the location of existing structures, roads, streets, bikeways and pedestrian facilities, and easements contiguous to the parcel to be subdivided.

77.150 Governmental Notification and Comment. Within five (5) working days after the major partition or subdivision application is submitted, according to the provisions of this chapter, the City Planner shall distribute copies thereof to the appropriate agencies and departments for review, comments and recommendations.

### **77.155 Preliminary Plat Approval Criteria.**

The Planning Commission may approve, approve with conditions, or deny a preliminary plat based on the following approval criteria:

A. The proposed preliminary plat complies with the requirements for its submittal, all requirements of the Comprehensive Plan, all requirements of this subchapter, all requirements of the Zoning and Development Ordinance, and all other applicable laws and regulations.

B. All proposed streets, alleys, sidewalks, pedestrian facilities, bicycle facilities, pathways, utilities, and surface water management facilities conform or transition to the plats of subdivisions and major partitions already approved for adjoining property as to width, general direction, and all other respects and such facilities comply with the standards of the Monmouth Comprehensive Plan, Transportation System Plan, Zoning and Development Ordinance, public facilities plans, and this chapter.

C. All proposed public improvements and dedications are identified on the preliminary plat.

D. All proposed private common areas and improvements (e.g. home owner association property) are identified on the preliminary plat.

E. All proposed lots, blocks, and parcels meet the standards of the applicable zoning district and this subchapter.

F. Where a common drive is to be provided to serve more than one lot, a reciprocal easement that ensures access and maintenance rights shall be recorded with the approved subdivision or major partition plat.

G. In accordance with the Uniform Fire Code, a 20 foot wide fire apparatus access drive shall be provided to serve all portions of a building located more than 150 feet from a public right-of-way or approved access drive.

H. The City may attach such conditions as are necessary to carry out the provisions of this Ordinance and all other applicable ordinances and regulations and may require reserve strips be granted to the City for the purpose of controlling access to adjoining properties.

**77.160 Tentative Plat Effective Date.** Unless appealed, Planning Commission decision shall become effective on the 13<sup>th</sup> day after the date on which the decision is rendered. The applicant may then proceed with final surveying and preparation for final approval. The tentative plat approval shall be effective for one (1) year, within which time the application and major partition or subdivision plat must be submitted as required by this subchapter to the Planning Department. Otherwise, the entire procedure must be repeated for reconsideration in light of changed conditions that may exist.

### **77.165 Final Plat Submission Requirements.**

A. An application for major partition or subdivision plat final approval shall be made by the person proposing the land division, or authorized agent or representative, on a form prescribed by the Planning Department and submitted after the effective date of preliminary plat approval. Said applications shall be accompanied by a final plat and additional information as prescribed in this section.

B. The applicant shall submit the final plat within one (1) year of preliminary plat approval.

C. One (1) original plat and two (2) copies, in clear and legible form, 18 inches by 24 inches in size, shall be submitted. Original plats shall be in substantial conformity to the approved tentative plat and shall conform to the Polk County Surveyor's specifications and requirements and all requirements of Oregon Revised Statutes Chapter 92. Sheet dimensions and size shall be as specified by the County recording officer for major partition plats offered for record.

**77.170 Final Plat Applications.** The application provided for in Section 77.165 of the proposed subdivision plat or the major partition map must contain the following information with respect to the subject area:

A. Traverse computation sheets, subdivisions only. The licensed land surveyor signing the surveyor's affidavit on the plat shall submit traverse computation sheets for the use of the City or County Engineer in checking the plat. Said sheets shall include the calculation of each course and distance by latitude and departure of all the boundary lines and of all the lots in the plat which are not completely rectangular in shape. Each course and distance and each latitude and departure shall be tabulated on the traverse computation sheet in the proper order to show the closure limits of each area, and rectangular coordinates of every angle point shall be extended and shown from a single meridian and from a single point of origin. The error of the closure, if any, shall be indicated.

- B. The lengths of all chords, radii points or curvature, and tangent bearings shown.
- C. The lot lines of all lots within the subdivision, or all parcel lines within the major partition, with dimensions in feet and hundredths of feet and with all bearings shown. Area in square feet for each lot shall also be tabulated or indicated on each lot.
- D. Numbers designating each block and lot in subdivisions, lots in each block to be numbered consecutively.
- E. Where a plat is an addition to a plat previously recorded, numbers of blocks and lots in consecutive continuation from such previous plat.
- F. The description and location of all permanent reference monuments, including a tie, section corner, 1/4 corner, donation land corner, or other such reference point.
- G. An affidavit of a surveyor, who is an Oregon licensed land surveyor, and who surveyed the subdivision or major partition, conforming to the requirements of the Oregon Revised Statutes.
- H. The date, north point, and scale of the drawing, and a sufficient description to define the location and boundaries of the subdivision or major partition.
- I. The locations, names and widths of all streets, bikeways and pedestrian facilities, existing or created, and the width and location of all existing easements for public utilities and such easements being created, and also all reserve strips required as provided for by Section 77.275 of this chapter.
- J. A designation of all areas being dedicated by the applicant, including proposed uses, and an effective written dedication thereof.
- K. Designation of all donations to the public of all common improvements, including but not limited to streets, roads, bikeways and pedestrian facilities, parks, sewage disposal and water systems, the donation of which was made a condition of approval of the tentative plan for the subdivision or major partition.
- L. A copy of all proposed protective deed restrictions being proposed.
- M. A title report issued by a title insurance company licensed by the State of Oregon, verifying ownership by the applicant of the real property that is to be dedicated to the public.

**77.175 Certificates.** The following that may be combined where appropriate, must be included:

- A. A certificate that the subdivider has entered into agreement with the City relating to completion of improvements, payment of sewer and water hookup fees, inspection fees, public lands payments, monumentation or any other elements deemed relevant to the purpose of this or any other City ordinance, State statute, or Federal law.

- B. A certificate signed and acknowledged by all parties having any recorded title interest in the land subdivided, consenting to the preparation and recording of the plat.
- C. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map intended for the exclusive use of the lot owners in the subdivision, their licensee(s), visitors, tenants and servants.
- D. A certificate with the seal of and signed by the surveyor responsible for the survey and final map.
- E. Other certifications now or hereafter required by law.

**77.180 Public Works Superintendent Certification.** The Public Works Superintendent shall certify that the subdivider has complied with one (1) of the following alternatives:

- A. All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the tentative plat.
- B. An agreement has been executed as provided in Sections 77.195 and 77.200 of this chapter to assure completion of required improvement.

**77.185 Final Plat Approval Criteria.** Upon receipt of the final plat and accompanying data, the City shall review the final plat and documents and shall approve or deny the final plat based on findings regarding compliance with the following criteria. If the City determines that there has not been full conformity, the applicant shall be advised of the changes or additions that must be made and will be afforded a reasonable opportunity to make such changes or additions.

- A. Streets, roads, bikeways and pedestrian facilities, and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.
- B. Streets, roads, bikeways and pedestrian facilities held for private use and indicated on the tentative plan of such subdivision or major partition have been approved by the City as conforming to the preliminary plat.
- C. The proposal complies with Monmouth policies and plans, as well as all provisions of this subchapter, other applicable portions of the Monmouth Zoning and Development Ordinance, and the Monmouth Public Works Standards.
- D. The plat or map is in substantial conformity with the provisions of the tentative plat for the subdivision or the major partition, as approved, and all conditions of approval have been satisfied.

E. The plat or map contains a dedication to the public of all common improvements, including but not limited to streets, roads, bikeways and pedestrian facilities, parks, sewage disposal and water supply systems, the dedication of which was made a condition of the approval of the tentative plat for the subdivision or major partition.

F. The applicant has provided copies of all recorded homeowner association Codes, Covenants, and Restrictions (CC&Rs); deed restrictions; private easements and agreements (e.g. for access, common areas, parking, etc.) and other recorded documents pertaining to common improvements recorded and referenced on the plat.

G. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect that the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U. S. Geological Survey or giving two (2) or more permanent objects for identifying its location.

H. Either:

1. Improvements as required by this subchapter or as a condition of tentative plat approval have been completed and a certificate of such fact has been filed with the Planning Department by the Public Works Superintendent and a certification by the City that water and sanitary sewer service is available to each and every lot depicted on the plat; or,
2. A performance agreement (bond) or suitable substitute as agreed upon by the City and applicant has been filed with the City Recorder in sufficient amount to insure the completion of all required improvements.

**77.190 Approval of Final Plat.** If the final plat is approved as provided under Section 77.185, the City Planner shall so advise the chair of the Planning Commission. The chair of the Planning Commission may then sign the plat without further action by the Planning Commission.

**77.195 Agreement for Improvements.** Before Planning Commission approval is certified on the final plat, the subdivider shall install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision. The subdivider may, in lieu of completion of the required improvements and repair to existing streets and facilities, request the City Council to approve an agreement between himself and the City specifying the period within which required improvements and repairs shall be completed. The agreement shall not be effective until approval of the City Council. The agreement shall provide that if the work is not completed within the period specified the City may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions. The City Council may reject any agreement authorized by this section for any reason the City Council deems sufficient.

**77.200 Bond.**



A. The subdivider shall file with any agreement as specified in Section 77.195, to assure full and faithful performance thereof, one (1) of the following:

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Manager.
2. A personal bond cosigned by at least two (2) additional persons together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
3. Cash or pledge of approved securities.

B. Such assurance of full and faithful performance shall be for a sum determined by the City as sufficient to cover the cost of the improvements and repairs, including related City expenses.

C. If the subdivider fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City, the City shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the subdivider shall be liable to the City for the difference.

D. The developer shall furnish the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

**77.205 Filing of Final Plat.** Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Polk County for signatures of County officials as required by ORS Chapter 92. Upon final recording, the applicant shall submit to the City three (3) copies of all sheets of the recorded final plat. This shall occur prior to issuance of building permits for the newly-created lots.

### **77.210 Expiration of Major Partitioning and Subdivision Approvals.**

A. If the conditions set at the time of approval are not fulfilled and the plat or map offered for record by the partitioner or subdivider in the office of the County Recording officer within one year, the subdivision or major partition approval is null and void, and new application for plat or map approval must be submitted for reconsideration.

B. If, in the opinion of the City Manager or designate, conditions have changed to a sufficient degree to warrant reconsideration of the tentative plan, an application for tentative plan approval must be resubmitted and approved prior to subdivision plat or major partition map application submittal and reconsideration.

C. The Planning Commission may, upon request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six (6) months. Requests for extension of approval shall be submitted, in writing, 30 days prior to the expiration date of the approval period.

**77.215 Resubmission of Requests.** Any request for a major partition or subdivision which has been denied by the City shall not be resubmitted for a period of one (1) year following the date of the denial unless consent for resubmission is approved by the Planning Commission or the City Council.

**77.220 Rescission of a Land Use Action.** Prior to final plat approval, any major partition or subdivision action granted under this chapter may be rescinded by the Planning Commission or City Council if it is found that the application for such action contains false statements, or if subsequent division, development, or use of land occurs in a manner different from that which was approved.

## **MANUFACTURED HOME SUBDIVISIONS**

### **77.225 Zones in Which Manufactured Home Subdivisions Are Allowed.**

Manufactured Home Subdivisions are allowed in the Low-Density Residential (RS), Medium Density Residential (RM) or in the High Density Residential (RH) zones.

**77.230 Application of Standards and Procedures.** The standards and procedures set forth in this Subchapter shall apply to any manufactured home subdivision established, expanded, or altered after the date of adoption of this Ordinance. The criteria for approval of a manufactured home subdivision are found at section 77.405.

Except as otherwise provided within this subchapter, manufactured home subdivisions shall conform to all other standards of the Zoning and Development Ordinance as applicable to the underlying land use zone or zones within which the manufactured home subdivision is proposed.

### **77.235 Development Standards.**

A. Density. The maximum density of a manufactured home subdivision shall not exceed the maximum density allowed in the underlying land use zone.

B. Minimum Area. The minimum area of manufactured home subdivision shall be one (1) acre.

C. Utility Connections. Each manufactured home lot shall be provided with connections for running water, electricity, and sewage disposal. In addition, each mobile home shall comply fully with the requirements of the 1976 HUD Standards with respect to plumbing, heating, cooling, insulation, electrical, water and sanitary facilities.

D. Public Roadways. All public roadways, bikeways and pedestrian facilities within the manufactured home subdivision shall be improved to the standards of Section 77.275.

E. Private Roadways. All private roadways, if allowed within a manufactured home subdivision, shall be paved with asphaltic or Portland Cement Concrete and shall be maintained by the subdivision lot owners. The minimum width of such roadways shall be 20 feet for two-way traffic or twelve (12) feet for one-way traffic.

F. Bikeways. Bikeways consistent with the Independence-Monmouth Bicycle Master Plan and the Monmouth Transportation Plan shall be installed in accordance with City standards.

G. Parking. Each manufactured home lot shall have sufficient parking area for two (2) vehicles. Such parking area shall be paved with asphaltic concrete or Portland Cement Concrete and shall have a minimum area of 400 square feet.

H. Coverage of Manufactured Home Lots. No manufactured home, excluding detached accessory structures, shall occupy more than 40 percent of the net lot area.

I. Minimum Size. No manufactured home shall be permitted to be occupied for residential purposes in a manufactured home subdivision unless it has at least 950 square feet of floor area. Such area shall be determined by measuring the exterior of the manufactured home at the floor level. Such measurement shall exclude the trailer hitch, steps and similar exterior fittings.

J. Exterior Finish. The exterior finish for each manufactured home shall comply with the requirements of Section 61.041.

K. Roofs. The roof for each manufactured homes shall comply with the requirements of Section 61.041.

L. Foundation. The foundation for each manufactured home shall comply with the requirements of Section 61.041.

M. Location of Fire Hydrants. An adequate number of fire hydrants shall be provided within the manufactured home subdivision so that no space or structure is more than 500 feet from a hydrant. Each hydrant shall be located on a roadway and shall conform in design and capacity to the public hydrants in the City. Hydrants within the manufactured home subdivision shall be installed at the expense of the developer.

N. Community or Service Buildings. Community or Service buildings may be provided within a Manufactured home subdivision but are not required. If provided, such buildings shall be constructed to the standards of the Uniform Building Code.

O. Recreational Vehicle (RV) Parking Area. Manufactured home subdivisions may include RV parking areas in their design. If included, such RV parking areas shall conform to the requirements of the Zoning Ordinance, Subchapter 73. The RV parking area shall have a surface of asphaltic concrete or Portland Cement Concrete. Each space designated for the parking of recreational vehicles shall have a minimum width of ten (10) feet, a minimum length of 22 feet, and sufficient area beyond the space to allow the entry and exit of recreational vehicles.

**77.240 Setbacks for Manufactured Homes.** Each manufactured home within a manufactured home subdivision shall be sited in accordance with the following setbacks:

A. A minimum of ten (10) feet from any other manufactured home;

B. A minimum of five (5) feet from any side lot line not adjoining a street;

C. A minimum of fifteen (15) feet from any public right-of-way;

D. A minimum of five (5) feet from any private roadway or walkway within the mobile home park.

**77.245 Additions to Manufactured Homes.** Carports, cabanas, ramadas, awnings, and all other structures situated upon a manufactured home lot shall conform to the requirements of the Uniform Building Code.

**77.250 Planned Unit Development Standards.** A planned unit development (PUD) applied for as a conditional use under the City's Zoning and Development Ordinance shall be reviewed and approved on the same basis as if the request were for a subdivision. No parcel of land or contiguous parcels under common ownership within the city shall be approved as a planned unit development for transfer of ownership or building development that would conflict with applicable standards for subdivisions as set forth in this Subchapter 91. The sale of condominiums developed from existing structures shall be considered a land division and shall be reviewed as a planned unit development under this subchapter and Subchapter 91 of the Monmouth Zoning and Development Ordinance.

#### IMPROVEMENTS, DESIGN & DEVELOPMENT STANDARDS

**77.255 Improvement Requirements.** The following improvements are summarily required in subdivisions and major partitions, and may be applied to minor partitions as conditions for approval and shall be installed at the expense of the subdivider:

- A. Water Supply. Lots within a subdivision shall be served by City water supply system conforming to city specifications.
- B. Sewage. All lots shall be served by the City sewage disposal system conforming to City specifications.
- C. Drainage. Such grading shall be performed and drainage facilities installed conforming to city specifications as is necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed if necessary to protect the subdivision against flooding or other inundation.
- D. Streets. The applicant shall grade and improve streets in the subdivision and the extension of such streets to the paving line of existing streets with which such streets intersect in accordance with city specifications.
- E. Pedestrian Ways. Sidewalks shown on the street sections shall be installed as located on those sections as a result of the subdivision or major partition.
- F. Monuments. Monuments shall be installed in accordance with City standards and Section 92.060 of the Oregon Revised Statutes.
- G. Service Utilities. Before approval shall be given of any plat or plan of any subdivision, the applicant shall install all service utilities in underground conduits and provide for necessary easements as set forth in this subchapter.

H. Above-Ground Utility Prohibited. In all new subdivisions in the City of Monmouth hereafter approved by the Commission, it shall be unlawful for any service utility or utilities to be installed or used above the surface of the ground except on a temporary basis upon a special permit issued by the Building Official. No use under such a special permit shall extend for more than six (6) months from the date of issue of the first permit therefore.

I. Manner of Installation. All service utilities installed as herein provided shall be installed at a depth and in the manner conforming to City specifications.

**77.260 Improvement Procedures.** In addition to other requirements, improvements shall conform to the requirements of this Ordinance and improvement standards or specifications adopted by the City and shall be installed in accordance with the following procedure:

A. Work shall not be commenced until plans have been reviewed for adequacy and approved by the City. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the final map or plat. All plans shall be prepared in accordance with acceptable engineering standards.

B. Work shall not be commenced until the City has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the applicant notifies the City.

C. Required improvements shall be inspected by and constructed to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during the construction warrant such change in the public interest.

D. Underground utilities, television cables, telephone lines, sanitary sewers and storm drains installed in streets by the applicant shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities; television cable, telephone line, and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements when service connections are made.

E. A map showing public improvements as built shall be filed with the City Engineer upon completion of the improvements.

**77.265 Specifications for Improvements.** Specifications for improvements shall be adopted by or under authority of City Ordinance.

**77.270 Principles of Acceptability.** Subdivisions and major partitions shall conform to any development plans and shall take into consideration tentative plans made in anticipation thereof. Subdivisions and major partitions shall conform to the requirements of state law and the standards established by the subchapter.

**77.275 Transportation Facilities.**

A. General. The location, width, and grade of streets, bikeways and pedestrian facilities shall be considered in their relation to existing and planned streets, bikeways and pedestrian facilities, to

topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. All streets, bikeways and pedestrian facilities shall connect to other said facilities within the development and to existing and planned streets, bikeways, and pedestrian facilities outside the development. Where location is not shown in the Monmouth Transportation System Plan or other a development plan, the arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing and planned streets, bikeways and pedestrian facilities in surrounding areas; or
2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets, bikeways and pedestrian facilities impractical.

B. Widths of street rights-of-way and paving design for streets shall be not less than those set forth in the table below, except that for a street abutting land not in the subdivision or partition area, a lesser width may be allowed as a variance where the applicant presents a satisfactory plan as to when such street will be expanded to the required width.

C. The width of street rights-of-way provided in the table below shall be the minimum widths of rights-of-way for streets existing along and adjacent to any boundary of the subdivision or partition which is the natural or planned continuation of the alignment of the existing or proposed streets, and the applicant shall dedicate additional rights of way, as determined by the City Engineer or designate in accordance with such table, for any such adjacent street, proposed for access to the subdivision, where the existing width of rights of way for such street is less than the minimum in said table. Off-site improvements, such as pavement construction or re-construction of existing street(s) proposed for access to the subdivision, which are inadequate or in failing condition, may be required.

D. Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way. If necessary, special slope easements may be required.

E. Street Standards.

Standards for New and Existing Streets

Street Classification	Access Spacing	Right-of-way Width	Curb to Curb Width	Sidewalk Width <sup>1</sup>	Bike lane Width <sup>2</sup>	On-Street Parking	Planting Strip*	Travel Lanes <sup>3</sup>
Arterial	250 ft. <sup>4</sup>	84 ft.	60 ft.	6 - 10 ft. <sup>5</sup>	2 @ 6 ft. each	8 ft. bays	7 - 8 ft. <sup>6</sup>	2 @ 10 ft.
Collector	-	66 ft.	36 ft.		N/A <sup>2</sup>		7 - 8 ft. <sup>6</sup>	2 @ 10 ft.
Residential		“	“	5 - 8 ft. <sup>5</sup>	“	7 ft. lanes	“	“
Commercial		“	“	6 - 10 ft. <sup>5</sup>	“	8 ft. lanes	“	“
Industrial other than Arterials		72 ft.	36 ft.	6 - 10 ft. <sup>5</sup>	optional	7 ft. lanes	7 - 8 ft. <sup>6</sup>	2 @ 10 ft.
Local	-	60 ft.	30 ft.	5.0 ft.	N/A	2, 7 ft. lanes	7 - 8 ft.	11 - 14 ft. queuing <sup>t</sup>
Circular ends of Cul-de-sacs	-	114 feet	80 ft. diam.	5.0 ft.	N/A	N/A	optional	N/A-
Alleys	-	16 - 20 ft.	12 - 16 ft. paved width, 2 - 4 ft. strips on both sides	N/A	N/A	N/A	none	none
Public Accessways		10 - 18 ft.	6 - 10 ft. paved width, 2 - 4 ft. strips on both sides	N/A	N/A	N/A	none	none

1. All sidewalk widths include curbs.



2. Striped bicycle lane required on arterials (both sides) and collectors (one or both sides) where speeds are higher than 25 mph and where traffic volumes exceed 3,000 vehicles per day.
3. Minimum width.
4. 4. Measured from centerline to center line.
5. Eight (8) foot sidewalks shall be provided on Highway 99W within the City limits for all contiguous commercial properties.
6. Hardscape planting strip with tree wells shall be used in commercial and mixed use development areas (where on-street parking is required).

Arterial Options:

1. On-street parking: One side or both sides, eight (8) foot minimum width or
2. Bikeways: Both sides, six (6) foot minimum width, or
3. On-street parking on one side, eight (8) foot minimum, and bike lanes on both sides, six (6) foot minimum.

Collector Options:

1. Residential, On-street parking: One side or both sides, seven (7) foot minimum width,
2. Commercial, On-street parking: One side or both sides, eight (8) foot minimum width.

Local Street Options:

1. On-street parking: One side or both sides, seven (7) foot minimum width.

<sup>t</sup> Moving cars must occasionally yield between parked cars before moving forward (permits development of narrow streets, encourages vehicles to move slower, and allows for periodic areas where a 20-foot wide clear area is available for parking of fire apparatus).

Please note: The above options shall be coordinated with the Comprehensive Master Bicycle Plan and the Street Plan within the Transportation System Plan. The Planning Commission assesses the types of improvements at the time of development.

F. Slope Easements. Slope easements shall be dedicated in accordance with the specifications adopted by the City Council.

G. Reserve Strips or Block. The Planning Commission may require the land divider to create a reserve block controlling the access to a street, said block to be placed under the jurisdiction of the City Council:

1. To prevent access to abutting land at the end of a street to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.
2. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in the above table.

3. To prevent access to land abutting a street of the partition or subdivision, but not within the partition or subdivision itself.

4. To prevent access to land unsuitable for building development.

H. Alignment. as far as is practical, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

I. Future Extension of Streets. Where the subdivision or partition is adjacent to developable land larger than two (2) acres in size with a frontage of more than 200 feet, streets, bikeways and pedestrian facilities shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround. Reserve strips or blocks may be required to preserve the objectives of street extensions. For purposes of this section, "developable land" is land that is vacant or underutilized and can be serviced with water and sewer.

J. Intersections of Streets.

1. Angles. Streets shall intersect one another at right angle as is practicable considering topography of the area and previous adjacent layout. Where not practicable, the right-of-way and street paving within the acute angle shall have a minimum of 30 feet centerline radius where such angle is not less than 60 degrees. In the case of streets intersecting at an angle of less than 60 degrees, then of such minimum as the City Manager or his designate may determine in accordance with the purpose of Section 77.010 of this subchapter.

2. Offsets. Intersections shall be so designed that no offset dangerous to the traveling public is created as a result of staggering of intersections; and in no case shall there be an offset of less than 125 feet centerline to centerline.

K. Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of Section 77.010 of this subchapter.

L. Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

M. Half Streets. Half streets, while generally not acceptable, may be approved if at least 33 feet wide, where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is platted within such tract, reserve strips and street plugs may be required to preserve the objectives of half streets.

N. Cul-de-sac. There shall be no cul-de-sacs more than 200 feet long or serving more than (twenty) 20 single-family dwellings. Each cul-de-sac shall have a circular end with a minimum diameter of right-of-way width and paving as shown in the table in this subchapter. The use of

cul-de-sacs shall be discouraged and may only be approved upon a showing by the applicant of unusual or unique circumstances justifying the cul-de-sac. For purposes of this section, “unusual or unique circumstances” exist when one (1) of the following conditions prevent a required street connection:

1. Slopes are equal to or greater than twelve (12) percent;
2. A wetland or other water body is present which cannot be bridged or crossed; or
3. Existing development on adjacent property prevents a street connection.

O. Street Names. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for streets that are not in alignment with existing streets are subject to approval by the Planning Commission and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the City.

P. Grades and Curves. Grades shall not exceed six (6) percent on arterials, ten (10) percent on collector streets, or 12 percent on all other streets. Centerline radii on curves shall not be less than 300 feet on arterials, or 230 feet on all other streets and shall be to an even ten (10) feet. Where existing conditions, particularly the topography, made it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, or at least 0.33 percent.

Q. Streets Adjacent to Railroad Rights-of-Way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

R. Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

S. Alleys. Alleys shall be provided in commercial and industrial districts, unless other provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corner of alley intersections shall have a radius of not less than twelve (12) feet.

1. Dedication. The Planning Commission may require adequate and proper alleys to be dedicated to the public by the land divider of such design and in such location as necessary to provide for the access needs of the subdivision or partition in accordance with the purpose of Section 77.010 of this subchapter.

2. **Width.** Width of right-of-way and paving design for alleys shall be not less than twenty (20) feet. Slope easements shall be dedicated in accordance with specifications adopted by the City Council.

3. **Corner Cut-Offs.** Where two (2) alleys intersect, ten (10) feet corner cut-offs shall be provided.

4. **Grades and Curves.** Grades shall not exceed twelve (12) percent on alleys, and centerline radii on curves shall be not less than 100 feet.

5. **Other Requirements.** All provisions and requirements with respect to streets in this subchapter shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys" respectively.

T. **Access Management.** New access to arterials and collectors shall be limited. Shared or consolidated access shall be required for development or land divisions adjacent to these facilities unless demonstrated to be unfeasible.

1. **Number of Access Points.** All proposed development shall have access to a public right-of-way. Spacing requirements for access points and intersections on arterials and collector streets shall be as shown in the following two (2) tables:

Access Management Requirements (State Highways)

Functional Class	ODOT Category*	ODOT LOI**	Intersection				
			Public Road		Private Drive		Signal Spacing
			Type	Spacing	Type	Spacing	
Arterial Hwy 99W	5	Regional	At Grade	¼ mile	Lt./Rt. Turns	300 feet	¼ mile
Arterial Hwy. 51	6	District	At Grade	500 feet	Lt./Rt. Turns	150 feet	¼ mile

\* ODOT Category refers to Highway Access Management Categories established by the Oregon Department of Transportation to classify access management needs for state highways.

\*\* ODOT LOI refers to the “Level of Importance” classification system established by the Oregon Department of Transportation to prioritize highway improvement needs and define operational objectives for state highways.

Access Management Requirements (City Streets)

Functional Class	Minimum Speed Posted	Minimum Spacing Between Driveways and/or Private Streets	Minimum Spacing Between Intersections
Major Arterial	35-50	250 feet	¼ mile

Minor Arterial	35-50	250 feet	250 feet
<b>Collector</b>	<b>25-40</b>	<b>100-150 feet</b>	<b>250 feet</b>

2. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

3. Frontage on Service Roads and Common Drives.

a. Projects proposed on arterials shall include a frontage or service road and shall take access from the frontage road rather than the arterial. Frontage road design shall conform to ODOT standards. This access requirement may be met through the use of interconnecting parking lots that abut the arterial.

b. Adjacent uses may share a common driveway provided that appropriate access easements are granted between and among property owners.

4. Alternative Designs. Where natural features or spacing of existing driveways and roadways cause the foregoing access requirements to be physically unfeasible, alternate designs may be approved.

5. Access to Residential Lots. All lots in a proposed residential subdivision shall have frontage on and access from a local or collector street.

**U. Bicycle Requirements.** Bike lanes shall be provided during the construction, reconstruction, or relocation of arterial and collector streets. Design and construction of bikeways, or other public paths shall conform to the requirements of the American Association of State Highway and Transportation Officials (AASHTO) as revised and adopted in the “Oregon Bicycle and Pedestrian Plan”.

**V. Pedestrian Requirements.**

a. Sidewalk shall be constructed along all arterial, collector, and local service streets.

b. The design and construction of sidewalks and other public paths shall conform to the requirements of the “Oregon Bicycle and Pedestrian Plan”, Americans With Disabilities Act (ADA) requirements, and City of Monmouth standards.

**W. Accessways or Multi-use Paths.** Where required:

a. Accessways or multi-use paths shall be located to provide a reasonably direct connection between likely pedestrian and cyclist destinations. A reasonably direct connection is a route, which minimizes out-of-direction travel for most of the people likely to use the multi-use path considering terrain, safety, and likely destinations.

b. The design and construction of accessways shall conform to the requirements of the “Oregon Bicycle and Pedestrian Plan”, ADA requirements, and City of Monmouth standards.

X. Lighting. Illumination of all sidewalks and bicycle paths will be provided in conjunction with all new development. Adequacy of the lighting plan will be consistent with AASHTO standards and approved by the Public Works Director.

### **77.280 Blocks.**

A. General. The length, width and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.

B. Size. No block shall be more than 600 feet in length between street corner lines and 1,600 feet in perimeter unless it is adjacent to a major arterial street or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along a major arterial street is 1,300 feet. This standard may be decreased where the City finds it necessary and desirable to allow more local street connections such as in the Main Street District Zone i.e., downtown setting.

C. Public Access Ways. When necessary for public convenience and safety, the Planning Commission shall require the land divider to dedicate public access ways to connect to cul-de-sacs; to pass through oddly-shaped or unusually long blocks; to provide for networks of public paths according to adopted plans; or to provide access to schools, parks or other public areas of such design, width, and location as reasonably required to facilitate public use. Where possible, said dedications may also be employed to accommodate users as included in Subsection 4 D of this section.

E. Easements for Utilities. Dedication of easements for storm water sewers, and for access thereto for maintenance, in order to safeguard the public against flood damage and the

accumulation of surface water, and maintenance, and dedication of easements for other public utilities, may be required of the land divider at sufficient widths for their intended uses, by the Planning Commission along lot or parcel rear lines or side lines, or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this chapter. Such easements shall be dedicated to the public as a public utility easement for the underground installation and maintenance of all service utilities that may be required.

### **77.285 Lots.**

A. Size. Lot sizes shall conform to the Zoning and Development Ordinance. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated.

B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 feet.

C. Through Lots. Lots which front on two (2) parallel streets shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages or topography and orientation. A planting screen easement at least ten (10) feet wide may be required along the line of lots abutting such a traffic artery or other incompatible use. Access across such easements shall be limited to pedestrian facilities and bikeways.

D. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lot or parcel face except that on curved streets they shall be radial to the curve. Where incident solar radiation is a consideration a side lot line may vary from the above requirement if the variation will improve solar access.

E. General Requirements.

1. Width. Widths of lots shall conform to the standards of the Zoning and Development Ordinance.
2. Depth. Each lot and parcel shall have an average depth between the front and rear lines of not more than 2 1/2 times the average width between side lines. Widths of lots shall conform to the standards of the zoning ordinance. The City will review parcels with unusual configurations that may not be able to meet the depth standard on a case-by-case basis.
3. Area. Lot sizes shall conform to the standards set forth in the Zoning and Development Ordinance.

F. Flag Lots. Flag lots shall be subject to the following development standards:

1. The property line running perpendicular to the access road shall be considered the front yard line and shall be used to calculate front yard setback requirements.
2. The access strip shall be a minimum of 25 feet in width. The improved surface shall be a minimum of twelve (12) feet in width.
3. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of the Zoning and Development Ordinance.
4. The length of the access strip shall not exceed 200 feet.
5. Where two (2) flag lots abut, access shall be via a shared drive wherever possible. The improved surface shall be a minimum of twelve (12) feet in width.

**77.290 Lot Grading.** Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

- A. Cut slopes shall not exceed one and one-half (1-1/2) feet horizontally to one (1) foot vertically.
- B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.
- C. The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purposes intended.

**77.295 Suitability for Intended Use.** All lots and parcels shall be suitable for the purpose for which they are intended. No lot or parcel shall be of such size or design as to be detrimental to the health, safety, energy, or sanitary needs of the residents of the subdivision or partition, or of such lot or parcel, in accordance with the purpose of this subchapter.

**77.300 Building Lines.** If special building setback lines are to be established in the subdivision they shall be shown on the subdivision plat or, if temporary in nature, they shall be included in the deed restrictions.

**77.310 Future Subdivision or Partition of Lots or Parcels.** Where the subdivision or partition will result in a lot or parcel one-half acre or larger in size, which in the judgment of the Planning Commission is likely to be further divided in the future, the Planning Commission may require that the location of lot and parcel lines and other details of layout be such that future division may readily be made without violating the requirements of this subchapter, and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record.

**77.315 Platting and Mapping Standards Drainage.** Where land in a subdivision or partition is or will be periodically subject to accumulations of surface water, or is traversed by any water course, channel, stream, or creek, the Planning Commission may require the applicant to provide for adequate unrestricted drainage over land by dedicating to the public easements. The Planning Commission shall approve the easements for protection of such needs by conveying ownership of such drainage purposes to the City or to an incorporated drainage district, or domestic water supply district within which such land may be located.

**77.320 Platting and Mapping Standards Railroads.**

A. Crossings. Special requirements may be imposed by the Planning Commission. These include, but are not limited to provisions for separation of street and railroad grades, connection with any railroad crossing which will immediately affect the safety of the residents of the subdivision or partition, and the protection of such residents and the safety of the general public in accordance with the purpose of this subchapter.

B. Subdivision or Partition Adjacent to Right-of-Way. Where the subdivision or partition is adjacent to a railroad right-of-way, and the surrounding economic and physical conditions



indicate such property will be used for industrial purposes in the normal growth of the community, all streets shall be located at a sufficient distance from said right-of-way to allow for reasonable sites for industrial use adjacent to said right-of-way.

**77.325 Platting and Mapping Standards Partial Development.** Where the subdivision or partition includes only a part of the area owned by the applicant, the Planning Commission may require a sketch of a tentative layout of streets in the remainder of said ownership.

**77.335 Submitting Specifications.** The City Engineer shall prepare and submit to the City Council specifications and amendments thereto for construction of streets and alleys, construction of curbs and gutters, dedication of slope easements for streets and alleys, construction of drainage facilities, and construction of pedestrian ways in subdivisions and partitions. Such specifications shall conform to proper engineering standards relevant thereto, and be so devised as to facilitate provision for the health, safety and welfare needs of the City and area affected, in accordance with the purpose of this subchapter.

**77.340 Procedure.** The procedure of preparing, submitting, and adopting all such specifications and amendments thereto, including notice and hearing, shall conform to that required by law for the enactment of ordinances.

**77.345 Adoption of Specifications.** Upon adoption by the City Council of any such specifications and amendments thereto, as from time to time may be submitted by the City Engineer, a copy thereof shall be filed with the City Recorder for the use and information of the general public.

**77.350 Improvements Water Supply.** All lots and parcels within subdivisions and partitions shall be served by the water system of the City of Monmouth.

**77.355 Improvements Sewage.** All lots and parcels within subdivisions and partitions shall be served by the sewage system of the City of Monmouth.

**77.360 Improvements Land and Surface Drainage.** Such grading shall be done and drainage facilities shall be constructed by the land divider as are adequate for the purpose of proper drainage of the partition or subdivision, of areas affected thereby, and for the preservation of healthful and convenient surroundings and conditions for residents of the subdivision or partition, and for the general public, in accordance with specifications adopted by the City Council.

**77.365 Improvements Streets and Alleys.** The land divider shall grade and pave all streets and alleys in the subdivision or partition to the width specified in this subchapter and provide for drainage of all such streets and alleys, and construct curbs and gutters within the subdivision or partition in accordance with specifications adopted by the City Council. Such improvements shall be constructed to specifications of the City under the supervision and direction of the City Engineer.

**77.370 Improvements Existing Streets.** A subdivision or partition abutting or adjacent to an existing road of inadequate width, shall dedicate additional right-of-way to the width specified in this subchapter.

**77.375 Improvements Sidewalks.** Sidewalks shall be located and constructed in accordance with the provisions of this subchapter.

**77.380 Improvements Pedestrian Ways.** A walk strip, not less than five (5) feet in width, shall be paved in the center of all dedicated pedestrian ways. Such paving shall conform to specifications adopted by the City Council.

**77.385 Application for an Exception or Variance.**

A. Application for an exception or variance shall be submitted concurrently with submitting a tentative plan to the City for consideration and approval. An applicant may submit an application for variance of any provision of this subchapter.

B. When necessary, the Planning Commission may authorize conditional variances to the requirements of this subchapter. Application for a variance shall be made by petition of the subdivider, stating fully the grounds for the application. The petition shall be filed with the preliminary map of the partition or plat of the subdivision. Before a variance may be granted, the Planning Commission shall first determine:

1. That there are special conditions affecting the property that are not common to all property in the area.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and extraordinary hardship would result from strict compliance with these regulations because of the special circumstances or conditions affecting the property.
3. That the variance complies with the spirit and intent of these regulations and will not be detrimental to the public health, safety, and welfare or injurious to other property in the vicinity.
4. That the practical difficulties resulting to the applicant for the variance have not been caused by the applicant.

**77.390 Consideration of the Application by the Planning Commission.** If the Planning Commission determines from the evidence deemed necessary and competent that the circumstances specified in this subchapter have been shown to exist, the Commission shall allow a variance of such provisions referred to in such application to such extent and on such terms and conditions as considered proper, in accordance with the purpose and intent of this subchapter. Said allowance is also contingent upon approval of the tentative plan with findings as required by this subchapter.

**77.395 Planning Commission Action on Variances.** In granting a variance, the Planning Commission shall make a written record of its findings and shall specifically describe the variance and any conditions that the Commission may designate. The City shall keep the findings on file as a matter of public record.

**77.400 Streets Exceptions.**

A. The creation of streets shall be in conformance with requirements for subdivisions except, however, the Planning Commission shall approve the creation of a street to be established by deed if any of the following conditions exist:

1. The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.
2. The tract in which the street is to be dedicated is an isolated ownership on one (1) acre or less.
3. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impractical to develop more than three (3) lots.

B. In those cases where approval of a street may be given without full compliance with the regulations applicable to subdivision, a copy of the proposed deed shall be submitted to the City at least five (5) days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Sections 77.270 through 77.380 of this subchapter, shall be approved with such conditions as are necessary to preserve these standards.

**77.405 Subdivision of Existing Manufactured Dwelling Parks or Mobile Home Parks.**

A. Subdivision of an existing manufactured dwelling park or mobile home park shall be approved provided:

1. The park is in compliance with all standards for a manufactured dwelling park or is an approved nonconforming use. A park is in compliance if the City has not issued a written notice of noncompliance on or before July 2, 2001;
2. The tentative subdivision plan does not increase the number of lots approved for the park, change the boundary lines, or setback requirements, or make other development changes; and
3. A plat is prepared and recorded in compliance with all regulations of this Subchapter and Oregon Revised Statutes.

B. A subdivision of an existing manufactured home park or mobile home park is not required to meet the minimum lot size, frontage, setback requirements, or street standards of the Monmouth Zoning and Development Ordinance, with the following exception:

1. New structures located within yards abutting properties outside of the subdivision must meet all setback requirements or be approved for a variance.

C. A subdivision of an existing manufactured home park or mobile home park shall be subject to formation of a homeowners association for continued maintenance of streets and open space areas within the subdivision.

### **77.410 Expedited Land Division Definition and Approval Criteria.**

A. An expedited land division:

1. Is an action of a local government that:

a. Includes land that is zoned for residential uses and is within an urban growth boundary.

b. Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.

c. Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:

i. Open spaces, scenic and historic areas and natural resources; or

ii. The Willamette River Greenway.

d. Satisfies minimum street or other right-of-way connectivity standards established by the Monmouth Zoning and Development Ordinance or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules.

e. Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site.

2. Is a land division that:

a. Will create three (3) or fewer parcels under ORS 92.010; and

b. Meets the criteria set forth for an action under subsection 77.410(A)(1).

B. An expedited land division as described in this section is not a land use decision or a limited land use decision under ORS 197.015 or a permit under ORS 215.402 or 227.160.

C. The provisions of Subchapter 77.410 apply to all elements of the Monmouth Comprehensive Plan and land use regulations applicable to a land division, including any planned development standards and any procedures designed to regulate:

1. The physical characteristics of permitted uses;
2. The dimensions of the lots or parcels to be created; or
3. Transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.

D. An application for an expedited land division shall describe the manner in which the proposed division complies with each of the provisions of subsection 77.410(A)(1).

### **77.415 Application for Expedited Land Division; Notice Requirements; Procedure.**

A. When requested by an applicant for an expedited land division, in lieu of the procedure set forth in the Monmouth Zoning Ordinance, the City shall use the following procedures for an expedited land division:

1. If the application for expedited land division is incomplete, the City shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.
2. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

B. The City shall provide written notice of the receipt of the completed application for an expedited land division to any state agency, local government or special district responsible for providing public facilities or services to the development and to owners of property as per type of land division (i.e., subdivision, 300 feet; partitions, 200 feet). The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under Section 77.425, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community planning organization recognized by the City or Polk County and whose boundaries include the site.

C. The notice required under subsection 77.415(B) shall:

1. State:
  - a. The deadline for submitting written comments;
  - b. That issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period; and
  - c. That issues must be raised with sufficient specificity to enable the City to respond to the issue.
2. Set forth, by commonly used citation, the applicable criteria for the decision.
3. Set forth the street address or other easily understood geographical reference to the subject property.
4. State the place, date, and time that comments are due.
5. State a time and place where copies of all evidence submitted by the applicant will be available for review.
6. Include the name and telephone number of a local government contact person.
7. Briefly summarize the local decision-making process for the expedited land division decision being made.

D. After notice under subsections 77.415(B) and (C), the City shall:

1. Provide a 14-day period for submission of written comments prior to the decision.
2. Make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the substantive requirements of the City's land use regulations. An approval may include conditions to ensure that the application meets the applicable land use regulations. For applications subject to this section, the City:
  - a. Shall not hold a hearing on the application; and
  - b. Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the local government's basis for the determination.
3. Provide notice of the decision to the applicant and to those who received notice under subsection 77.415(B) of this section within 63 days of the date of a completed application. The notice of decision shall include:

- a. The summary statement described in paragraph (2)(b) of this subsection; and
- b. An explanation of appeal rights under Section 77.425.

### **77.420 Failure to Approve or Deny Application Within Specified Time.**

A. Except as provided in subsection B of this section, if the City does not make a decision on an expedited land division within 63 days after the application is deemed complete, the applicant may apply in the Polk County Circuit Court for a writ of mandamus to compel the City to issue the approval. The writ shall be issued unless the City shows that the approval would violate a substantive provision of the applicable land use regulations or the requirements of Section 77.410. A decision of the circuit court under this section may be appealed only to the Court of Appeals.

B. After seven (7) days' notice to the applicant, the City may, at a regularly scheduled public meeting, take action to extend the 63-day time period to a date certain for one (1) or more applications for an expedited land division prior to the expiration of the 63-day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of Sections 77.410 to 77.430, including the mandamus remedy provided by subsection A of this section, shall remain applicable to the expedited land division, except that the extended period shall be substituted for the 63-day period wherever applicable.

C. The decision to approve or not approve an extension under subsection B of this section is not a land use decision or limited land use decision.

### **77.425 Appeal of Decision on Application for Expedited Land Division; Notice Requirements; Standards for Review; Procedure; Costs.**

A. An appeal of a decision made under Sections 77.410 and 77.415 shall be made as follows:

1. An appeal must be filed with the City within fourteen (14) days of mailing of the notice of the decision under Section 77.415(D), and shall be accompanied by the appropriate fee for costs.
2. A decision may be appealed by:
  - a. The applicant; or
  - b. Any person or organization who files written comments in the time period established under Section 77.415.
3. An appeal shall be based solely on allegations:

- a. Of violation of the substantive provisions of the applicable land use regulations;
- b. Of unconstitutionality of the decision;
- c. That the application is not eligible for review under Sections 77.410 to 77.430 and should be reviewed as a land use decision or limited land use decision; or
- d. That the parties' substantive rights have been substantially prejudiced by an error in procedure by the local government.

B. The City shall appoint a referee to decide the appeal of a decision made under sections 77.410 and 77.415. The referee shall not be an employee or official of the local government. However, if the City has designated a hearings officer under ORS 215.406 or 227.165, the City may designate the hearings officer as the referee for appeals of a decision made under Sections 77.410 and 77.415.

C. Within seven (7) days of being appointed to decide the appeal, the referee shall notify the applicant, the City, the appellant if other than the applicant, any person or organization entitled to notice under Section 77.415(B) that provided written comments to the City and all providers of public facilities and services entitled to notice under Section 77.415 and advise them of the manner in which they may participate in the appeal. A person or organization that provided written comments to the City but did not file an appeal under subsection A of this section may participate only with respect to the issues raised in the written comments submitted by that person or organization. The referee may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument. The referee shall provide the City an opportunity to explain its decision but is not limited to reviewing the City's decision and may consider information not presented to the City.

D.

1. The referee shall apply the substantive requirements of the applicable land use regulations and Section 77.410. If the referee determines that the application does not qualify as an expedited land division as described in Section 77.410, the referee shall remand the application for consideration as a land use decision or limited land use decision. In all other cases, the referee shall seek to identify means by which the application can satisfy the applicable requirements.

2. The referee may not reduce the density of the land division application. The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure that the application satisfies the land use regulations, within 42 days of the filing of an appeal. The referee may not remand the application to the City for any reason other than as set forth in this subsection.

E. Unless the City finds exigent circumstances, a referee who fails to issue a written decision within 42 days of the filing of an appeal shall receive no compensation for service as referee in the appeal.



F. Notwithstanding any other provision of law, the referee shall order the City to refund the deposit for costs to an appellant who materially improves his or her position from the decision of the local government. The referee shall assess the cost of the appeal in excess of the deposit for costs, up to a maximum of \$500, including the deposit paid under subsection A of this section, against an appellant who does not materially improve his or her position from the decision of the City. The City shall pay the portion of the costs of the appeal not assessed against the appellant. The costs of the appeal include the compensation paid the referee and costs incurred by the City, but not the costs of other parties.

G. The Land Use Board of Appeals does not have jurisdiction to consider any decision, aspects of decisions or actions made under sections 77.410 to 77.430.

H. Any party to a proceeding before a referee under this section may seek judicial review of the referee's decision in the manner provided for review of final orders of the Land Use Board of Appeals under ORS 197.850 and 197.855. The Court of Appeals shall review decisions of the referee in the same manner as provided for review of final orders of the Land Use Board of Appeals in those statutes. However, notwithstanding ORS 197.850(9) or any other provision of law, the court shall reverse or remand the decision only if it finds:

1. That the decision does not concern an expedited land division as described in Section 77.410 and the appellant raised this issue in proceedings before the referee;
2. A basis to reverse or remand the decision described in ORS 36.355(1); or
3. That the decision is unconstitutional.

**77.430 Application Fees for Expedited Land Division.** Application fees for Expedited Land Division shall be the same as for subdivisions if more than three (3) lots will be created, and the same as for partitions if less than four (4) lots will be created.

### **77.440 Lot Line Adjustment Regulations**

A. Review Procedure. Lot line adjustments meeting the following requirements shall be processed by administrative review and shall not require a replat of platted subdivision lots.

B. Review Standards. The proposed lot line adjustment shall meet the following standards:

1. No additional lot shall be created.
2. The existing parcel reduced in size by the adjustment is not reduced in size below the minimum lot size established by the Monmouth Zoning and Development Ordinance.
3. The adjustment will result in the relocation of a common boundary.
4. The adjustment will not cause or create violation of any provisions of the Zoning and Development Ordinance.

5. The adjustment will not increase the degree of nonconformity of any lawful pre-existing nonconforming use.

C. Survey Required. The adjusted boundary shall be surveyed and monumented and a survey shall be filed with the Polk County Surveyor unless the adjusted property line is a distance of even width along the common boundary of a lot in a subdivision or a parcel in a partition.

D. Deed Required. A property line adjustment deed, which contains the names of the parties, the description of the adjusted line, references to original recorded documents, and signatures of all parties shall be recorded with Polk County.

E. Survey and the Filing Deadlines. The survey and deed required by (c) and (d) above shall be filed or recorded within 180 days of final approval of the lot line adjustment or the approval shall be null and void. The City Planner may grant one extension of up to 180 days.

F. Lot Line Adjustment. Meeting the above requirements shall be an alternative procedure to the replat of the subdivision, as described in ORS 92.190(3) in which the lots are located.

G. Decision. A decision of the City Planner on an administrative lot line adjustment is not a land use decision. A denial of a lot line adjustment may be appealed to the Planning Commission by filing a written notice of appeal with the City Planner within fifteen (15) days the date of the notice of decision is mailed. A proposed lot line adjustment, which does not meet all of the above requirements, may be re-filed as a request for partition upon payment of the filing fee for a partition and the provisions of the Zoning and Development Ordinance applicable to partitions shall then apply.

## Chapter 81

### **SIGN CODE**

#### **Sections:**

- 81.010 Purpose
- 81.020 Definitions Relating to Signs
- 81.030 Exempted Signs
- 81.040 Prohibited Signs
- 81.050 Sign Permits
- 81.060 Unsafe or Illegal Signs
- 81.070 General Sign Regulations
- 81.080 Residential Sign Regulations
- 81.090 Integrated Shopping Center Sign Regulations
- 81.100 Signs in Commercial and Industrial Zones
- 81.110 Construction and Maintenance Standards
- 81.120 Nonconforming Signs
- 81.130 Enforcement
- 81.140 Special Permit for Proposed Signs
- 81.150 Appeals and Variances
- 81.160 Penalty
- 81.170 Severability

#### **Appendix: Illustrations of Area and Vision Clearance Measurements**

**81.010 Purpose.** This Chapter shall hereafter be known and designated as the "Sign Code of the City of Monmouth", and is adopted in recognition of the important function of signs and the need to safeguard and enhance the economic and aesthetic values in the City through regulation

of such factors as size, number, location, illumination, construction and maintenance of signs; and thereby safeguard public health, safety and general welfare.

### **81.020 Definitions Relating to Signs.**

A-board Sign (or Sandwich Board Sign). A sign supported by one or more uprights, braces or sides that are supported directly by the ground but are not permanently affixed, attached to or implanted in the ground.

Alteration. Any change, excluding content, and including, but not limited to, the size, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign.

Area. The area included within the outer dimensions of a sign. In the case of a multi-faced sign, the area of each face shall be included in determining sign area, except that double-faced signs placed no more than 24 inches back-to-back shall not be considered multi-faced. See Appendix A.

Awning. A temporary or movable shelter supported from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

Banner. A temporary sign constructed of a strip of cloth.

Building Face of Wall. All window and wall area of a building in one plane or elevation.

Bulletin Board (or Reader Board). A sign of a permanent nature, but which has changeable copy.

Business Frontage. The lineal front footage of a building or portion thereof devoted to a specific business or enterprise, and having an entrance/exit open to the general public.

Business Complex. See Shopping Center.

Business Premises. A parcel of property or that portion thereof occupied by one (1) business tenant.

Canopy. A non-movable roof-like structure attached to a building.

Direct Illumination. A source of illumination on the surface of a sign or from within a sign.

Electronic Message Center. An electronically controlled sign, including all its controls, with a face of recessed lamp bulbs with display copy.

Flashing Sign. A sign incorporating intermittent electrical impulses to a source of illumination or revolving or moving in a manner which creates the illusion of flashing, or which changes color or intensity of illumination, including time and temperature signs.

Free-Standing Sign. A sign erected on a free-standing frame, mast or pole affixed, attached or implanted in the ground and not attached to any building.

Frontage. A single wall surface of a building facing a given direction.

Grade. The elevation or level of the street measured at the curb line of the street that the sign faces.

Height. The distance between grade and the top of a sign structure.

Indirect Illumination. A source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.

Illegal Sign. A sign that is erected or maintained in violation of the Monmouth Sign Code.

Marquee Sign. A sign that is painted on, attached to or supported by a marquee, awning or canopy.

Marquee. A non-movable roof-like structure that is self-draining.

Non-conforming Sign. Signs in existence on the effective date of this Sign Code which fully comply with the sign regulations in effect prior to the adoption of this Code but which violate or do not conform to the provisions hereof.

Obscene Sign. A sign which contains words or pictures in which the dominant theme, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material which is without redeeming social value.

Obsolete Sign. An on-premise sign advertising a business which is no longer conducted in or upon the premises upon which the sign is located, unless the successor to the business or business location agrees to maintain the sign by filing a letter of intent with the Building Official within 30 days after written notice by the Building Official to the owner of the premises to remove the sign and the sign complies with the provisions of the Sign Code within the time specified by the Building Official.

Off-Premises Sign. Any sign, including but not limited to, a painted sign, temporary sign, permanent sign or outdoor advertising sign or billboard, which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

Pennant. A banner which tapers to a point.

Projecting Signs. A sign, other than a wall sign, which is attached to and projects from a structure or building face, usually perpendicular to the building face.

Projection. The distance by which a sign extends over public property or beyond the building line.

Roof Sign. Any sign erected upon, against, or directly above the roof, top, or parapet of a building.

Sandwich Board Sign. See A-Board Sign.

Seasonal Sign. A temporary sign relating to the celebration or observance of a holiday or special event placed at or around the time of the holiday or special event and removed within a reasonable time thereafter.

Shopping Center or Business Complex. Four or more individual businesses which are in a building or group of buildings, on one or more lots which are contiguous or which are separated by a public right-of-way or a privately owned flag drive used for access and not greater than 35 feet in width, which are constructed and/or managed as a single entity, and share ownership and/or function.

Sign. Any written message, light, other than a light used primarily to illuminate a building or premises time-temperature display, painting, drawing, or any device, structure or fixture which:

- (a) Is designed, used or intended for advertising purposes or to inform or to attract the attention of the public; and
- (b) Is viewable from a public street, public right-of-way or private area open to public vehicular traffic.

A sign includes the sign structure, display surface, interior illuminated panels, fascia strips, bands, columns, or other interior illuminated decorative features located on or off the structure, with or without lettering or graphics.

Street Frontage. The lineal dimension in feet that the property upon which a structure is built abuts a public street or streets.

Temporary Sign. A sign which is not permanently affixed, including banners, pennants, flags (not including flags of national, state or city governments), search lights, sandwich boards, sidewalk signs, curb signs, balloons or other air or gas-filled balloons.

Time & Temperature Sign. An electronically controlled time and temperature display.

Wall Graphics. Any mosaic, mural, painting or graphic art technique or combination thereof applied, implanted or placed directly onto a wall or fence.

Wall Sign. A sign attached to, erected against, or painted upon the wall of a building with the face in a parallel plane of the building wall.

Wind Sign or Device. Any sign or device in the nature of banners, flags, balloons, or other objects fastened in such a manner as to move upon being subject to pressures by wind or breeze.

**81.030 Exempted Signs.** The following signs are not subject to the other provisions of this Code, except for the enforcement and penalty provisions.

A. A-board signs provided:

1. The height does not exceed 30 inches.
  2. The width does not exceed 24 inches.
  3. No more than one sign per business.
  4. The sign is located immediately adjacent to the building or immediately adjacent to the curb and not on the sidewalk proper.
  5. The sign is located in the area between the street frontage and the business frontage.
  6. The sign is displayed only during hours when the business is open to the public.
- B. Any sign which is not visible from a public highway, sidewalk, street or alley.
- C. Garage Sale sign, not exceeding two square feet, provided the sign is erected not more than 24 hours prior to and removed within 24 hours following the garage sale, not more than four signs are erected, with the adjacent property owner's consent.
- D. "MANAGED BY \_\_\_\_\_" sign, not exceeding three square feet, one per building.
- E. Memorial tablets, cornerstones, or similar plaques not exceeding six square feet in size.
- F. Neon signs, not exceeding two square feet per sign, and, one per business frontage, to be located on the business premises.
- G. "PRIVATE PARKING" signs, not exceeding three square feet.
- H. Real estate directional signs that do not exceed six inches by twenty-four inches (6" x 24") in dimension.
- I. Seasonal signs.
- J. Signs placed by the City.
- K. Signs within a building provided they are not visible to persons outside the building.
- L. Small incidental signs provided said signs do not exceed two square feet in area per sign, nor more than two signs in number, on any parcel or one per street frontage, whichever is greater.
- M. String of Lights. Strings of incandescent lights in non-residential zones where the lights do not exceed five (5) watts per bulb, the bulbs are placed no closer than six inches (6") apart and do not flash or blink in any way. Strings of lights in residential zones are not regulated.
- N. Temporary, non-illuminated real estate (not more than one per tax lot) or construction signs not exceeding six square feet in residential zones or twelve square feet in commercial and industrial zones, provided said signs are removed within seven days from the sale, lease or rental of the property or within seven days of completion of the project.

- O. Temporary non-illuminated signs not exceeding 16 square feet for charitable fundraising events by non-profit and charitable organizations. Such signs shall not be placed more than seven days prior to the event and must be removed within two days following the event. No more than two such events may be advertised in this manner per lot per year.
- P. Temporary political signs not exceeding six square feet, provided the signs are erected no more than 60 days prior to and removed within seven days following an election.
- Q. Temporary signs painted or placed upon a window in a non-residential zone, when such signs do not obscure more than twenty percent of such window area, and are maintained for a period not exceeding seven days. Signs which remain longer than seven days will be considered permanent and must comply with the provisions of the Sign Code.
- R. Traffic signs, lights and signals placed by a governmental agency.

#### **81.040 Prohibited Signs.**

- A. All signs not specifically exempted from or allowed by the Sign Code.
- B. Bulletin boards or signs with changeable copy, except as allowed in Section 81.070.B.
- C. Flashing signs, except time and temperature signs.
- D. Movable, temporary, or bench signs except as may be authorized in Section 81.030.
- E. Moving, rotating, or otherwise animated signs or parts thereof.
- F. Obscene signs.
- G. Obsolete signs.
- H. Off-premises signs, except as exempted in Section 81.030.
- I. Public address system or sound devices used in conjunction with any sign.
- J. Signs which consist of banners, flags, posters, pennants, ribbons, streamers, strings of light bulbs, spinners or elements creating sound or smell, except as otherwise allowed in Section 81.030.
- K. Three-dimensional statue, caricature or representation of persons, animals or merchandise as a sign or incorporated into a sign structure.
- L. Unofficial sign which purports to be, is an imitation of, or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic, or which hides from view any official traffic sign or signal.
- M. Wall graphics or murals except by permission of the City Council.
- N. Wind sign or device, except as authorized in Section 81.030.



### **81.050 Sign Permits.**

- A. Sign Permit Required. A sign permit is required in each of the following instances:
  - 1. Upon the erection of any new sign except exempt signs.
  - 2. To make an alteration to an existing sign, including a change in the size or materials. Permits shall not be required for maintenance and repairs to existing signs or for changes in sign copy for conforming signs.
  - 3. To alter an existing non-conforming sign, so as to bring it into conformance with the sign code.
- B. Required Information for a Sign Permit. A drawing to scale which indicates fully the material, color, texture, dimensions, shape, relation and attachment to building and other structures, structural elements of the proposed sign, and the size and dimensions of any other signs located on the applicant's building or lot.
- C. Temporary Signs for New Businesses. A temporary sign for a new business may be erected for not more than 30 days. A permit is required and permit fee shall be credited toward the fee required for a permanent sign.

### **81.060 Unsafe or Illegal Signs.**

- A. If the Building Official finds that any sign is unsafe or insecure, or is erected or maintained in a manner which violates the sign permit or Sign Code or is an illegal sign, he/she shall give written notice to the permittee and property owner thereof to remove or alter the sign within seven days.
- B. The Building Official may cause any sign which is an immediate peril to persons or property to be removed immediately, and said sign shall not be re-established until the peril is eliminated and a valid permit has been issued.
- C. Failure to remove or alter a sign as directed shall subject the permittee and the property owner to the penalties prescribed in this Sign Code.
- D. No person shall erect, construct, print, paint or otherwise make a sign for which a sign permit or approval is required without first having determined a permit has been obtained for such sign. It shall not be a defense to a violation of this subsection that such person erected, constructed, printed, painted or otherwise made the sign for another.
- E. Sign Permit Record Required. The Building Department shall keep a copy and permanent record of each sign permit issued.
- F. Sign Permit Fee. The fee for a sign permit shall be set by Resolution of the City Council. Any sign erected without a permit, shall cost the permittee double the regular sign fee, if a sign permit is subsequently issued.

G. A sign permit is void if the sign is not erected within 120 days of the issuance of the permit.

### **81.070 General Sign Regulations.**

A. Obstruction by Signs. No sign or portion thereof shall be placed so that it obstructs any fire escape, stairway or standpipe; interferes with human exit through any window of any room located above the first floor of any building; obstructs any door or required exit from any building; or obstructs any required light or ventilation.

B. Bulletin Board or Reader Board. Twenty (20) percent of permitted sign area may be allowed as a bulletin board or reader board.

C. Placement of Signs.

1. Near residential. No sign shall be located in a commercial or industrial zone so that it is primarily visible from a residential zone.
2. Near street intersections. No sign in excess of thirty inches in height shall be placed in the vision clearance area, as defined in Section 75.055 of the Monmouth Zoning Ordinance. This provision shall apply to all zones. See Appendix B.
3. Near driveways. No sign or portion thereof shall be erected within ten feet of a driveway unless the sign is less than thirty inches in height.
4. Future street right-of-way. No sign or portion thereof shall be erected within future street right-of-ways, as depicted in the Master Street Plan, unless and until an agreement is recorded stipulating that the sign will be removed or relocated when the City so requests, at no expense to the City.

**81.080 Residential Sign Regulations.** Signs in residential zones shall conform to the following regulations:

A. Special Provisions.

1. No sign or portion thereof shall extend beyond any property line of the premises on which such sign is located.
2. Internally illuminated signs are not permitted.
3. Nothing contained herein shall be construed as permitting any type of sign in conjunction with a commercial use allowed as a home occupation, as no signs are allowed in conjunction with a home occupation. Signs in residential areas are only permitted in conjunction with a Conditional Use land use approval.

B. Types of Signs Permitted.

1. Neighborhood identification signs. One sign not exceeding six square feet per sign with lettering not over nine inches in height, located not over three feet above grade at each entry point to a subdivision.
2. Conditional Uses. Uses authorized by a Conditional Use land use approval are permitted one free-standing sign not exceeding an overall height of five (5) feet and an area of fifteen (15) square feet, set back at least ten (10) feet from the property lines; or one wall sign in lieu of a free-standing sign, provided the sign is approved in conjunction with the issuance of the Conditional Use.

**81.090 Integrated Shopping Center Sign Regulations.** Only the following signs shall be permitted in an integrated shopping center:

- A. One freestanding sign for the shopping center for each street frontage on an arterial or collector street. The height of such sign is limited to fifteen (15) feet and the area is limited to 60 square feet.
- B. Temporary promotional or sign displays for a center-wide promotion or event, to be removed immediately upon cessation of such event or promotion.
- C. Directional sign identifying vehicle entrance and exits, limited to eight (8) square feet in area and four (4) feet in height.
- D. On-premise directional sign limited to eight (8) square feet in area, designed to be used only to identify and locate an office, entrance, exit, telephone or similar place.
- E. Temporary signs as provided in Section 81.030.
- F. Signs for individual businesses:
  1. One (1) wall sign for each facing or frontage on an arterial or collector street or parking lot.
  2. One (1) under-marquee sign for each frontage for each business.

**81.100 Signs in Commercial and Industrial Zones:**

- A. Special provisions.
  1. Frontage. The number and use of signs allowed for a business frontage shall be placed only upon such business frontage; and no building shall be credited with more than two (2) business frontages.
  2. Aggregate number of signs. The aggregate number of signs for each business shall be two (2) signs for each business frontage.
  3. Aggregate area of signs. The aggregate area of all signs established by and located on a business frontage shall not exceed an area equal to one (1) square foot for each lineal

foot of street frontage or 120 square feet, whichever is less. Aggregate area shall not include nameplates and real estate and construction signs.

4. Signs for second-story businesses. Businesses maintained on the second floor of a two-story building, except businesses which also occupy all or a portion of the first floor, shall be entitled to fifty percent of the dimensions and distances set forth in this section, excepting no projecting signs shall be permitted above the second story of the building, unless otherwise allowed in this Sign Code.

B. Types of Signs Permitted.

1. Wall Signs.

- a. Number. Two (2) signs per building frontage shall be permitted for each business, or one (1) sign per frontage for a group of businesses occupying a single common space or suite.
- b. Area. Total sign area shall not be more than one (1) square foot of sign area for one (1) lineal foot of legal business frontage. This area shall not exceed sixty square feet.
- c. Projection. Signs may project a maximum of eighteen (18) inches from the face of the building to which they are attached, provided the lowest portion of the sign is at least eight (8) feet above grade. Any portion lower than eight (8) feet may only project four (4) inches.
- d. Extension above roofline. Signs may not project above the roof or eave line of the building.

2. Free-standing signs.

- a. Number. One sign, in lieu of one wall sign, shall be permitted for each business premise with a street frontage in excess of 50 lineal feet. Corner lots can count only one street frontage.
- b. Area. Signs shall not exceed an area of one square foot for each two lineal feet of street frontage, with a maximum area of 60 square feet per sign.
- c. Placement. Signs shall be placed so that no sign or portion thereof shall extend beyond any property line of the premises on which such sign is located. Signs on corner properties shall also comply with the vision clearance provisions of Section 81.070.C.
- d. Height. No freestanding sign shall be in excess of fifteen (15) feet above grade.

3. Marquee or Awning Signs.

- a. Number. A maximum of two signs shall be permitted for each business frontage in lieu of wall signs.

- b. Area. Signs shall not exceed the permitted aggregate sign area not taken up by a wall sign.
- c. Projection. Signs may not project beyond the face of the marquee if suspended, or above the face of the marquee if attached to and parallel to the face of the marquee.
- d. Height. Signs shall have a maximum face height of nine inches if placed below the marquee.
- e. Clearance above grade. The lowest portion of a sign attached to a marquee shall not be less than eight feet above grade.
- f. Signs painted on a marquee. Signs can be painted on a marquee in lieu of all or a portion of the sign area allowed for wall signs, provided the signs do not exceed the permitted aggregate sign area not taken up by wall signs.

#### 4. Projecting Signs.

- a. Number. One sign shall be permitted for each business or group of businesses occupying a single common space or suite in lieu of a wall sign.
- b. Area. Except for marquee or awning signs, a projecting sign shall not exceed an area of one square foot for each two feet of lineal business frontage that is not already utilized by a wall sign. The maximum area of any projecting sign shall be fifteen square feet.
- c. Projection. Signs may project from the face of the building to which they are attached a maximum of two feet if located eight feet above grade, or three feet if located nine feet above grade or more, except for barber poles, which may project only 18 inches from the face of the building and must be located at least six feet above grade.
- d. Heights and extension above roof line. Signs shall not extend above the roof line, eave or parapet wall of the building to which they are attached, or be lower than eight feet above grade, except for barber poles, which may not be lower than six feet above grade.

#### 5. Roof Signs.

- a. Each business shall be allowed a maximum of one roof sign.
- b. Height limitation. A roof sign must not exceed 25 feet above grade, nor more than three feet above the parapet wall, or the roofline at the wall, whichever is lower.
- c. Projection limitation. Projection shall conform to Section 81.100.B.4.c.

## **81.110 Construction and Maintenance Standards.**

### **A. Construction Materials.**

1. Single and multi-family residential zones. All signs and their supporting member may be constructed of any material subject to the provisions of this Sign Code.
2. Commercial and industrial zones. All signs and their supporting member shall be constructed of non-combustible materials or fire-retardant treated wood which maintains its fire-resistive qualities when tested in accordance with the rain and weathering tests of the Uniform Building Code (UBC) Standards, unless otherwise provided in this Section.
3. Real estate and construction signs. All signs may be constructed of compressed wood particleboard or other material of similar fire resistance.
4. Directly illuminated signs. All signs illuminated from within may be faced with plastics approved by the Building Code.
5. Glass. All glass used in signs shall be shatter-resistant, or covered by a shatter-resistant material.
6. Wood. Wood in contact with the ground shall be foundation-grade redwood, foundation-grade cedar, all heartwood cypress, or any species of wood that has been pressure-treated with an approved preservative. Trim and backing strips may be constructed of wood.

### **B. Construction Methods.**

1. All signs shall be constructed of such materials or treated in such manner that normal weathering will not harm, deface or otherwise affect the sign.
2. All letters, figures and similar message elements shall be safely and securely attached to the sign structure.
3. All signs shall be designed and constructed to resist the applicable wind loads set forth in the Building Code.

C. Maintenance. All signs shall be maintained at all times in a state of good repair, and no person shall keep or permit to be kept on any premises owned or controlled by him/her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated or otherwise dilapidated or unsafe condition.

## **81.120 Nonconforming Signs.**

- A. Nonconforming signs must be brought into conformance with the requirements of this Sign Code prior to any expansion of the premises in excess of ten percent (10%) or change in

use on the premises where the sign is located. No building permit for new construction may be issued prior to compliance with this provision.

- B. Except as otherwise provided in Subsection A., above, any sign which was lawfully erected but which does not comply with this Sign Code may remain for its lifetime. Existing signs which did not fully comply with (or which were not regulated by) the prior sign regulations shall be removed, altered or replaced so as to conform with the provisions of this Sign Code within 90 days of the effective date of this Sign Code. Where a sign was lawfully erected and maintained in an area outside of the corporate limits of the City, and that area is later annexed to the City, the sign shall be removed, altered or replaced so as to conform with the provisions of this Sign Code within ninety (90) days of the effective date of the annexation. No structural alterations or extensions, or other substantial changes of a permanent nature, of an existing nonconforming sign as defined herein will be permitted except when such alterations, extensions or changes are such as to bring the sign into compliance with this Sign Code.
- C. Variances can be granted under the variance procedures herein to alleviate unusual hardships or extraordinary circumstances which exist in bringing nonconforming signs into conformity. The variance granted shall be the minimum required to alleviate the hardship or extraordinary circumstances.

**81.130 Enforcement.** This Sign Code shall be enforced by the Building Official.

**81.140 Special Permit for Proposed Signs.** Notwithstanding the other provisions of this Sign Code, any person who on the effective date of this Code was a party to a valid contractual obligation for the construction and erection of a sign, which sign was permitted prior to the effective date of this Code, but not permitted under the provisions of this Code, may apply to the Planning Commission for a special permit for the proposed sign. The Planning Commission may in such circumstances grant a special permit for the erection of such sign, provided, however, that in no event shall such permit be construed to alter the nonconforming status of such sign nor shall such special permit relieve such person from the duty of compliance with all other provisions and requirements of the Sign Code.

**81.150 Appeals and Variances.** The Planning Commission will receive, hear and rule upon appeals from denials of permits, requests for special permits under Section 81.140 and requests for variances.

- A. Grounds for Variance. A variance to the provisions of this Code shall be approved only if the applicant demonstrates that the architectural design of the building, or the location of the building upon a building site, is so unusual or unique that a hardship will be created which will deny the applicant the same opportunity to erect a sign as other persons not burdened with such unusual or unique architectural design or building site would have.
- B. Variances. The following regulations are not subject to the variance section of this Code.
  - 1. Section 81.040 Prohibited Signs.

2. Section 81.060 Unsafe or Illegal Signs.
3. Section 81.110 Construction and Maintenance Standards.

**C. Filing Deadline and Filing Fees.**

1. An appeal from the denial of a permit or a request for a variance shall be made by filing written notice thereof with the City Manager within 30 days from the date of the Building Official's decision denying a permit.
2. A request for a special permit under Section 81.140 shall be filed with the City Manager within 60 days of the effective date of this Code.
3. The filing fee for an appeal, variance or special permit shall be set by Resolution of the City Council.

D. Hearings. The Planning Commission shall hold a public hearing on an appeal, a request for variance or a special permit. Public notice shall be published in a newspaper of general circulation within the City at least seven days prior to the date of the hearing.

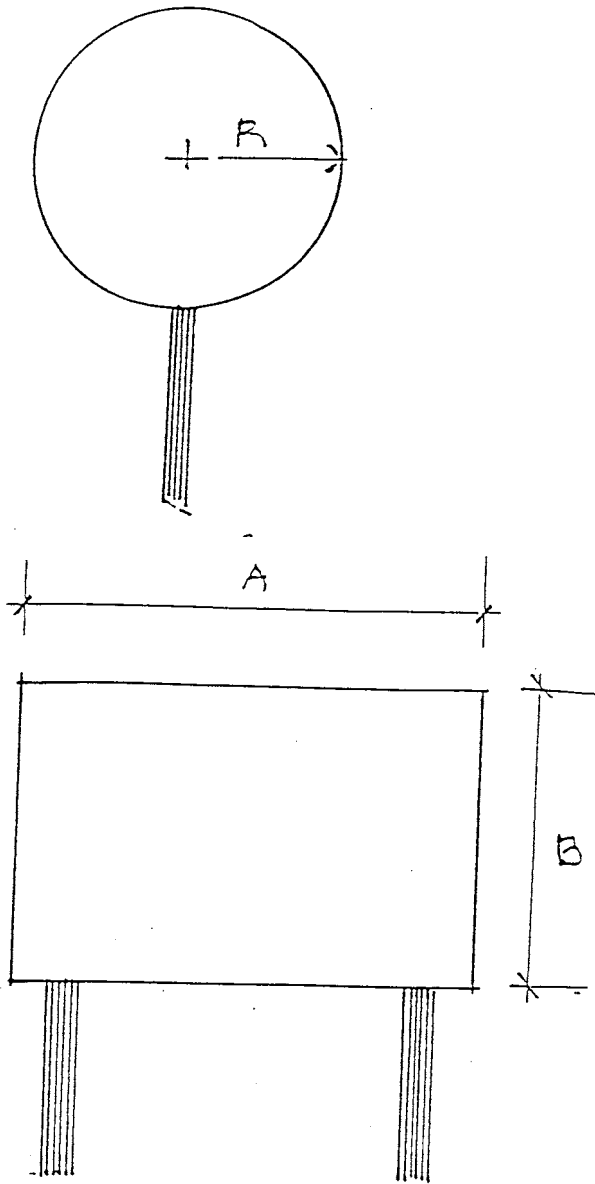
**81.160 Penalty.** A violation of this Sign Code is punishable by a fine not to exceed \$500. Each day a violation continues shall constitute a separate offense.

**81.170 Severability.** Any finding by any court of competent jurisdiction that any portion of this Code is unconstitutional or invalid shall not invalidate any other portion of this Code.



**APPENDIX A**

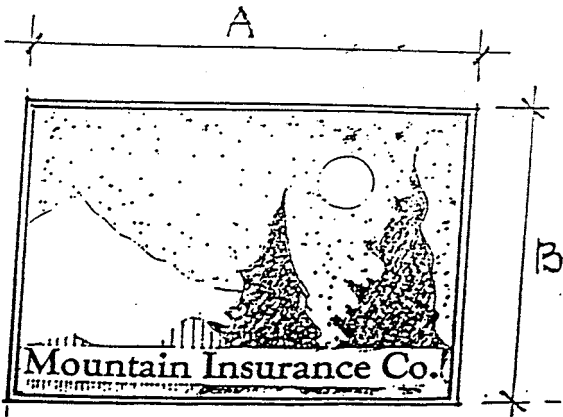
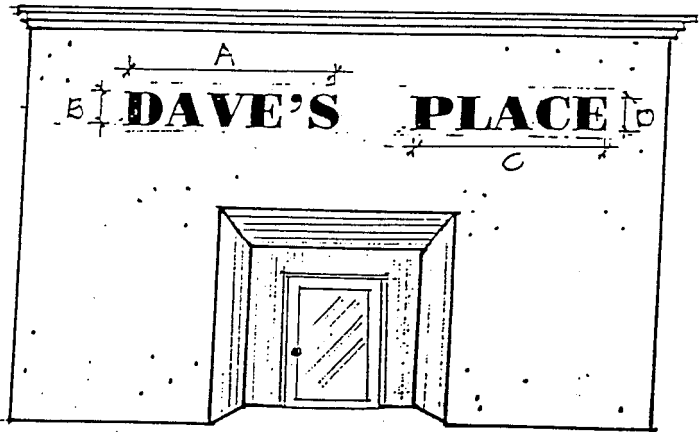
FREE STANDING SIGNS:



SIGN AREA:  $\pi \times R^2$

SIGN AREA:  $A \times B$

WALL SIGNS:



SIGN AREA:  $A \times B + C \times D$

SIGN AREA:  $A \times B$

## SUBCHAPTER 82

### WIRELESS COMMUNICATION FACILITIES (WCF)

**82.005. Restrictions on Locations.** A WCF is not allowed on public school grounds (excepting the Western Oregon University campus), in public parks, or in the downtown core area.

**82.010. Application Requirements.** In addition to other requirements for conditional use applications, an application for a WCF shall include and the WCF shall be constructed and maintained in accordance with the following:

- A. Site and landscape plans drawn to scale.
- B. Engineered drawings of all components of the WCF, including, but not limited to, the support structure, antenna, enclosures and related equipment, drawn to scale.
- C. Documentation from a registered engineer establishing the structural integrity of the freestanding support structure or, in the case of a building mounted WCF, of the capacity of the building to safely bear the WCF and of the structural integrity of any support structures.
- D. A visual study depicting where within the city limits the WCF, or any portion thereof, can be seen.
- E. A showing that collocation of the facility on an existing or approved WCF, or an existing support structure, inside or outside the City limits, is not feasible.

**82.015. Development Standards.** A WCF shall be designed, constructed and maintained in accordance with the following standards:

- A. The location and design of the WCF shall minimize the visual impacts to properties located within one-quarter ( $\frac{1}{4}$ ) mile of the WCF, considering setbacks, lighting, height, bulk, color and landscaping. All support structures, antennas and associated equipment, including any enclosures and all exterior mechanical equipment, shall be colored and/or surfaced, so as to blend with the surrounding area. All surfaces shall be nonreflective. Exterior lighting shall not project onto adjacent properties.
- B. Free standing support structures shall not be located within 300 feet of residentially zoned property.
- C. Free standing WCFs shall have all mechanical and electrical equipment, enclosures and the bottom six (6) feet of the support structure surrounded and screened by a six-foot (6) high sight-obscuring fence, wall or hedge with a minimum ten (10) feet landscaped yard of appropriate plant materials, which is to be properly maintained along the outside perimeter of the fence, wall or hedge.

D. The WCF shall be located and designed to preserve the ability for collocation of at least two (2) additional users and the applicant shall agree in writing to negotiate in good faith to accept additional users when technically possible.

E. The height of the WCF shall be the minimum necessary to reasonably serve the operational requirements of the WCF.

**82.020. Operational Certificate Required.** Within 45 days after construction and/or installation of the WCF, the applicant shall submit an operation certificate from a registered engineer indicating compliance with all requirements herein and all structural standards for antennas developed by the Electronic Industries Association.

**82.045. Permit Fee.** The fee for a WCF permit application, a renewal application, and for appealing a denial of renewal application shall be set by resolution of the City Council.

## SUBCHAPTER 91

### PLANNED UNIT DEVELOPMENT

**91.005 Purpose.** The purpose of this chapter is as follows:

- A. to permit the development of a group of residences (single-family dwellings, duplexes, multiple-family dwellings, or manufactured homes) as planned, interrelated entity;
- B. to encourage more efficient, innovative, and coordinated development than might occur if such a group of residences were developed as an aggregation of individual buildings on separate lots;
- C. to provide standards for planned unit developments.

#### **91.010 Definitions.**

Common Open Space. An area within a PUD, which area is designed and intended for the use or enjoyment of all residents of the development or of the public in general.

Homeowners Association. An association of owners or tenants created as a non-profit corporation under the laws of this state and having as its purpose the maintenance and enforcement of covenants and restrictions on the use and maintenance of common open space and other common facilities within the PUD.

Planned Unit Development. A complex of residential structures constructed by a single owner or group of owners acting jointly and planned as a single unit according to the provisions of this chapter. The phrase "planned unit development" may be abbreviated "PUD."

**91.015 PUD as a Conditional Use.** An application for a PUD shall be processed as a conditional use in accordance with the procedures set forth in Chapter 11, "Land Use Actions," and Chapter 71, "Conditional Uses." The applicant for a PUD shall be subject to the requirements of Chapter 11 and 71 in addition to the requirements of this chapter.

**91.020 General Findings Necessary for Approval of a PUD.** The Planning Commission shall approve a planned unit development only if it finds that the PUD will satisfy the requirements of this chapter and that the following conditions exist:

- A. The plan proposed for the PUD is an effective and unified treatment of the development possibilities on the project site, is consistent with the comprehensive plan, and makes appropriate provisions for the preservation of natural features such as streams, trees and rough terrain.
- B. The proposed PUD will be compatible with the area surrounding the project site and will make no greater demand on public facilities and services than other authorized uses of the land.
- C. The financing available to the applicant is sufficient to assure completion of the planned unit development.

D. All requirements for land divisions, as applicable shall be met.

E. All land use and development standards are met, except as modified under Section 91.030.

**91.025 Minimum Area of a PUD Site.** A lot, parcel, or tract proposed for development as a PUD shall have an area of at least three (3) acres.

**91.030 Dimensional Requirements for a PUD.**

A. The minimum lot area, width, frontage, and yard requirements applying to individual buildings in the zone in which a PUD is proposed shall not apply within a PUD.

B. If the spacing between main buildings is not equivalent to the spacing that would be required between buildings developed under this ordinance on separate parcels, other design features shall provide light, ventilation, and other characteristics equivalent to those obtained from the spacing requirements.

C. The maximum height of any building in a PUD may exceed those building heights prescribed in the zone in which the PUD is proposed if open space, building setbacks, and other design features of the PUD are used to avoid any adverse effects from the greater height.

D. The lot coverage of any PUD shall not exceed 25 percent of the land area being developed, exclusive of public streets or rights-of-way and exclusive of private streets.

E. Front yard and rear yard setback requirements shall not apply, except that a minimum front yard setback of fifteen (15) feet is required for any garage that faces a public or private street.

F. Side yard setback requirements shall not apply, except that all detached accessory structures shall meet Uniform Building Code requirements for firewalls.

**91.035 Density of PUD.** The density of a PUD shall not exceed the maximum density permitted in the zone which the PUD is to be developed. In computing density, the total gross acreage of the PUD shall be used, including public areas, common open space and flood plain, if any, within the PUD but not including boundary streets.

**91.040 Common Open Space.**

A. No open area may be accepted as common open space within a PUD unless it meets the following requirements:

1. the location, shape, size, and character of the common open space is suitable for the planned development.

2. The common open space is for amenity or recreation purposes, and the uses authorized are appropriate to the scale and character of the PUD, considering its size, density, expected population, topography, and the number and type of dwellings provided.

B. Common open space shall be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. Buildings, structures, and improvements to be located in the common open space shall be appropriate to the uses that are authorized for the common open space.

C. The development schedule, which is part of the PUD plan, shall coordinate any improvement of the common open space with the construction of residential dwellings in the PUD.

D. If buildings, structures, or other improvements are to be made in the common open space, the developer shall provide a bond or other adequate assurance that such buildings, structures, and improvements will be completed. The city manager shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.

E. No common open space may be put to a use not specified in the final plan unless the final plan is first amended to permit the use. However, no change of use may be considered a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

#### **91.045 Conveyance of Common Open Space.**

A. Land shown on the final plan as common open space shall be conveyed under one of the following options:

1. To a public agency that agrees to maintain the common open space and any buildings, structures, or other improvements that have been placed on it;

2. To a homeowners' association, which shall adopt and impose articles of incorporation and by-laws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission. Such an association shall be formed and continued for the purpose of maintaining the common open space.

B. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space shall authorize the city to enforce their provisions.

**91.050 Accessory Uses Within a PUD.** The following accessory uses may be approved as a part of a PUD:

A. Golf course;

B. Private park, lake or waterway;

C. Recreation area;

D. Recreation building, clubhouse, or social hall;

E. Any other accessory structure that the Planning Commission finds is designed to serve primarily the residents of the PUD and is compatible with the design of the PUD. Nothing in this provision shall be construed as authorizing the development of commercial or industrial uses in a residential zone.

### **91.060 Tentative Plan for PUD.**

A. The applicant for tentative approval of a PUD shall submit a tentative plan to the Planning Commission. The application for tentative approval shall be considered a request for a conditional use. Such application shall be processed according to the provisions of Chapter 11, "Land-Use Actions," and Chapter 71, "Conditional Uses," and shall be subject to the requirements of those Chapters.

B. A pre-application conference with the City shall be required for the purpose of gathering general information and guidelines prior to the submission of a tentative plan.

C. Maps, plans, and drawings required for the tentative plan shall be drawn to scale and shall be reproducible. Fifteen (15) copies of all the maps, drawings, plans, and written statements that comprise the tentative plan shall be submitted with the application for tentative approval.

D. The tentative plan for a PUD shall include the following:

1. A map showing street systems, lot lines and other divisions of land for management, use or allocation;
2. A map showing areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses;
3. A plot plan for each building site and common open space area, showing the approximate location of buildings, open spaces around buildings and structures;
4. Floor plans and elevation drawings of typical proposed structures;
5. A development schedule indicating the following:
  - a. The approximate date when construction of the project can be expected to begin;
  - b. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
  - c. The anticipated rate of development;
  - d. The approximate dates when each stage in the development will be completed;
  - e. The area, location and degree of development of common open space that will be provided at each stage.
6. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its common open space areas.



7. A written statement containing the following information:
  - a. An explanation of the character of the PUD and the manner in which it has been planned to take advantage of the PUD regulations;
  - b. A statement of the proposed financing;
  - c. A statement of the present ownership of all the land within the PUD.
8. The following plans and diagrams may be required if the Planning Commission finds that the PUD creates special problems of traffic, parking, landscaping or economics:
  - a. An off-street parking and loading plan;
  - b. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the PUD and to and from the surrounding neighborhood, including any features and traffic regulation devices needed to facilitate traffic circulation;
  - c. A landscaping and tree plan;
  - d. An economic feasibility report or market analysis; and
  - e. Special studies prepared by qualified professionals to determine potential traffic, geologic, noise, environmental, natural resource, or other impacts, and required mitigation.

**91.075 Action on Tentative Plan.** The Planning Commission may approve, deny, or approve with modifications or conditions any tentative plan for a PUD or one or more phases of a PUD.

**91.080 Filing Time for Final Plan.** The final plan for a PUD or for an approved phase of a PUD shall be filed with the City within 180 days of the date on which the Planning Commission approved the tentative plan.

**91.085 Extension of Filing Time for Final Plan.** The Planning Commission may allow an extension of one (1) year beyond the required filing time for a final plan provided that:

- A. No changes have been made to the original conceptual development plan as approved;
- B. The applicant can show intent of applying for final plan review within the one (1) year extension period.
- C. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the Tentative Plan approval was based; and
- D. The request for the extension is in writing and is submitted at least 30 days prior to expiration of the Tentative Plan approval.

**91.090 Failure to File Final Plan.** If a final plan for a PUD, which has received the tentative approval of the Planning Commission, is not submitted within the required filing

period, and if no extensions of the required filing period have been granted by the Planning Commission, the tentative approval of the Planning Commission shall become void.

**91.095 Final Plan in Phases.** A final plan may be submitted for one or more phases of the PUD only if such phases have been approved by the Planning Commission as a part of the tentative plan.

**91.100 Final Plan.** The final plan, when it has been approved and recorded, shall be a permanent public record of the PUD. The final plan shall contain, in final form, all information contained in the tentative plan approved by the Planning Commission. The final plan shall be prepared in a form suitable for inclusion in the deed records of Polk County, and shall include the following:

- A. If lots are to be sold, a "hard copy" subdivision plat in the form prescribed in ORS Chapter 92;
- B. If condominiums are to be sold, a condominium plat as required under ORS Chapter 91.

**91.105 Review of Final Plan.**

A. The final plan shall be reviewed by City Planner and compared with the approved tentative plan. The City Planner shall prepare a written statement indicating whether the final plan is in substantial conformance with the approved tentative plan and whether any conditions imposed by the Planning Commission have been met.

B. The final plan shall be submitted to the Polk County Surveyor. The County Surveyor shall examine the plan for accuracy and completeness and may collect such fees as are provided by State law for such review.

**91.110 Approval of the Final Plan.**

A. The Planning Commission shall review the final plan and the reports of the City Planner and the County Surveyor. The Planning Commission shall approve the final plan if it is found to be in substantial conformance with the approved tentative plan. Final approval shall not require a public hearing but shall require approval by a majority of the Planning Commission members present and voting. If the PUD contains fifteen (15) or fewer lots or units, the chairperson of the Planning Commission may sign the plat. If the PUD contains fifteen (15) or more lots or units, the Mayor shall sign the plat if authorized by City Council.

B. After the final plan has been approved by the Planning Commission, it shall be sent to the City Council for the approval and signature of its members. Any bond agreements, deeds, Bancroft petitions and statements of financial responsibility shall be submitted to the City Council with the final plan. The approval of the final plan shall become null and void if the final plan is not recorded within 30 days after the last required signature is obtained.

**91.115 Sale of Property Prior to Final Recording.** No person shall dispose of, transfer, lease, or sell, or agree, offer, or negotiate to sell any lot, building, or membership in any PUD before such PUD has received final approval in accordance with the provisions of this chapter and its final plan has been recorded with the Polk County Clerk.

**91.120 Building Permits.** The City Building Official shall not issue any building permit for any structure within a proposed PUD unless such PUD has received final approval in

accordance with the provisions of this chapter and its final plan has been recorded with the Polk County Clerk.

**91.125 Amendment of Final Plan.** The recorded final plan of a PUD may be amended. Such amendment will be considered and processed in the same way as an application for a new PUD. No modification or amendment of an approved final plan is to be considered a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the planned unit development; and all rights to enforce these covenants against any change permitted by this section are expressly reserved.

**91.130 Ensurance of Compliance.** The Planning Commission or the City Council may require performance bonds or other measures to ensure that an approved PUD will be developed to required standards.

**91.135 Control of the Development After Completion.** The approved final plan shall continue to control the planned unit development after the final PUD is finished, and the following shall apply:

- A. The use of the land and the construction, modification, or alteration of a building or structure within the planned unit development shall be governed by the approved final plan;
- B. No change shall be made in development contrary to the approved final plan without approval of an amendment to the plan except as follows:
  - 1. Minor modifications of existing buildings or structures may be authorized by the Building Official if they are consistent with the purposes and intent of the final plan and do not increase the cubic footage of a building or structure.
  - 2. A building or structure that is destroyed or substantially damaged may be reconstructed without approval of an amended planned unit development if the Planning Commission finds that the proposed reconstruction conforms to the general character and purpose of the final plan.