

# SPRINGFIELD DEVELOPMENT CODE

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## **ARTICLE 1**

### **GENERAL PROVISIONS**

#### **1.010 TITLE.**

This Ordinance shall be known and may be cited as the “Springfield Development Code” and shall be referred to herein as “this Code”.

#### **1.020 PURPOSE.**

The regulations contained in this Code are intended to ensure that development shall be:

- (1) Sited on property zoned in accordance with the applicable Metro Plan diagram and/or applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan;
- (2) Served by a full range of key urban facilities and services that can be provided in an orderly and efficient manner; and
- (3) Consistent with the applicable standards of this Code.

#### **1.030 APPLICABILITY.**

- (1) Land may be used, or developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, and occupancy or otherwise, only as this Code permits.
- (2) It is the intent of this Code that all development will comply with the applicable requirements of the following: Federal programs, regulations and statutes, including but not limited to, the Clean Water Act, the Safe Water Act and the Endangered Species Act; State programs, regulations and statutes, including but not limited to, permitting agencies such as the Oregon Division of State Lands, the Oregon Department of Transportation and the Oregon Department of Environmental Quality; and local programs, regulations and statutes, including but not limited to, the Metro Plan together with functional plans and applicable refinement plans, the Springfield Municipal Code 1997, the Springfield Building Safety Codes and the Springfield Fire and Life Safety Codes which may be applicable to a development. All citations of other City, regional, state, or federal regulations in this Code refer to the most current version and citation for those regulations in effect at the time of the development application submittal, unless specifically indicated otherwise. The specific enforcement of and compliance with applicable state and Federal regulations shall be under the jurisdiction of the appropriate agency, unless specified in this Code or the Springfield Municipal Code, 1997. Therefore, approvals granted through the administration of this Code do not constitute Federal or state approvals.

### **1.035 OFFICIAL ZONING MAPS.**

Zoning district boundaries are shown on the Official Zoning Maps of the City. The Official Zoning Maps are a part of this Code, but are published separately. Maps that delineate areas subject to additional zoning regulations may be included in this Code, attached to an adopting ordinance, or adopted by reference. The Development Services Department shall maintain the Official Zoning Maps.

- (1)** Zone changes. A proposed change to the Official Zoning Maps shall be subject to the amendment process described in Article 12 of this Code.
- (2)** Determination of Zoning District Boundaries. Where uncertainty exists relating to any zoning district boundaries shown on the Official Zoning Maps, the Director shall determine the boundaries in accordance with the following standards:
  - (a)** Lot Lines. Where zoning district boundaries are indicated as approximately following lot lines, the lot lines shall be considered to be the boundaries.
  - (b)** Multi-zoned Lots. Where a zoning district's boundary line divides a lot and the boundary line location is not otherwise designated by ordinance, the location of the boundary line shall be determined by use of the scale appearing on the Official Zoning Maps.
  - (c)** Street Lines.
    - 1.** Where zoning district boundaries are indicated as approximately following the centerline of a public right-of-way, these lines shall be considered to be the district boundaries.
    - 2.** When a public right-of-way is lawfully vacated, the zoning district boundary shall be in the center, unless specifically indicated otherwise.
    - 3.** The lands formerly within the public right-of-way shall be subject to the same zoning regulations that are applicable to the underlying property, unless the zoning is changed by separate action.
  - (d)** Water Courses. Zoning district boundary lines shall follow the center lines of water courses, unless the boundary lines are fixed by dimensions shown on the Official Zoning Maps.
  - (e)** Geographic Areas. Zoning District boundary lines may follow ridgelines, the toe of a hill and/or specific elevation contours.
- (3)** A property owner may obtain a written verification of the zoning of a lot or parcel by applying for a Land Use and Zoning Compatibility Statement.

#### **1.040 ENFORCEMENT**

- (1) Director, in consultation with the City Attorney and affected Division/Department heads, shall be responsible for the enforcement of this Code. Whenever the Director reasonably believes a violation of any provision of this Code has occurred, or when necessary to investigate an application for or revocation of any Development Approval, the Director may enter on any site in a reasonable manner.
- (2) Upon a request from the Director, the City Attorney shall institute any necessary legal proceedings to enforce the provisions of this Code.

#### **1.050 VIOLATION AND PENALTIES.**

- (1) Enforcement of this Code may be through the applicable procedures for abatement and civil infractions in the Springfield Municipal Code, 1997. The enforcement remedies available under this Code or the Municipal Code are not exclusive and do not preclude the City from using any other remedies available by law. In addition, the Building Official may order any work stopped by notice in writing.
- (2) The Director may, in writing, suspend or revoke any permit or approval granted under the provisions of this Code whenever the permit or approval is granted in error on the basis of incorrect information supplied or whenever its granted (or activity permitted) is in violation of any ordinance or regulation, or whenever the holder of the permit or approval violated the provisions of either this Code or the Springfield Municipal Code, 1997.

#### **1.060 SEVERABILITY.**

If any portion of this Code is declared by a Court of law to be invalid or ineffective in whole or in part, the decision shall not affect the validity of the remaining portions.

#### **1.070 FEES.**

- (1) The City Council shall establish fees by separate Resolution for the performance of the actions and reviews required by this Code. The list of fees is available at the Development Services Department.
- (2) Payment of these fees shall be required at the time of application submittal. No application will be accepted without payment of the appropriate fee in full, unless the applicant qualifies for a fee waiver.
- (3) Fee Waivers. The following fee waivers shall apply only within the Springfield city limits.
  - (a) Non-profit affordable housing providers.
    1. Applicable development fees required by this Code may be waived for up to 50 affordable housing units per year or more, upon the determination of need by the Director in order to encourage the construction of affordable housing.

Affordable housing is defined as newly constructed housing that shall be either for:

- a. Rental housing, rented to households with incomes below 60% of the area median income, as determined by the Federal Housing and Urban Development (HUD) income limits in effect at the time of submittal; or
        - b. Home ownership housing sold to households with incomes below 80% of the area median income, as determined by the HUD income limits in effect at the time of submittal.
  2. The property owner shall enter into a contractual agreement with the City for a five-year period of affordability for each project to assure compliance with the stated intent of the project. In addition, all of the approval criteria listed below shall be met:
    - a. Proof of registered non-profit status;
    - b. Adequate documentation that the housing meets appropriate standards regarding household income, rent levels, sales price, location, and number of units;
    - c. For rental housing, adequate documentation that such housing shall remain exclusively available to low-income households at affordable rents for the period of affordability;
    - d. For home ownership housing, adequate documentation that this housing shall be sold exclusively to low-income households at an affordable sales price, and additional documentation that if the housing is resold within the period of affordability, such housing shall only be sold another low-income household at an affordable sales price.
    - e. Adequate documentation that if, within the period of affordability, the use of the property is no longer for low-income housing, the owner shall pay the waived development fee from which the owner or any prior owner was exempt; and
    - f. Recording of appropriate covenants and documentation to insure compliance with the requirements set forth in this Subsection.
- (b) Low income citizens. Applicable development fees required by this Code may be waived by the Director when the applicant is considered to be low income, as determined by the HUD income limits in effect at the time of submittal.



- (4) After denial of an application by the Approval Authority, application resubmittal shall occur as specified in Section 3.050(7) of this Code. However the fees in effect at the time of application resubmittal shall be imposed.
- (5) For modifications or amendments to an approved application requiring Development Approval, an additional fee shall be required.
- (6) Application withdrawal. The Director shall determine the return of any fees upon a written request by the applicant based upon the following factors:
  - (a) The time and level of review that went into the preparation of the staff report; and
  - (b) City expenses prior to and during the preparation of the staff report.
  - (c) Postage fees shall not be returned in any case.

**(Ord. 5407 10/19/87):** Section 1.070

**(Ord. 5551 02/04/91):** Sections 1.010 and 1.050

**(Ord. 5636 05/18/92):** Section 1.070

**(Ord. 6021 7/15/02):** Sections 1.030 and 1.050

**(Ord. 6091 6/21/2004):** Section 1.070

**(Ord. 6133 07/18/05):** Title page, Sections 1.020, 1.030, 1.035 and 1.070

## **ARTICLE 2**

### **DEFINITIONS**

2.010 MEANING OF COMMON WORDS

2.020 MEANING OF SPECIFIC WORDS AND TERMS

## ARTICLE 2

### DEFINITIONS

#### 2.010 MEANING OF COMMON WORDS.

- (1) All words used in the present tense include the future tense.
- (2) All words in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.
- (3) All words used in the masculine gender include the feminine gender.
- (4) The word "shall" is mandatory and the word "may" is permissive.
- (5) The word "structure" includes the word "building".
- (6) The phrase "used for" includes the phrases "arranged for", "designed for", "intended for", and "occupied for".
- (7) The words "land", "property", "site", "lot" and "premise" are used interchangeably unless the context clearly indicates to the contrary.
- (8) The words "proposal", "application", and "request" are used interchangeably unless the context clearly indicates to the contrary.
- (9) The word "lot" includes the word "parcel".
- (10) Where words are not defined in this Article, the following sources shall be consulted: the Metro Plan, State statute, the Springfield Code and any dictionary of common usage, all of which shall be interpreted by context.

#### 2.020 MEANING OF SPECIFIC WORDS AND TERMS.

**ABUT.** To share a common lot/parcel/property line or zoning district boundary that may or may not be separated by a street or alley.

**ACCEPTABLE SITE.** For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Community Commercial, Booth-Kelly Mixed Use or Campus Industrial.

**ACCESS.** The approved means by which vehicles have ingress and/or egress to an approved lot or development area.

**ACCESSORY DWELLING UNIT.** A single-family accessory dwelling unit is a secondary, self-contained dwelling that may be allowed only in conjunction with a detached single-family dwelling. An accessory dwelling unit is subordinate in size, location, and appearance to the primary detached single-family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area. An accessory dwelling may be located within, attached to or detached from the primary single-family dwelling

**ACCESSORY STRUCTURE.** A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures are generally detached from the primary structure. If accessory structures are attached to the primary structure, their structural framework is independent or semi-independent from the primary structure. For example, a porch, deck or stairs that have their own footings or foundation are accessory structures even though they may be attached to the primary structure. A balcony that is supported totally by the framework of the primary structure is not considered an accessory structure. Agricultural structures, such as but not limited to barns, silos, hay sheds, drying sheds and greenhouses, shall be exempt from the special use standards of the underlying zoning district when located on land 2 acres or larger or on any lot or parcel of land with a valid farm deferral tax classification from the Oregon State Department of Revenue. Notwithstanding this exception, land use activities conducted on land with agricultural structures must otherwise conform with the list of permitted uses within the underlying zoning district (See also PRIMARY STRUCTURE; EXTENSION, ARCHITECTURAL, and INCIDENTAL EQUIPMENT).

**ACCESSWAY.** Dedicated easement or right-of-way intended to allow pedestrians and bicyclists convenient linkages, where no public street access exists, to streets, residential areas, neighborhood activity centers, industrial or commercial centers, transit facilities, parks, schools, open space, or trails and paths.

**ADJACENT.** To share a common lot/parcel/property line or zoning district boundary that is separated by a street or alley.

**ADMINISTRATIVE OFFICE.** A building or portion of a building, in which persons are employed in the day-to-day management or direction of a single business or division of that business.

**AGRICULTURE.** The cultivation of tree crops, plants, orchards, pasture, flower, berry and bush crops or the keeping, raising or breeding of livestock or poultry where permitted by the Springfield Municipal Code 1997, and on any lot or parcel with a valid farm deferral tax classification from the Oregon State Department of Revenue. Agricultural structures, as defined elsewhere in this Code, also shall be defined as "Agriculture."

**ALLEY.** A service way providing means of public access to abutting property and not intended for general traffic circulation.

**ALTER, ALTERATION.** A modification in use of a structure that may or may not involve construction. As used in Article 30 of this Code, any construction, erection, remodeling, restoration, reconstruction, removal or exterior painting affecting the appearance or position of an Historic Landmark Site or Structure within or outside of a designated Historic District.

**ANIMAL CLINIC.** A business establishment in which veterinary services are provided to small domestic pets on an out patient basis with no over night boarding allowed.

**ANIMAL HOSPITAL.** A place where animals are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

**ANNEXATION AGREEMENT.** A written agreement between the City and owners of land requesting annexation that states the terms, conditions and obligations of the parties to mitigate fiscal and service impacts to the City associated with the annexation and future development of the property. The agreement may be used to ensure annexation consistent with the Metro Plan.

**ANTENNA.** The specific device used to capture an incoming and/or transmit an outgoing radio-frequency signal. This definition shall include omni-directional (whip) antennas; directional (panel) antennas; parabolic (microwave dish) antennas; and ancillary antennas (i.e., GPS). All other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such equipment.

**APPEAL.** A request for a review of a final decision by the Director, Planning Commission or City Council in accordance with applicable procedures based on the standards of this Code.

**APPLICANT.** A person submitting an application; the owner of affected property, or the owner's duly authorized representative. The City Attorney may require proof of the sufficiency of the representative's authorization by the owner to act as applicant on the owner's behalf.

**APPROVAL AUTHORITY.** The individual or public body which has jurisdiction for making a determination under the provisions of this Code.

**AQUIFER.** A geologic formation, group of formations, or part of a formation that is capable of storing and transmitting water in sufficient quantity to supply wells or springs.

**ATTACHED WTS FACILITY.** An existing pole, tower or other structure capable of accommodating a WTS facility antenna, whether originally intended for such use or not.

**BACKHAUL NETWORK.** The land lines that connect a WTS provider's radio signals to one or more cellular telephone switching offices and/or local or long distance providers, or the public switched telephone network.

**BASE FLOW.** The portion of a stream flow that is not run-off and results from seepage of water from the ground into a channel. The primary source of running water in a stream during dry weather.

**BED AND BREAKFAST FACILITY.** A structure designed for and occupied as a single-family dwelling, in which travelers are lodged for sleeping purposes for 2 weeks or less and a morning meal provided, and for which compensation of any kind is paid. A Bed and Breakfast Facility is not a hotel, motel, boarding house or rooming house.

**BERM.** A mound of earth used to deflect sound or used as a buffer in landscaping provisions to separate incompatible areas or to provide aesthetic enhancement in site design.

**BICYCLE OR BIKE LANE.** A portion of the roadway which had been designated by striping, signing and pavement markings for the preferential or exclusive use of bicycles.

**BICYCLE PARKING SPACE.** A space for one standard bicycle within a lighted and secure bicycle rack, placed in a paved area.

**BIKEWAY.** Any road, street, path or way which in some manner is specifically designated for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes..

**BLOCK.** An area of land containing one or more lots or parcels surrounded by streets, railroad rights of way and/or un-subdivided acreage.

**BOARDING HOUSE.** A building where lodging and meals are provided for more than 2 weeks for compensation. This definition excludes bed and breakfast facilities

**BOND, PERFORMANCE OR SECURITY.** Collateral security for the performance of a specific action or duty imposed by the City.

**BUILDABLE AREA OF A LOT.** The area of a lot enclosed within the setback boundaries, exclusive of easements.

**BUILDING.** Any structure used or intended for sheltering any use or occupancy. As used in Article 27, FP Floodplain Overlay District, the terms "building" and "structure" shall be synonymous, and shall mean that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land. This definition shall specifically include a mobile home, manufactured home and accessories thereto, and gas or liquid storage tanks principally above ground.

**BUILDING BOARD OF APPEALS.** A board appointed in accordance with Section 2.500 to 2.522 of the Springfield Municipal Code 1997, to hear requests for alternate building methods/materials.

**BUILDING ENVELOPE.** That portion of a lot or parcel that has no development restrictions where the placement of driveways and structures can be established. The building envelope shall not include the area of any required setbacks, tree protection plans, conservation zones or other protected areas as authorized by a limited land use decision.

**BUILDING HEIGHT.** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the deckline of a mansard roof, or to the average height of the gables of a pitched or hipped roof. The maximum height of a stepped or terraced building is the maximum height of all segments of that building. The reference datum shall be, which ever of the following of the two measurements results in the greater building height (refer also to Diagram 2-1):

- (1) The reference datum is the lowest grade when the highest ground surface within a 5-foot horizontal distance of the exterior wall is not more than 10 feet above the lowest grade.
- (2) The reference datum is 10 feet higher than the lowest grade when the ground surface described in A, above is 10 feet above the lowest grade. The building height diagram is Ordinance Attachment 1.

**BUILDING OFFICIAL.** The person who is responsible for the administration and enforcement of the Building Safety Codes; the duly authorized representative of the Director responsible, in consultation with the City Engineer, for the interpretation of Article 27, FP Floodplain Overlay District.

**BUILDING PERMIT.** Written permission issued by the Building Official that construction may commence in accordance with this Code and the Building Safety Codes.

**BUILDING SAFETY CODES.** A book of codes including the Springfield Building Code Administrative Code, the Structural Specialty Code and Fire and Life Safety Code, the Mechanical Specialty Code and Mechanical Fire and Life Safety Code, the Electrical Specialty Safety Code, the Plumbing Specialty Code, the Solar Specialty Code, the Housing Code and the Sign Code Construction Standards.

**BURDEN OF PROOF.** The duty of producing evidence or establishing a given proposition in order to establish that the party seeking affirmative relief or action is entitled to relief or action by the applicable ordinances and statutes.

**BUSINESS PARK.** A tract of land has been planned, developed and operated as a single or an integrated facility characterized by a variety of light industrial manufacturing uses, offices and related commercial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility (Also see Industrial Park).

**CALENDAR DAY.** Any day of the year, including official City holidays and weekends. If any effective date or deadline falls on a weekend or holiday, such date or deadline will be effective on the next City working day.

**CARPORT.** A roofed accessory structure providing parking space which is open on 2 or more sides.

**CELL.** A geographic area where a single radio transmission sending/receiving station (per provider) and the equipment necessary to connect these radio calls to land lines or other cells are located.

**CERTIFICATE OF OCCUPANCY.** A document issued by the Building Official allowing the occupancy or use of a structure and demonstrating that the structure or use has been constructed in compliance with all applicable City codes and ordinances.

**CHANGE OF USE.** A change from an existing permitted to another permitted use in the applicable zoning district.

**CHURCH.** Any use of land or buildings, primarily intended for the conducting of organized religious services, excluding bingo parlors, provided that soup kitchens, distribution centers, private schools, and emergency shelters may be approved as secondary uses by the Approval Authority.

**CITY.** The City of Springfield.

**CITY COUNCIL.** The Common Council of the City of Springfield.

**CITY ENGINEER.** An Oregon Registered Professional Engineer who is an officer of the City and is charged with the supervision and construction of public improvements and the enforcement of City ordinances as they relate to public improvements or a duly authorized representative.

**CITY RECORDER.** The Finance Director of the City of Springfield or the duly authorized representative.

**CITY SURVEYOR.** An Oregon Registered Professional Land Surveyor who is an officer of the City and is charged with conducting surveys of City facilities and with the enforcement of certain City ordinances and State statutes as they relate to subdivision and partitioning of land.

**CLEAN WATER ACT (CWA).** A federal law established in 1972 to restore and maintain the chemical, and physical and biological integrity of water, including lakes, river aquifers and coastal areas.

**CLINIC.** Single or multiple offices for medical practitioners which may include a dispensary in each building to handle merchandise customarily prescribed by medical practitioners in connection with their practices, with patients not being lodged over night.

**CLUSTER SUBDIVISION.** Cluster Development is a form of subdivision development that permits flexibility in dimensional requirements by reducing lot size, setback, street width and other developmental standards to allow more flexible design than is permissible under the conventional subdivision process. Cluster Development preserves open space and created innovative residential designs that emphasize affordability and home ownership.

**COLLOCATION.** Two or more WTS providers utilizing a structure or site specifically designed and/or approved for such multiple use, and including equipment shelters.

**COMMUNITY PARK.** A park which provides a variety of moderate density use recreation and/or cultural opportunities and is centrally located for citizens of the community and immediate outlying areas. This type of park will normally be between 15 and 100 acres in size.

**CONCEPTUAL LOCAL STREET MAP.** A map maintained by the Public Works Director depicting existing and future street alignments. The map is intended to guide developers, property owners and City Staff concerning the location of future streets. The map will assist the Director in reviewing and approving new street alignments proposed in partition or subdivision proposals, and not specified in TransPlan, such that such streets are consistent with Oregon Administrative Rule Chapter 660-12 and the guidelines specified in this Code.

**CONDITIONALLY SUITABLE SITE.** For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Neighborhood Commercial, Major Retail Commercial, General Office, Low Density Residential, Medium Density Residential, High Density Residential and the Medical Services, Hillside Development, Willamette Greenway and Urbanizable Fringe Overlay districts.

**CONGREGATE CARE FACILITY.** A building serving more than 15 elderly or infirm persons where daily meals are provided outside of each individual dwelling unit, on-site nursing facilities are available and the majority of residents do not own automobiles.

**CONVENIENCE STORE.** A small grocery typically open extended hours.

**CORPORATE HEADQUARTERS.** A building or portion of a building in which persons are employed in the management or direction of a business consisting of one or more divisions or groups of companies. To be considered a corporate headquarters, the business shall meet the applicable employee threshold specified elsewhere in this Code. Businesses that do not meet the applicable employee threshold shall be considered an administrative office.

**CUL-DE-SAC.** A short local street which has one end open to traffic and is terminated by a vehicle turn around, the cul-de-sac bulb.

**CURB.** The raised concrete border along the edge of a roadway or paved area.

**CURB CUT.** The opening along the curb line at which point vehicles may enter and/or leave the public street.

**CUT.** A portion of land surface from which earth is removed by excavation; the depth below the original ground surface or excavated surface.

**DBH.** The diameter of a tree 4 1/2 feet above the ground at the base of the tree.



**DANCE HALL.** Any place of business whose primary function is dancing.

**DAY CARE.** A facility in which children, not of common parentage, between 6 weeks and 15 years of age, are given board, care or training apart from their parents or guardian with or without compensation within a 24 hour period.

**DAY CARE, HOME.** A facility in which there are no more than 5 children. The operator of the Day Care Home shall reside at the residence.

**DAY CARE, GROUP HOME.** A facility in which there are 6 but no more than 12 children. The operator of the Day Care Group Home shall reside at the residence.

**DAY CARE, CENTER.** A facility in which there are 13 or more children. The operator of the Day Care Center may or may not reside at the residence.

**DEDICATION.** The transfer of property interests from private to public ownership for a public purpose.

**DELINEATION.** (From Oregon Health Department rules): The determination of the extent, orientation, and boundaries of a wellhead protection area using factors such as geology, aquifer characteristics, well pumping rates and time of travel.

**DEMOLITION.** Razing, destroying, dismantling, defacing, or in any other manner causing partial or total ruin of an Historic Landmark Site or Structure within or outside of a designated Historic Landmark District.

**DE NOVO.** A hearing where new evidence may be provided, distinguished from a hearing based solely on an existing record.

**DENSITY, GROSS.** The number of dwelling units and auxiliary uses, i.e., right-of-way, designated open space, other public facilities, per acre of land.

**DENSITY, NET.** The number of dwelling units that may be placed on a developable acre.

**DESIGNATED BENEFICIAL USE.** The purpose or benefit to be derived from a watercourse. For the Willamette and McKenzie Rivers and all other streams and tributaries, the following beneficial uses apply: Public domestic water supply, private domestic water supply, industrial water supply; irrigation, live stock watering, anadromous fish passage, salmonid fish rearing salmonid fish spawning, resident fish and aquatic life, wildlife, fishing, boating, water contact recreation aesthetic quality and hydro power (except for the Willamette River).

**DETACHED WTS FACILITY.** A pole, tower or other structure designed and intended to support WTS facility antennas.

**DEVELOPABLE ACRE.** 43,560 square feet of land that can be developed that includes common open space or recreational facilities reserved for the use of residents in a development, but excludes public property, including but not limited to, parks and dedicated streets. At the request of the developer, the Director may exclude portions of the site that cannot be developed due to physical constraints, including but not limited to natural resources that are listed within a local inventory.

**DEVELOPMENT.** Any human-made change to improved or unimproved real estate, including but not limited to a change in use; construction, installation or change of a structure; subdivision and partition; establishment or termination of a right of access; storage on the land; drilling and site alteration such as that due to land surface mining, dredging, paving, excavation or clearing of trees and vegetation. Agricultural uses (including agricultural structures), when otherwise permitted by the underlying zoning district, shall be exempt from this definition except when agricultural structures are placed within adopted special flood hazard zones. As used in Article 27, FP Floodplain Overlay District, any human-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.

**DEVELOPMENT AREA.** The area subject to any application required by this Code.

**DEVELOPMENT APPROVAL.** Approval granted by the Director for a development which is in compliance with this Code and the Metro Plan and precedes the issuance of a Building Permit.

**DEVELOPMENT, PHASED.** A development project that is developed incrementally, each phase capable of functioning independently of the others.

**DEVELOPMENT REVIEW COMMITTEE.** City staff, representing each affected division and department of the City, and affected agencies and utility providers that meet on a regular basis to review land use requests and development proposals.

**DEVELOPMENT SERVICES DEPARTMENT.** The department responsible for the administration of this Code and the implementation of the Metro Plan within the Springfield Urban Growth Boundary.

**DIRECT TRIBUTORY TO A WATER QUALITY LIMITED WATERCOURSE.** A direct tributary to a Water Quality Limited Watercourse (WQLW) is one that flows directly into a WQLW, except for those watercourses that flow into the WQLW as a piped connection, where the pipe system extends more than 200 feet upstream of the connection point or is one that is a diversion from a WQLW and that discharges into either a WQLW or other direct tributary to a WQLW and where the water quality if the diverted flow at the discharge point has been degraded when compared with the water quality at the diversion point.

**DIRECTOR.** The Development Services Director or the duly authorized representative who is responsible for the administration and interpretation of this Code. The Planning Manager routinely serves as the representative of the Director.

**DISCRETIONARY USE.** Any use which, because of its potentially incompatible characteristics, is not permitted in a particular zoning district without first being reviewed by the Planning Commission or Hearings Official to determine whether the proposed use should be permitted and if so, under what conditions necessary to ensure compatibility.

**DNAPL.** (Dense Non-Aqueous Phase Liquids). A group of hazardous materials that are denser-than-water (specific gravity greater than 1), have low solubility rate, and degrade slowly to other compounds that are even more of a health hazard. For the purpose of Springfield's drinking water protection, DNAPL chemicals are defined as "all chemicals displaying the characteristics of a DNAPL chemical or a material containing a substance considered a DNAPL chemical." A list of DNAPLs regulated within the Drinking Water Protection Overlay District shall be as adopted by SUB on November 10, 1999.

**DOWNTOWN EXCEPTION AREA.** An area defined by the Willamette River on the west, 10th Street on the east, the alley between north B and north C Streets on the north, and a line north of the Southern Pacific Railroad tracks on the south.

**DOWNTOWN PLANNING AREA.** The area under the jurisdiction of the Springfield Downtown Refinement Plan that includes Springfield's traditional Downtown area and the Booth-Kelly redevelopment area.

**DRAINAGE WAY.** A natural or constructed watercourse which has the specific function of transmitting stream water or storm run off water from a point of high elevation to a point of low elevation which convey significant seasonal concentrations of water over the surface of the land.

**DRIPLINE.** A roughly circular land area measured beneath a tree. The approximate center of the area is the trunk of the tree, and the radii are equal to the horizontal measures of the longest branches.

**DRIVEWAY.** An access for vehicles.

**DRIVEWAY, CURB RETURN.** A driveway defined on both sides by a full height curb.

**DRIVEWAY, JOINT USE.** A driveway serving two or more properties.

**DRIVEWAY, PRIVATE.** A driveway that serves development but is not part of the City-wide transportation system as distinct from a street.

**DRIVEWAY, STANDARD DRIVEWAY.** A driveway created by depression of the street curb at its approach.

**DROP-OFF SPACE.** A paved, clearly marked short-term (less than 20 minutes) parking space, generally within 50 feet of a main entrance, separated from required parking for staff and long-term visitors.

**DSL.** Division of State Lands.

**DWELLING.** A building or portion thereof which is used exclusively for human habitation.

**DWELLING, ATTACHED SINGLE FAMILY.** A dwelling which is designed or used exclusively for the occupancy of one family which is attached to one or more separately owned dwellings by common vertical walls. This definition includes but is not limited to zero lot line dwellings, townhouses and rowhouses.

**DWELLING, CONDOMINIUM.** A type of residential development offering individual ownership of dwellings and common ownership of open spaces and other facilities, and regulated, in part, by State Law (ORS 94.004 et seq.).

**DWELLING, DETACHED SINGLE-FAMILY.** A dwelling which is designed or used exclusively for the occupancy of one family which is not attached to any other dwelling and is surrounded by open space and yards.

**DWELLING, DUPLEX.** A single building designed or used exclusively for the occupancy of 2 families living independently of each other, sharing a common roof, wall or foundation at the garages, carports, and/or living areas.

**DWELLING, MULTI-FAMILY.** A building containing three or more dwelling units designed or used exclusively for the occupancy of three or more families living independently of each other and separated by common vertical walls. A Congregate Care Facility is not a Multi-Family dwelling unit for the purposes of determining dwelling unit density.

**DWELLING UNIT.** One or more habitable rooms which are occupied, intended or designed to be occupied by one family with housekeeping facilities for living, sleeping, cooking and eating.

**EASEMENT.** An interest in the land owned by another that entitles its holder to a specific limited use or enjoyment of property.

**ELEVATION.** The term is based on context and is either.

- (1) A vertical distance above or below a fixed reference level.
- (2) A flat scale drawing of the front, rear or side of a building.

**EMERGENCY SHELTER.** The use of a church, school, motel, hotel, or other approved structure for housing the homeless due to a natural disaster or other reason on a short term basis.

**ENDANGERED SPECIES ACT (ESA).** A federal law established in 1973 that provides significant protection for various species of fish, wildlife and plants facing extinction that are listed as needing protection.

**ENGINEER.** A Registered Professional Engineer, licensed by the State of Oregon to practice in a specific branch of engineering.

**ENGINEERING DESIGN STANDARDS AND PROCEDURES MANUAL.** A manual of design standards and procedures prepared by the Public Works Department and adopted by resolution of the City Council. These standards and procedures are applicable to public and private improvements and allow City staff to provide certainty to developers and consultants to ensure safe, efficient, and cost effective transportation, sanitary sewer, and stormwater management system projects within the City of Springfield and its Urban Growth Boundary.

**EQUIPMENT SHELTERS.** For purposes of siting wireless telecommunications systems facilities, the buildings, structures, cabinets or vaults used to house and protect the equipment necessary to connect/relay radio signals from cell site to cell site and to land line systems. Associated equipment such as air conditioning or emergency generators shall be considered appropriate within this definition.

**EXCAVATION.** The mechanical removal of earth material.

**EXEMPT TREE OR VEGETATION.** The full height and breadth of vegetation that the city manager or his or her designee has identified as "solar friendly" in rules adopted under this code; and any vegetation listed on a plat map, a document recorded with the plat, or a solar access guarantee as exempt.

**EX PARTE, COMMUNICATION.** A communication made at the instance of or for the benefit of one party without notice to, contest by, or at least without an opportunity to be heard being given to other parties who will be bound or directly affected by the communication.

**EX PARTE, PROCEEDING.** An action taken at the instance or benefit of one side only without notice to, contest by, or without the opportunity to be heard by other parties who will be bound or directly affected by the proceeding.

**EXTENSION, FLOOR AREA.** An increase in the amount of floor area within an existing building.

**EXTENSION, ARCHITECTURAL.** Architectural appendages, including but not limited to, cornices, eave overhangs, porches and balconies extending beyond an exterior wall of a building (See also ACCESSORY STRUCTURE).

**EXTERIOR.** Any portion of the outside of an Historic Landmark Site or Structure or any addition thereto which can be seen from a public place.

**FCC.** The Federal Communications Commission; the federal agency that regulates interstate and international communications by radio, television, wire, satellite and cable.

**FAMILY.**

- (1) Two or more persons related by blood, legal adoption, guardianship or marriage living together; or
- (2) Except as may be modified by the Federal Fair Housing Law as it relates to handicapped persons, a group of not more than 5 persons who need not be related (as above) living together in a dwelling unit

**FELL.** To remove or cut a tree or the intentional use of any procedure, the natural result of which is to cause the death or substantial destruction of the tree. Fell does not include normal trimming, pruning or topping of trees.

**FENCE.** A structure which serves as an enclosure, barrier or screen that is not part of a building.

**FENCE, SIGHT OBSCURING.** A fence which substantially screens an area or object including but not limited to solid wood or metal fences or wood slatted cyclone fences, except that a slatted cyclone fence shall not be used to screen wrecking or salvage yards.

**FILL.** Sand, gravel, earth or other approved materials of any composition placed or deposited on the earth's surface by humans.

**FINAL MAP.** The finished drawing of the survey of a lot line adjustment which will contain information necessary to comply with this Code and requirements resulting from review of the Preliminary Plan.

**FINAL SITE PLAN.** The Site Plan to which all construction improvements must conform.

**FINAL SURVEY.** The recorded survey of a property line adjustment which contains information necessary to comply with this Code and any conditions of approval resulting from review of the Preliminary Survey.

**FINANCE DEPARTMENT.** The Finance Department of the City of Springfield.

**FINDINGS.** A written statement of facts, reasoning in support of conclusions, and determinations based on the evidence presented in relation to adopted criteria that are accepted by the Approval Authority in support of a decision.

**FLOOD/FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of run-off of surface waters from any source.

**FLOOD, BASE.** The flood having a one 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.

**FLOOD HAZARD, AREA OF SPECIAL.** The land in the floodplain subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

**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 applicable risk premium zones.

**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.

**FLOODING, AREA OF SHALLOW.** A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and intermediate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

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

**FOSTER HOME.** Any dwelling or facility maintained and operated for the boarding and housing of more than 5 children who are not related by blood or marriage to the owner/operator of the dwelling or facility.

**FRATERNAL ORGANIZATION.** A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

**FUTURE DEVELOPMENT PLAN.** A line drawing (required for some land division proposals, or building permits in the City's urbanizable area) that include the following information: the location of future right-of-way dedications based on TransPlan, the Local Street Plan or block length and lot size standards of the SDC; a re-division plan at minimum urban density based on the existing Metro Plan designation of the property for any lot that is large enough to further divide; and the location of hillsides, riparian areas drainage ways, jurisdictional wetlands and wooded areas showing how future development will address preservation, protection or removal.

**GARAGE.** A completely enclosed accessory building or portion of a main building intended for the parking of motor vehicles.

**GARAGE, REPAIR.** A building used for the repair of motor vehicles, including body and fender work, painting, or engine and transmission overhaul.

**GRADE.** The degree of rise or descent of a sloping surface.

**GRADE, AVERAGE FINISHED.** The average finished ground level at the midpoint of all walls of a building. Where walls are parallel to and within 5 feet of a sidewalk, alley or public way, the ground level shall be measured at the elevation of the sidewalk, alley or public way.

**GRADE, FINISHED.** The elevation of the surface of excavation or fill placement.

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

**GROSS ACRE/GROSS ACREAGE.** A measurement of land that occurs before public streets or other areas reserved for public use are deducted from that land.

**GROSS FLOOR AREA.** The total floor area of a building including areas used exclusively for the service of a building; such as: mechanical equipment spaces and shafts; elevators; stairways; escalators and ramps; public restrooms; and enclosed loading docks or ramps.

**GROUND COVER.** Grasses or nursery plants cultivated to keep soil from being blown or washed away.

**GROUP CARE HOME.** Any dwelling or facility maintained and operated exclusively for the care, boarding, housing and rehabilitation of more than 15 unrelated persons who are ill, physically or mentally disabled, and/or elderly, the majority of whom generally do not drive an automobile. This definition includes but is not limited to homes for the aged, nursing homes and congregate care facilities.

**HALFWAY HOUSE.** Any dwelling or facility for the care, boarding and housing of more than 5 unrelated persons who have been released from institutional care or who are placed in lieu of institutional care, i.e., work release programs.

**HAZARDOUS MATERIALS.** Those chemicals or substances which are physical or health hazards as defined and classified in the most recently adopted or amended Fire Code by the City, whether the materials are in usable or waste condition.

**HAZARDOUS WASTE.** Consistent with the Federal Resource Conservation and Recovery Act, a waste or a combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in serious irreversible illness or pose a substantial present or potential hazard to human health, safety, welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however, not to include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or by product material as defined by the Atomic Energy Act of 1954.

**HEARINGS OFFICIAL.** An individual employed by the City to hear Type III applications for Land Use Decisions in the City's urbanizable area.

**HELIPORT.** An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

**HELISTOP.** A heliport, but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

**HIGH IMPACT FACILITY.** A public or semi-public facility which serves development and which requires pre-planning or discretionary approval and special design features to mitigate land use conflicts, including but not limited to visual, olfactory or auditory impacts.

**HIGHWAY READY.** Reference to a recreational vehicle that is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

**HILLSIDE AREA.** Any area in which the average slope exceeds 15 percent.

**HISTORICAL COMMISSION.** The Springfield Historical Commission.

**HISTORIC SITE.** A structure or place of historical and cultural significance and designated as such by the City, State or Federal Government.

**HISTORIC LANDMARK DISTRICT.** A geographic area designated in accordance with this Code which includes Historic Landmark Sites or Structures.

**HISTORIC LANDMARK INVENTORY.** A list of sites or structures which have been designated "Historic Landmark" in accordance with this Code.

**HISTORIC LANDMARK SITE OR STRUCTURE.** A building, structure, object, site or geographic area, within the city limits and the City's urbanizable areas, within or outside of a designated Historic Landmark District, which has been listed on the Historic Landmark Inventory.

**HOMEOWNERS ASSOCIATION.** A non-profit association governed by a declaration of protective restrictions, conditions, covenants, and charges made by the developer through which each lot owner or other described land area owner of a development is automatically subject. The purpose of the homeowner's association is to provide reasonable rules and regulations to enforce the covenants and restrictions and to keep, control, and maintain the common properties within the development. The association also provides for the assessment procedure to assure necessary funds. If the property is to be developed in phases, all phases shall belong to the same association. The City Attorney shall review drafts of the declaration prior to Development Approval.

**HOSPITAL.** An institution devoted primarily to the provision of healing, curing and nursing care, which maintains and operates facilities for the diagnosis, treatment and care of two or more non-related individuals suffering from illness, injury or deformity.



**HOTEL/MOTEL.** Any building or group of buildings used for transient residential purposes containing guest rooms used for sleeping purposes. No more than 50% of such rooms may contain kitchen facilities.

**IMPERVIOUS SURFACE.** Any surface that either prevents or retards the entry of water into soil. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots and/or storage areas, concrete or asphalt paving, gravel surfaces with compacted subgrade, packed earthen materials and oiled macadam or other surfaces that similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered impervious surfaces.

**IMPROVEMENT AGREEMENT.** A written agreement, executed by the property owner in consideration for the City deferring the construction of public improvements required for the development.

**INCIDENTAL EQUIPMENT.** Rooftop or pole mounted structures that cast insubstantial shadows or have minimal visual impact, including but not limited to antennas, chimneys and flagpoles, but excluding solar collectors and satellite dishes (See also ACCESSORY STRUCTURE)

**INCREASE IN IMPACT/INCREASED IMPACT.** Additional traffic or noise generation, additional run-off or increase in impervious surface, additional shadow casting or diminished views, additional air or water borne pollution, additional hours of operation, or an increase in the risk of fire or structural hazard as the result of development.

**INDUSTRIAL PARK.** A tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial and secondary uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility (See also BUSINESS PARK).

**INVASIVE PLANTS.** Non-native plants that spread quickly, are highly competitive and difficult to control or eliminate. Introduced intentionally or accidentally through human actions and spread by seed, by birds, by wind, or vegetatively, these exotic plants can destroy native plants, choke waterways, degrade recreational areas and necessitate costly maintenance. The Invasive Plants List is a listing of plants that the City considers undesirable for use in landscaping within its jurisdiction.

**INVENTORIED NATURAL RESOURCE.** Any scenic areas, water areas, vegetation, wildlife and wildlife habitat that appears in an adopted Metro Plan Inventory.

**JOINT USE ACCESS AGREEMENT.** A legally binding agreement between two or more property owners describing the rights and responsibilities of each owner regarding the use of a shared access to a public street.

**KENNEL.** Any premises on which 3 or more dogs over the age of 6 months are housed, groomed, boarded, trained or sold for compensation.

**LAND AND DRAINAGE ALTERATION PERMIT (LDAP).** A City permit for any fill, grading and excavation that is required before any site preparation work can begin.

**LANDSCAPE ARCHITECT.** A person registered with the State of Oregon to practice Landscape Architecture.

**LANDSCAPING.** The term "landscaping" includes vegetative ground cover, grass, shrubs, trees, flowers and garden areas, ornamental concrete or stonework areas, permanent outdoor furniture and permanent irrigation. "Landscaping" also includes retention or reintroduction of native vegetation.

**LAND USE DECISION.** A final decision or determination made by the Planning Commission, Hearings Official or City Council that concerns the adoption, amendment or application of the Statewide Planning Goals; a Metro Plan or refinement plan provision; a land use regulation; or new land use regulation.

This definition does not include a decision which: does not require interpretation or the exercise of factual, policy or legal judgment; approves, approves with conditions or denies a subdivision or partition; or approves or denies a building permit.

**LATTICE TOWER.** For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of metal crossed strips or bars and which supports antennas and related equipment for one or more WTS provider.

**LIGHT INDUSTRIAL MANUFACTURING.** The secondary processing of previously prepared materials into components or the assembly of components into finished products. In the Campus Industrial District this use is divided into categories as follows based upon the number of employees at occupancy: large-scale means 50 or more employees; medium-scale means 20-49 employees; small scale means fewer than 20 employees per business. These thresholds shall be applicable at the time of new development. In the case of redevelopment, the Director may reduce these thresholds if the applicant submits a business plan stating that the threshold can be met by a date certain.

**LISTED SPECIES.** The Endangered Species Act provides for listing plant and animal species into the following categories: Listed Endangered Species and Listed Threatened Species. An endangered species is an animal or plant listed by regulation as being in danger of extinction. A threatened species is any animal or plant that is likely to become endangered within the foreseeable future.

**LOADING SPACE.** An off street space or berth serving a development area for the temporary parking of commercial vehicles while loading or unloading, which shall not block driveway aisles and shall have appropriate means of ingress and egress.

**LOT.** A portion of land shown as part of a recorded subdivision or any area of land described by metes and bounds in a recorded deed, record of survey or other appropriate document, recorded in the office of the County Recorder that complies with the provisions of the State of Oregon and this Code. Unless specifically exempted, land that is divided or re-configured without having been approved in accordance with this Code shall not be deemed a buildable lot.

**LOT, CORNER.** A lot abutting 2 or more streets at their intersection, in which the interior angle formed by the extensions of the street lines is 135 degrees or less. In the event that any street line is a curve at its point of intersection with a lot line other than a street line, the tangent of the curve at the point shall be considered the direction of the street line.

**LOT DEPTH.** The distance from the midpoint of the front lot line to the midpoint of the rear lot line.

**LOT DIMENSION, NORTH-SOUTH.** The length of a line beginning at the midpoint of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary (see Figure 3).

**LOT FRONTAGE.** That portion of a lot which abuts a street. For the purpose of determining yard requirements, all sides of a lot abutting a street shall be considered frontage in this Code.

**LOT, INTERIOR.** A lot other than a corner lot and having frontage on only one street.

**LOT LINE.** A line of record bounding a lot which divides one lot from another or from a public or private street or any other public space.

**LOT LINE, FRONT.** The lot line abutting a street right of way. Where more than one lot line abuts street right of way, the property address shall determine the front lot line.

For purposes of the solar access standards, a lot line abutting a street. For corner lots, the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the lot line that is most parallel to and closest to the street, excluding the pole portion of the flag lot (See Figure 1).

**LOT LINE, NORTHERN.** The lot line that is the smallest angle from a line drawn true east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an un-developable area other than a required yard area, the northern lot line shall be at the north edge of such un-developable area. If two lot lines have an identical angle relative to a line drawn true east-west, then the northern lot line shall be a line 10 feet in length within the lot parallel with and at a maximum distance from the front lot line (see Figure 2).

**LOT LINE, REAR.** The lot line which is opposite and most distant from the front lot line. For a triangular shaped lot, the "rear lot line" shall be a line 10 feet in length entirely within the lot, connecting the side lot lines, which is parallel to the front lot line or parallel to the chord of a curved front lot line.

**LOT LINE, SIDE.** Any lot line other than a front or rear lot line.

**LOT, MINIMUM AREA OF.** The smallest lot area established by this Code on which a use or structure may be located in a particular district.

**LOT, PANHANDLE.** A lot which has access to a public right of way by means of a narrow strip of land, commonly known as the "panhandle".

**LOT, PAN PORTION.** The portion of a panhandle lot, exclusive of the panhandle, on which a structure may be placed.

**LOT, THROUGH.** A lot which fronts upon two streets which do not intersect at the boundaries of the lot.

**LOT WIDTH.** The horizontal distance between the midpoints of the side lot lines. The "handle" of a panhandle lot is not included when computing lot width.

**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 to render the structure in violation of the applicable non-elevation design requirements.

**LOW IMPACT FACILITY.** Any public or semi-public facility that has minimal olfactory, visual or auditory impacts which is permitted subject to the design standards of this Code.

**MAINTAIN.** To continue in existence; to preserve and care for a development area so that it remains attractive and functional in accordance with the provisions of this Code.

**MAINTENANCE INSPECTION.** A site inspection that may be performed in conjunction with an Occupancy Inspection that identifies precisely what must be done to a development previously approved by the City in order to comply with standards and conditions in effect when the development was originally approved.

**MAJOR ELECTRICAL TRANSMISSION LINE.** An electrical transmission line which carries 115 KV or more of electricity.

**MALL.** A shopping center where stores front on both sides of a pedestrian way which may be enclosed or open.

**MANUFACTURED DWELLING.**

- (1) Residential Trailer: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.
- (2) 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 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.
- (3) Manufactured 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 was constructed on or after June 15, 1976 in accordance with federal safety standards regulations in effect at the time of construction. In addition, manufactured homes sited within the jurisdictional boundaries of Springfield shall be of either Type 1 or Type 2 classification and shall comply with the following standards:
  - (a) Type 1 Manufactured Home
    1. Multi-sectional configuration enclosing a minimum floor area of 1,000 square feet
    2. Siding and roofing materials similar to the materials used in residential dwellings in the community or which are comparable to the predominant materials used on surrounding dwellings
    3. Minimum roof pitch of 3 feet vertical in 12 feet of width
    4. Thermal efficiency equivalent to the Oregon 1 and 2 Family Dwelling Specialty Code EXCEPT that units built prior to the effective date of this Ordinance

(5-1-94) shall meet or exceed the HUD energy standards that were in effect at the time of the unit's construction

**(b)** Type 2 Manufactured Home

1. Single-wide unit of not less than 12 feet in width enclosing a minimum floor area of 500 square feet
2. Siding and roofing materials similar to the materials used in residential dwellings in the community or which are comparable to the predominant materials used on surrounding dwellings minimum roof pitch of 2 feet vertical in 12 feet of width
3. Thermal efficiency equivalent to the Oregon 1 and 2 Family Dwelling Specialty Code EXCEPT that units built prior to the effective date of this Ordinance (5-1-94) shall meet or exceed the HUD energy standards that were in effect at the time of the unit's construction

**Note:** Multi-sectional units placed on lots or parcels eligible for Type 2 units shall comply with all of the standards of a Type I manufactured home

- (4)** Manufactured Dwelling Park: any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space to any person for a charge or fee paid or to be paid for the rental 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 an approved subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

**MANUFACTURED DWELLING PAD.** A paved space in a manufactured dwelling park for the placement of a manufactured dwelling that includes utility connections.

**MANUFACTURED DWELLING SPACE.** Any portion of a manufactured dwelling park which is designated or used for occupancy of one manufactured dwelling, including its accessory structures and its outdoor living areas, but exclusive of space provided for the common use of tenants such as roadways and guest parking.

**MANUFACTURED DWELLING SPACE LINE.** A line within a manufactured dwelling park which establishes setback distances from streets, accessory buildings or structures and other manufactured dwellings.

**MARKET AREA.** The geographic area from which a particular use can reasonably expect to attract customers.

**METRO PLAN/METROPOLITAN AREA GENERAL PLAN.** The general land use plan and policies for the Eugene/Springfield metropolitan area including any subordinate refinement plan or functional plan. The controlling land use document for urban, urbanizable and rural land under the jurisdiction of the Metro Plan.

**MINERALS.** Includes soil, coal, stone, crushed hard rock quarry products, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits. "Minerals" do not include loam, sand, gravel or other aggregate materials created and/or deposited by water movement

**MINIMUM LEVEL OF KEY URBAN SERVICES.** The minimum level of urban facilities and services that shall be provided to an area in an orderly and efficient manner to allow urban development to occur. They consist of sanitary sewers; solid waste management; water service; fire protection; police protection; parks and recreation programs; electric service; land use controls; communications facilities; public schools on a district-wide basis; and paved streets with adequate provision for storm-water run-off and pedestrian travel.

**MINING SPOILS.** All waste materials, solid, rock, mineral, liquid, vegetation and other materials resulting from or displaced by quarry and mining extraction operations within the operating permit area, including all waste materials deposited in or upon lands within such operating permit area.

**MINI-WAREHOUSE.** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of storage units are permitted on the premises.

**MODIFICATION.**

- (1) A request to change a final approval of any development proposal.
- (2) An adjustment to any quantitative standard of this Code involving up to a 20 percent reduction or increase.

**MODULAR HOME.** (See Prefabricated Structure).

**MONOPOLE.** For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of a single tapered steel pole and which supports antennas and related equipment for one or more WTS provider.

**NATIONAL REGISTER OF HISTORIC PLACES.** The official list, established by the National Historic Preservation Act, of sites, districts, buildings, structures and objects significant in the nation's history or whose artistic or architectural value is recognized.

**NATIVE PLANTS, NATIVE VEGETATION.** Plant species that are indigenous to a local area and adaptable to the local climate, soils and hydrology as distinguished from plant species that have been deliberately or accidentally imported or introduced from other areas by humans or human activities. The Native Plants List is available in the Development Services Department.

**NATURAL RESOURCES.** These include but are not limited to water and geologic features, significant natural vegetation, wildlife habitats and archaeological and scenic resources as inventoried in the working papers of the Metro Plan.

**NEIGHBORING.** The area in the immediate vicinity of a proposed development that would be materially affected by a proposal.

**NEIGHBORHOOD PARK.** A park which provides easily accessible recreation areas serving neighborhood citizens and providing high density active or passive use. These parks are traditionally from 5 acres to 15 acres in size.

**NOISE ATTENUATING BARRIER.** A structural barrier designed and constructed with the primary function of containing sound within a specific use area.

**NOISE SENSITIVE PROPERTY.** Real property normally used for sleeping, or normally used for schools, churches, hospitals or public libraries, excepting industrially related residential uses, i.e., night watchman quarters.

**NON-COMMERCIAL AGRICULTURAL USES.** The raising of crops, plants or farm animals on property where allowed by this Code for the sole use of the owners or tenants of that property and not for wholesale or retail sale.

**NON-EXEMPT TREE OR VEGETATION.** Vegetation that is not exempt from the solar access regulations.

**NOTICE.** The announcement of a decision of the Director by mail to adjacent property owners/occupants within 300 feet of the subject property indicating the nature of the decision and the method of appeal; the announcement of a public hearing by mail to property owners/occupants within 300 feet of the subject property and advertisement in a newspaper of general circulation in the area, indicating the time, place and nature of the public hearing in compliance with ORS 197.762.

**NPDES.** National Pollutant Discharge Elimination System.

**OAR.** Oregon Administrative Rule.

**OFFICIAL ZONING MAPS.** Maps delineating the boundaries of the various zoning districts within the city limits and the City's urbanizable area that are adopted by ordinance and maintained by the Planning and Development Department.

**OCCUPANCY INSPECTION.** An investigation of an existing building to determine if the building meets the minimum standards of the Building Safety Codes and other applicable codes. See Maintenance Inspection.

**OCCUPANCY, CERTIFICATE OF.** A required certificate allowing occupancy of a structure or development area after it has been determined that the requirements of this Code and other applicable Codes have been met. No structure or development area may be occupied without having first received a Certificate of Occupancy.

**OPEN SPACE.** Land or water essentially unimproved and set aside, dedicated, designed or reserved for public use or enjoyment, or for the use and enjoyment of owners and occupants of land abutting or neighboring such open space.

**OPEN SPACE, COMMON.** Land normally within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents

of the development and may include recreational and other accessory structures and improvements in accordance with this Code.

**OPEN SPACE, PRIVATE.** Areas intended for the private use of an individual dwelling unit, normally including patios and landscaped areas; not to include off street parking, maneuvering, loading or delivery areas, and designed for outdoor living and recreation.

**OPEN SPACE, PUBLIC.** Areas intended for public use, either privately owned and maintained or dedicated to the City, normally including swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian, equestrian, and bicycle trails, not to include off street parking or loading areas or driveways, and designed for outdoor living and recreation or the retention of an area in its natural state.

**ORS.** Oregon Revised Statutes.

**OUTDOOR STORAGE.** The keeping in an unroofed area of any goods, junk, material, merchandise or vehicles for more than 24 hours.

**OUTDOOR STORAGE AREA.** Any outdoor storage of vehicles, equipment or materials as a primary use, including but not limited to: vehicle, equipment and boat sales or rental lots; commercial storage lots; mobile/manufactured home, camper and RV sales lots; fleet parking lots; and lumber, gardening, fuel and other similar building material yards.

**OUTDOOR STORAGE YARD.** A secondary use that occurs on any property for the purpose of the outdoor storage of associated materials and equipment, other than wrecking yards.

**OUTFALL.** The point of discharge from a river, pipe, drain, etc. to a receiving watercourse.

**OVERBURDEN.** The soil, rock and similar materials that lie above natural deposits or minerals.

**OWNER.** An individual, firm, association, syndicate, partnership or corporation having proprietary interest to seek development of land.

**PARCEL.** This term includes a unit of land created by partitioning land as defined in ORS 92.010 that is in compliance with this Code and in the case of Property Line Adjustments, properties created by deed or land sales contract, if there were no applicable planning, zoning, or partitioning ordinances or regulations. A Parcel does not include a unit of land created solely to establish a separate tax account.

**PARKING.** The temporary storage of operational motor vehicles that are not for sale, lease or rent and which are intended to be used for customers and employees of a business and industry or residents and visitors in a residential development.

**PARKING BAY.** An extension of the width of a street that allows for the parking of motor vehicles, usually associated with hillside development.

**PARKING LOT.** An off-street area with a permanently maintained paved surface, for the parking of motor vehicles.



**PARKING SPACE.** A permanently maintained paved surface with proper access for one standard size or compact automobile.

**PARKING SPACE, DISABLED.** A parking space that is reserved for use by disabled persons who hold the appropriate permit issued by the Oregon Department of Motor Vehicles and/or the Springfield Police Department.

**PARKING SPACE, OFF-STREET.** An approved space for the parking of a motor vehicle which is not located on a dedicated street right-of-way.

**PARTITION LAND.** The division of land into 2 or 3 parcels within a calendar year, but does not include:

- (1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots.
- (2) An adjustment of a property line by the relocation of boundaries where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment is not in conflict with any applicable ordinance; or
- (3) 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 ways purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213(2)(q) to (s) and 215.283(2)(q) to (s). 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;
- (4) The division of land resulting from the recording of a subdivision or condominium plat; or
- (5) 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 major or minor partition.

**PARTY.** The following persons or entities are defined as parties:

- (1) The applicant and all owners or contract purchasers of record, as shown in the files in the Lane County Department of Assessment and Taxation, of the property which is the subject of the application.
- (2) Any person who makes an appearance and submits testimony before the Approval Authority.

**PEDESTRIAN TRAIL.** A surfaced path that is designed and reserved for the exclusive use of pedestrian travel.

**PEDESTRIAN WAY.** A paved right of way through a block to facilitate pedestrian access to adjacent streets and properties.

**PERMANENT IRRIGATION SYSTEM.** An approved water piping system installed underground for the purpose of irrigating all portions of planted areas.

**PERSON.** An individual, corporation, governmental agency, business trust, estate, partnership, association, or any other legal entity.

**PETITION FOR IMPROVEMENT.** A petition submitted for construction and improvements as required by this Code.

**PHYSICAL FEATURES.** These features include, but are not limited to significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse Map and their riparian areas, wetlands and rock outcroppings.

**PIPELINE.** A line of pipe with pumps, valves and control devices for conveying liquid, gasses or finely divided solids.

**PLAN DISTRICT.** A planning tool that addresses concerns unique to an area when other zoning tools cannot achieve the desired results. An area may be unique based on natural, economic or historic attributes; be subject to problems from rapid transition in land use; or contain public facilities that require specific land use regulations for their efficient operation. Plan Districts provide a means to modify zoning regulations for specific areas defined in special plans or studies. Each Plan District has its own nontransferable set of regulations. This contrasts with base zone and overlay zone provisions, which are intended to be applicable in more than one area. However, Plan Districts are not intended for small areas or individual properties.

**PLANNING COMMISSION.** The City of Springfield Planning Commission.

**PLANTED.** Landscaping with living plant materials consistent with Section 31.140 of this Code.

**PLAT.** A final subdivision plat, re-plat or partition plat.

**PLOT PLAN.** A rough sketch map of a site plan or land division of sufficient accuracy to be used for the purpose of the identification of issues and development impacts.

**PREFABRICATED DWELLING.** A building or structural unit that has been in whole or substantial part manufactured at an off-site location to be wholly or partially assembled on-site, but does not include a mobile home, trailer or recreational vehicle. Prefabricated structures are regulated under the State of Oregon Structural Specialty Code (Modular Home).

**PREFERRED SITE.** For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Special Heavy Industrial, Heavy Industrial, Light Medium Industrial, Quarry and Mine Operations or Public Land and Open Space.

**PRELIMINARY APPROVAL.** The approval prior to Final Approval, after specific elements of a development or Site Plan have been approved by the Approval Authority and agreed to by the applicant.

**PRELIMINARY PLAN.** A clearly legible drawing of the proposed lay out of the lots involved in a lot line adjustment which shall furnish a basis for the approval authority to approve or disapprove application.

**PRIMARY STRUCTURE.** A structure of chief importance or function on a site. In general, the primary use is carried out in a primary structure. Except in the Low Density Residential District (unless specified elsewhere in this Code), a site may have more than one primary structure. The difference between primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials and the orientation of the structures on the site (See also ACCESSORY STRUCTURE).

**PRIVATE ELEMENTARY/MIDDLE SCHOOLS.** A facility operated by a person or private agency offering education in kindergarten and/or grades 1-8 or any part thereof not as defined in ORS 345.505 et. seq.

**PRIVATE PARK.** A park available for public use owned by a non-public agency or private individual.

**PROPERLY FUNCTIONING CONDITION.** The sustained presence of natural habitat-forming processes (e.g., hydraulic run-off, transport, channel migration, native vegetation succession) that are necessary for the long-term survival and recovery of the species.

**PROPERTY LINE ADJUSTMENT.** The relocation of a common property line between two abutting properties.

**PUBLIC FACILITIES PLAN.** A Refinement Plan of the Metro Plan addressing sanitary and storm sewers, water distribution systems and transportation. The transportation element is addressed through the TransPlan.

**PUBLIC HEARING.** A meeting announced and advertised in advance and open to the public, with the public given an opportunity to provide testimony.

**PUBLIC UTILITY FACILITY.** Structures, facilities and equipment necessary to serve development by a government, public utility, utility cooperative, or private company.

- (1) Low Impact: Telephone and cable telephone lines, poles, junction boxes, exchanges and repeater stations; electric power distribution lines (less than 69 KV) and poles; sanitary sewer pipe lines, pumps or lift stations; storm sewer pipe lines, ditches and other storm-water management or water quality ponds, wetland, or swales; gas distribution pipe lines; water pipe lines, valves, well fields, pump stations and attendant facilities; water reservoirs and water storage tanks less than 300,000 gallons or 30 feet in height, and water treatment facilities, including filtration plants, less than 2.5 million gallon capacity per day.
- (2) High Impact: Electric power transmission lines (greater than 69 KV), poles and substations; gas pipe line valve stations; sanitary sewer treatment plants or effluent ponds; water reservoirs and water storage tanks greater than 300,000 gallons or 30 feet in height; water treatment facilities, including filtration plants greater than 2.5 million gallon capacity per day; fire/ambulance stations.

**PUBLIC WORKS DIRECTOR.** The Director of Public Works or a duly authorized representative. The City Engineer, the Environmental Services Manager and the Transportation Manager routinely serve as representatives of the Public Works Director.

**QUARRY AND MINING OPERATOR.** Any individual, public or private corporation, political subdivision, agency, board or department of this State, any municipality, partnership, association, firm, trust, estate or any other legal entity whatsoever that is engaged in quarry and extraction operations.

**QUARRY AND MINING OWNER.** The person possessing legal rights to the mineral deposit being mined.

**QUARRY AND MINING EXTRACTION OPERATION.** All or any part of the process of removing mineral deposits exposed by any method, including open-pit mining operations, auger mining operations, shaft mining, the construction of borrow pits, processing of extracted minerals and exploration activities. Expansion of a quarry and mining extraction operation is the enlargement of such operation requiring the modification of the Reclamation Permit specified under ORS 517.790. Quarry mining and extraction operation does not include normal road maintenance and stabilization of hillsides.

**RECLAMATION.** The employment of procedures in a quarry and mining extraction operation designed to minimize as much as practicable the impact such operations have on the environment, and to provide for the rehabilitation of land effected by such operations. Reclamation includes the rehabilitation of plant cover, soil stabilization, water resource protection and other measures appropriate to the subsequent beneficial use of such mined and reclaimed lands.

**RECLAMATION PERMIT.** Permission to operate a quarry and mining extraction operation (to include a plan for reclamation) granted to an operator by the State Department of Geology and Mineral Industries under the requirements of ORS 517.790, upon referral, review and approval by the Director.

**RECREATION CENTER, COMMUNITY.** A public, indoor facility providing for a variety of recreation/leisure-related activities, such as: swimming, meetings, court sports, arts and crafts, dancing, banquets, parties, games, day-care, classes/instruction, performances, fitness/exercise, and social referral services.

**RECREATIONAL VEHICLE (RV).** A vacation trailer or other unit, with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and has a gross floor space of less than 400 square feet. The term includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter.

**REDEVELOPMENT.** Development that requires demolition or removal of existing structures or impervious surfaces at a site and replacement with new construction. Maintenance activities such as repavement are not considered redevelopment.

**REFINEMENT PLAN DIAGRAM.** A map contained in a Refinement Plan showing plan designations that are more specific than shown on the Metro Plan Diagram.

**REGIONAL HEADQUARTERS.** A building or portion of a building in which persons are employed in the regional management or direction of a business consisting of a number of divisions or a regional subsidiary of a corporate headquarters. The divisions can be either geographical or located within one building. To be considered a regional headquarters, the business shall meet the applicable employee threshold specified elsewhere in this Code. Businesses that do not meet the applicable employee threshold shall be considered an administrative office.

**REGIONAL PARK.** A large area of natural quality for outdoor recreation, such as swimming, boating, camping and picnicking, and for wildlife habitat and natural resource conservation. Generally comprising 100 acres or more, where 80% of the land is reserved for natural open space and 20% is used for recreation development.

**REGISTERED GEOLOGIST.** A person who is registered as a geologist by the State of Oregon.

**REPLAT.** The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

**RELOCATION.** A shift or rotation of a common boundary between two abutting lots or parcels.

**RESEARCH AND DEVELOPMENT.** The study, testing, analysis, and development of products, processes, or services, including the manufacturing of products. This use is divided into categories as follows based upon the number of employees at occupancy: large-scale means 50 or more employees; medium-scale means 20-49 employees; small scale means fewer than 20 employees per business. These thresholds shall be applicable at the time of new development. In the case of redevelopment, the Director may reduce the at occupancy threshold if the applicant submits a business plan stating that the threshold can be met by a date certain.

**RESERVE STRIP.** A strip of property, usually one foot in width, controlling access to a street.

**RESIDENTIAL FACILITY.** A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for 6 to 15 individuals who need not be related. Staff persons required to meet Department of Human Resources 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. This definition includes the following: residential facilities, residential care facilities, residential treatment facilities and residential training facilities

**RESIDENTIAL HOME.** A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for 5 or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any other resident of the residential home. This definition includes residential treatment homes, residential training homes and adult foster homes.

**RETAIL SALES.** Establishments engaged in selling goods or services to the general public for personal or household consumption. Retail trade may include wholesale trade, but only as a secondary use.

**RETAINING WALL.** An engineered structure constructed to hold back or support an earthen bank.

**RIGHT OF WAY.** A strip of land acquired by purchase, reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary/storm sewer and other similar facilities.

**RIPARIAN AREA.** A zone of transition from an aquatic to a terrestrial system, dependent upon surface or subsurface water, that reveals through the zones existing or potential soil-vegetation complex the influence of such surface or sub-surface water. A riparian area may be located adjacent to a lake, reservoir, estuary, spring, bog, wet meadow, slough, or ephemeral, intermittent or perennial stream. Riparian areas protected under Article 31, 34 and 35 of this Code shall be limited to those along watercourses shown on the Water Quality Limited Watercourse Map.

**RIPARIAN AREA FUNCTIONS.** These functions shall be included, but not be limited to: maintaining temperature; maintaining channel stability; providing flood storage; providing groundwater recharge; removing sediments; reducing contaminants such as: excess nutrients; oils and grease; metals; and fecal coliform; moderating stormwater flows; and providing fish and wildlife habitat. Degraded riparian function means that one or more of the functions listed above are at risk.

**ROADWAY.** The portion of a street right of way used for vehicular traffic.

**ROOMING HOUSE.** A building or portion thereof where lodging, but not meals, is provided for more than 2 weeks for compensation. This definition excludes bed and breakfast facilities.

**RUN-OFF.** Water that flows across the land surface rather than being absorbed.

**SAFE DRINKING WATER ACT (SDWA).** A federal law established in 1974, to protect drinking water and its sources (rivers, lakes, reservoirs, springs and ground water) and sets standards for drinking water quality and oversees the states, localities, and water suppliers who implement those standards.

**SCREEN.** A visual barrier obscuring an abutting or neighboring structure or use by fencing, walls, berms or densely planted vegetation.

**SERVICE STATION.** An establishment selling fuel and oil for vehicles which may include the following additional services: selling, servicing and installing tires, batteries, accessories and related products; furnishing minor repair and service when conducted entirely within an enclosed building, and at which incidental services are conducted. "Minor repair and service", as used in this definition, shall be understood to exclude activities such as painting, body-work, steam cleaning, tire recapping and engine overhaul.

**SETBACK.** An area where buildings and certain structures cannot be constructed, measured from the property line. A setback may be referred to as "front yard", "interior side yard", "street side yard" or rear yard". This definition does not include solar setback.

**SHADE POINT.** The part of a building or non-exempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 22.6 degrees and an azimuth ranging from 30 degrees east and west of true south; except a shadow caused by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole, or wire. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If the shade point is located at the north end of the ridgeline of a building

oriented within 45 degrees of the true north-south line, the shade point computed according to the previous sentence may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of the true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal), the shade point will be the eave of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof (see Figures 4 and 5).

**SHADOW PATTERN.** A graphic representation of an area that would be shaded by the shade point of a building or vegetation when the sun is at an altitude of 22.6 degrees and an azimuth ranging between 30 degrees east and west of true south (see Figure 10).

**SHARED USE PATH.** A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way. Shared use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users.

**SHELTER HOME.** Any dwelling or facility maintained and operated for the boarding and housing of more than 5 abused or battered persons who are not related by blood or marriage to the owner/operator of the dwelling or facility.

**SHOPPING CENTER.** A group of commercial establishments planned, developed and managed as a unit with off-street parking and circulation provided on the property.

**SIDEWALK.** The portion of a street or highway right-of-way designated for preferential or exclusive use by pedestrians.

**SITE PLAN.** The development plan for a development area that meets the standards of this Code.

**SLOPE.** An inclined ground surface, the inclination of which is expressed as percent of horizontal distance to vertical distance.

**SMALL ENGINE REPAIR.** Maintenance and repair of household and non-automotive engines less than 100 cc's.

**SOLAR ACCESS.** Unobstructed exposure to direct sunlight, except where limited obstruction is expressly permitted by this Code.

**SOLAR ACCESS HEIGHT LIMIT.** A series of contour lines establishing the maximum permitted height for non-exempt vegetation on lots affected by a Solar Access Guarantee (see Figure 9).

**SOLAR ACCESS GUARANTEE.** A document issued by the city that describes the maximum height that non-exempt vegetation is allowed to grow on lots to which a solar access permit applies.

**SOLAR FEATURE.** A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a building, heating or pumping of water, and generating electricity. Examples of a solar feature include a window oriented to within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall or window. A south-facing wall enclosing

an unheated area, and without windows and without other features that use solar energy is not a solar feature for the purposes of this ordinance (for example, an unheated garage).

**SOLAR SETBACK.** The distance from the northern lot line to the shade point, measured from the mid-point of the northern lot line and extending in a southerly direction (see Figure 6).

**SOUTH OR SOUTH-FACING.** True south or 20 degrees east of magnetic south.

**SPRINGFIELD MUNICIPAL CODE.** Springfield Municipal Code, 1997 and any amendment thereto.

**STANDARD.** A measure of physical attributes and/or policy conformance which shall be satisfied in order to allow a proposed land use or development to be established or modified.

**STANDARD CONSTRUCTION SPECIFICATIONS.** Standards governing the construction of all public improvements within the City, adopted by the Council, dated 1981.

**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, footing, 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.

**STATE.** The State of Oregon.

**STEALTH DESIGN.** A variety of techniques used to disguise or mitigate the visual presence of WTS support structures, including, but not limited to screening by mature trees (75% or more of pole beneath tree canopy), mimicking common features of the urban landscape (light poles, church steeples, trees, etc.), painting antennas to match the color of supporting building walls, or roof mounting behind parapets.

**STORMWATER.** Water derived from a storm event or conveyed through a storm sewer water management system.

**STORM WATER BEST MANAGEMENT PRACTICES (BMPs).**

- (1) Nonstructural. Strategies implemented to control stormwater run-off that focus on pollution prevention, such as alternatives site design, zoning and ordinances, education and good housekeeping measures.
- (2) Structural. Engineered devices implemented to control, treat or prevent stormwater run-off pollution.

**STORMWATER MANAGEMENT SYSTEM.** The structures, facilities, and practices utilized by the City and/or a development to control and manage the quantity and quality of groundwater discharges and surface water run-off, including stormwater run-off, non-storm generated run-off and floodwaters.



**STREET.** Any roadway and associated right of way that provides access to one or more lots and that is a part of the city-wide street system.

**STREET, IMPROVED.** A street that includes a fully paved surface, curb, gutter, storm drainage, sidewalk, street trees (where applicable) and street lighting, all constructed to City standards.

**STREET, PRIVATE.** Any roadway and associated land that is functionally similar to a public street, constructed to City standards, but not dedicated to the City.

**STREET, UNIMPROVED.** A street that lacks any of the features of an improved street.

**STRIP COMMERCIAL.** Commercial development set in a linear pattern along one or both sides of a street.

**STRUCTURE.** Anything constructed or built, any edifice or building or any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

As used in Article 27, FP Floodplain Overlay District, a walled or roofed building including a gas or liquid storage tank that is principally above ground.

**SUBDIVIDE LAND.** To divide an area or tract of land into 4 or more lots when such area or tract of land exists as a unit or contiguous units of land under single ownership at the time of subdivision.

**SUBDIVISION.** Either an act of subdividing land, or an area or tract of land subdivided as defined in this Section.

**SUBDIVISION PLAT.** A final map and other writing containing all the descriptions, locations, dedications, provisions and information concerning a subdivision.

**SUNCHART.** A photograph, or a scaled drawing prepared or certified by a licensed or certified architect, landscape architect, engineer, planner or utility solar technician, showing the positions of the sun during different hours of the day and months of the year, and the southern skyline. A sunchart uses as coordinates a grid of the sun's altitudes in 10 degree increments and solar azimuths in 15 degree increments.

**SURVEY.** The location of the legal boundaries of an area and the division of that area into parcels or lots, streets and other features with all necessary corners or dividing lines marked or monumented, prepared by a surveyor in accordance with State law.

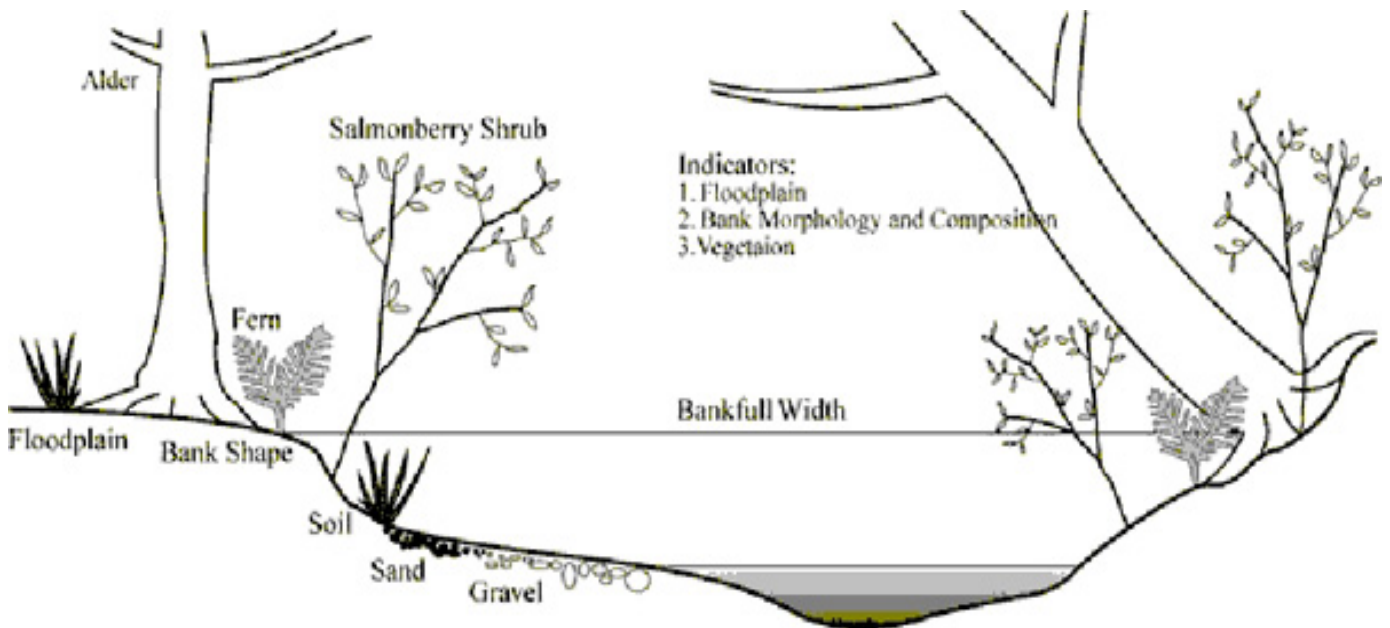
**SURVEYOR.** A registered professional land surveyor in the State of Oregon.

**TENTATIVE PLAN.** A clearly legible drawing of the parcels or lots and other elements of a partition or subdivision which shall furnish a basis for the approval authority to approve or disapprove the general layout of the development.

**TIME OF TRAVEL ZONE (TOTZ).** The area mapped pursuant to Oregon Health Division Delineation Certification #002R which identifies the time it takes ground water to flow to a given well or wellhead.

**TOP OF BANK.** For a given watercourse, the top of bank is the same as the "bankfull stage". The "bankfull stage" is defined as the stage or elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate the upland. The ground elevations on both sides of the watercourse are examined and the lower grade break elevation; the elevation where water would leave the channel in a particular reach is used. The elevation of the lower bank controls the bank full elevation for a watercourse reach. The edge of the bankfull watercourse typically corresponds to the start of the floodplain. The start of the floodplain is often characterized by:

- A berm or other break in slope from the watercourse bank to a flat valley bottom, terrace or bench;
- A change in vegetation from bare surfaces or annual water-tolerant species to perennial water-tolerant or upland species; and
- A change in the size distribution of surface sediments (e.g., gravel to fine sand) (Figure 1).



**Figure 1.** Indicators for determining bankfull width.

In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage.

**TRAFFIC IMPACT STUDY.** An analysis of the effects of a proposed development on the transportation system, and of traffic impacts on neighboring properties.

**TRAFFIC STUDY.** A limited analysis of the operational aspects and traffic safety issues of a particular development area, including but not limited to on-site traffic circulation and access design and operation.

**URBAN GROWTH BOUNDARY.** A site-specific line that separates urban or urbanizable land from rural land and which appears on the Metro Plan Diagram.

**URBAN LAND.** Land which is located within an incorporated City.

**URBANIZABLE LAND.** All land outside the City limits but inside the Urban Growth boundary.

**USE.** The purpose for which land and structures are arranged, designed, intended, occupied or maintained. Any activity taking place on land or in or on structures.

**USE CATEGORY.** A grouping of land uses which have similar operating characteristics and land use impacts.

**USE, NON-CONFORMING.** The use of land or structures, or the size, height, location or number of structure, formerly permitted or otherwise lawful, but which currently does not comply with existing standards or provisions of this Code.

**USE, PERMITTED.** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**USE, PRIMARY.** The principal use approved in accordance with this Code which usually occupies greater than 50 percent of the gross floor area of a building or greater than 50 percent of a development area. Tree removal and timber harvesting are not primary uses within the Urban Growth Boundary.

**USE, RE-USE.** Any change in use, tenancy or occupancy of a building.

**USE, SECONDARY.** Any approved use of land or a structure which is incidental and subordinate to the primary use, and located on the same development area as the primary use. Except where an employee standard may be permitted for warehousing in the CI District, no secondary use shall occupy more than 50 percent of the gross floor or development area occupied by the primary use. Secondary uses shall not occur in the absence of primary uses.

**USE, SPECIAL.** Any use of land or a structure which due to its operating characteristics or land use impact is permitted under prescribed conditions in the applicable zoning district.

**USE, TEMPORARY.** A use established for a fixed period of time that does not involve the construction or alteration of any permanent structure.

**USE, WATER DEPENDENT.** A use that requires access to the Willamette River for water-borne transportation, recreation, energy production, or source of water.

**USE, WATER RELATED.** A use that is not directly dependent upon access to the Willamette River, but which clearly benefits from such access.

**UTILITY PROVIDER.** Any agency or private company which provides the public with electricity, gas, heat, steam, communications, rail transportation, water, sewage collection, or other similar service.

**VARIANCE.** An exception to a requirement of this Code. This definition does not include use variances; a variance cannot be used in lieu of a zone change.

**VISION CLEARANCE AREA.** A triangular shaped portion of land established at street intersections in which nothing over 2 1/2 feet is erected, placed, planted or allowed to grow in such a manner as to obstruct the sight distance of motorists entering or leaving the intersection, unless specifically exempted by this Code.

**WAREHOUSING.** The storage of finished and unfinished products and materials within an entirely enclosed building. This use may include facilities for regional wholesale distribution, if permitted by the applicable zoning district.

**WATERCOURSE.** Rivers, streams, sloughs, drainages including intermittent stream and seeps, ponds, lakes, aquifers, wetlands and other waters of the state. This definition also includes any channel in which a flow of water occurs, either continuously or intermittently, and if the latter with some degree of regularity. Watercourses may be either natural or artificial. Specific watercourses that are protected by this Code shall be those shown on the water quality Limited Watercourse Map.

**WATER QUALITY LIMITED WATERCOURSES (WQLW).** Those watercourses within the City and its urbanizing area that are specified on the WQLW Map.

**WATERS OF THE STATE.** These waters include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or potentially within or bordering the state or within its jurisdiction.

**WELLHEAD PROTECTION.** Implementation of strategies within a wellhead protection area to minimize the potential impact of containment sources on the quality of groundwater used as a drinking water source by a public water system.

**WELLHEAD PROTECTION AREA.** A Drinking Water Protection Area for a groundwater-supplied drinking water source.

**WELLNESS CENTER.** A facility, owned by a public agency, operated by a public or non-public agency or private individual or firm, offering wellness-related health services and/or treatment to the public, including but not limited to, diabetes and health education classes, physical, speech and occupational therapy, and fitness and nutrition services, but excluding alcohol and drug rehabilitation facilities other than prevention education.

**WETLANDS.** Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances to support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marches, bogs, and similar areas except those constructed as water quality or quantity control facilities.

**WHEEL STOP.** A permanent and secured device in each parking stall which blocks the front wheels of a vehicle.

**WHOLESALE TRADE.** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Wholesale trade may include retail trade as a secondary use when wholesale trade is the primary use. Wholesale trade does not include storage and sale of bulk fuel oil, bulk fuel, explosives or other hazardous material, or live animal sales other than small domestic pets when such sales are made from the premises. Wholesale trade by brokerage only, with no display or storage of merchandise on the premises, shall be considered a Business Office use.

**WINDTHROW.** Trees felled by wind.

**WIRELESS TELECOMMUNICATIONS FACILITIES.** The site, structures, equipment and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.

**WIRELESS TELECOMMUNICATIONS SYSTEMS (WTS).** The sending and receiving of radio frequency transmissions and the connection and/or relaying of these signals to land lines and other sending and receiving stations (cell sites), and including cellular radiotelephone, personal communications services, enhanced/specialized mobile radio, and commercial paging services.

**WOODED LOT.** A lot or parcel 10,000 square feet or larger, above 670 feet in elevation, which contains more than 5 trees eight inches or greater dbh.

**WORKING DAY.** Monday through Friday, exclusive of official City holidays.

**WRECKING YARD/SALVAGE YARD.** Any lot or structure used for the storage, dismantling or sale of inoperable motor vehicles, trailers, machinery and/or building materials or parts.

**YARD.** (for purposes of establishing building setback)

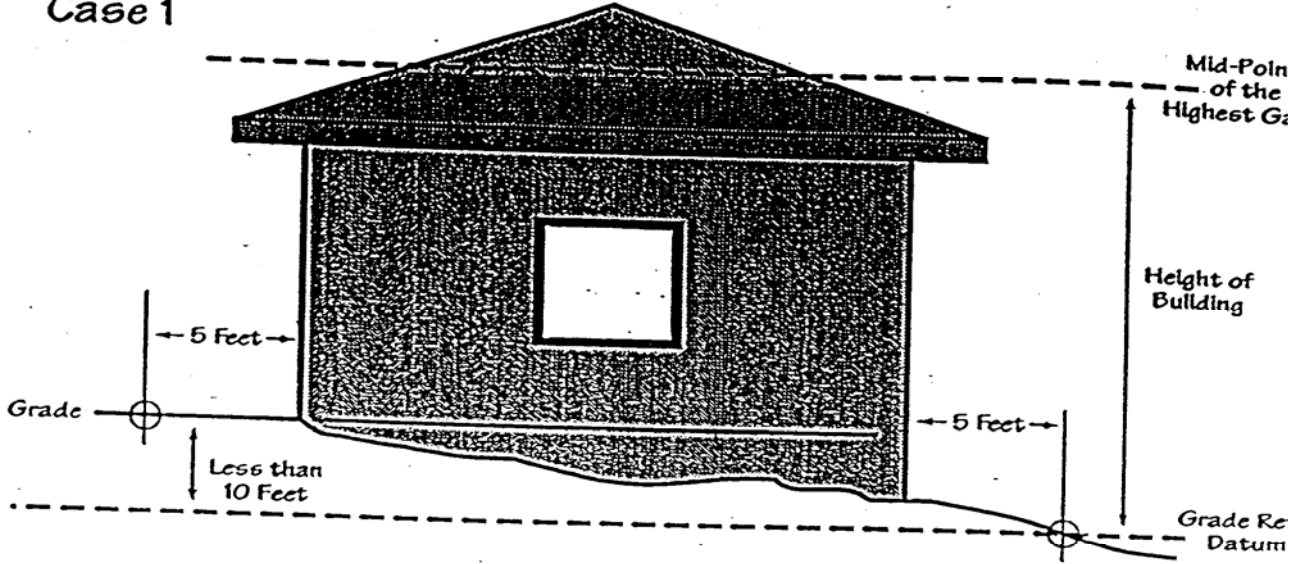
- Front yard:** The first ten feet of land paralleling street right-of-way used for address purposes.
- Side yard:** The first five feet of land paralleling property boundaries intersecting the front yard property boundary.
- Rear yard:** The first ten feet of land paralleling the property boundary most distant from and paralleling the front yard property boundary.
- Through-lot rear yard:** The first ten feet of land paralleling street right-of-way which is parallel to and most distant from the front yard property boundary used for address purposes.
- Street side yard:** The first ten feet of land paralleling street right-of-way which intersects the front yard property boundary.

**YOUTH HOSTEL.** Any building designed or intended to provide temporary accommodations for traveling young people.

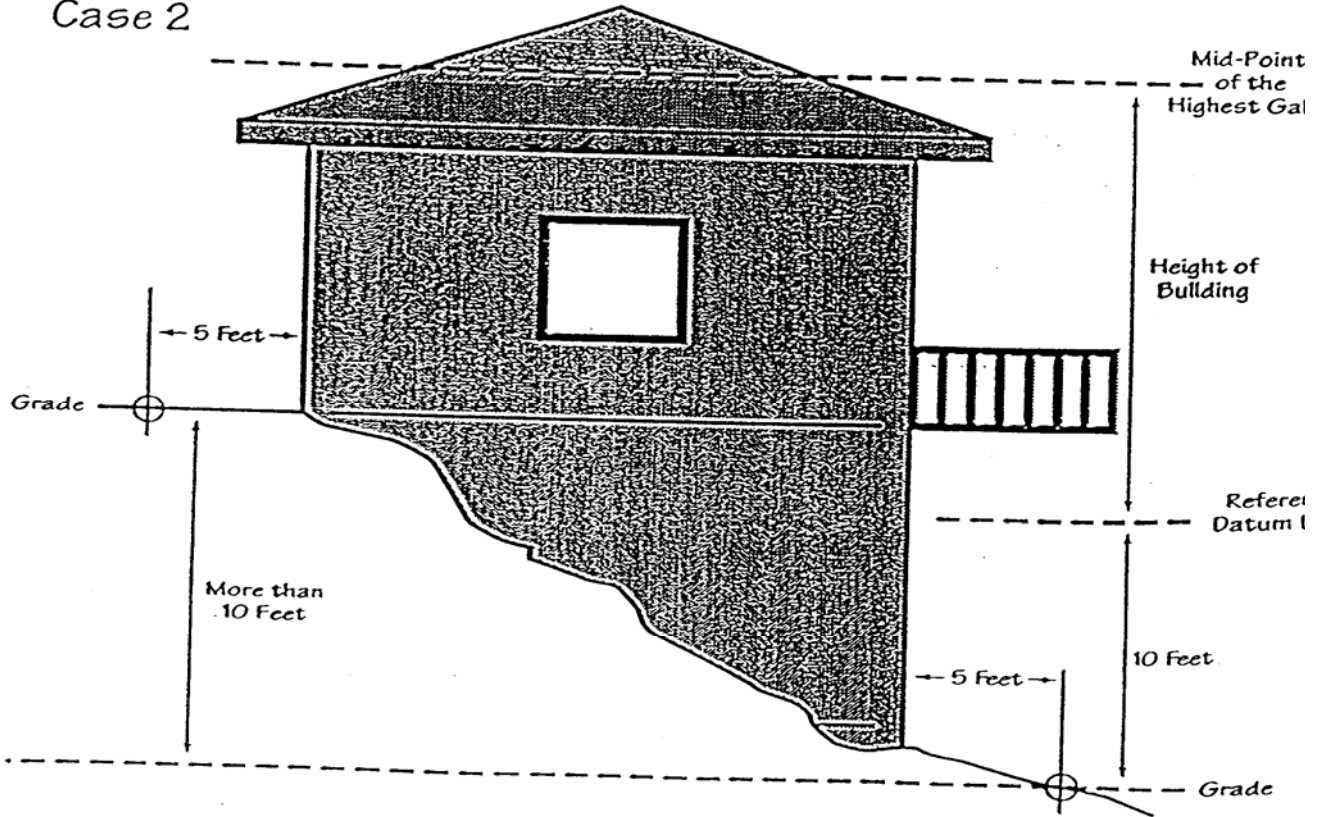
**ZONING DISTRICT.** A specifically delineated area or district within the Urban Growth Boundary that implements the Metro Plan within which the use of land is regulated and development standards are applied.

# Building Height Calculation

Case 1



Case 2



**(Ord. 5354 10/06/86):** Section 2.020 - INVENTORIED NATURAL RESOURCE; MINERALS; OVERBURDEN; QUARRY AND MINING OPERATOR; QUARRY AND MINING OWNER; QUARRY AND MINING EXTRACTION OPERATION; RECLAMATION; RECLAMATION PERMIT.

**(Ord. 5366 03/16/87):** Section 2.020 - BUILDING; DEVELOPMENT; FLOOD/FLOODING; AREA OF SHALLOW FLOODING; AREA OF SPECIAL FLOOD HAZARD; BASE FLOOD; FLOOD INSURANCE RATE MAP (FIRM); FLOOD INSURANCE STUDY; FLOODWAY; LOWEST FLOOR; MANUFACTURED HOME; START OF CONSTRUCTION; STRUCTURE; SUBSTANTIAL IMPROVEMENT.

**(Ord. 5407 10/19/87):** Section 2.020 - ~~CHILD CARE FACILITY~~; DAY CARE - HOME, GROUP HOME, CENTER; FUTURE DEVELOPMENT PLAN; LANDSCAPING MANUFACTURED HOME; MOBILE HOME; MOBILE HOME PARK; PARKING SPACE; PLANTED; PRIVATE ELEMENTARY/MIDDLE SCHOOLS; ~~QUASI JUDICIAL REVIEW~~; RE-USE

**(Ord. 5443 07/18/88):** Section 2.020 - AFFECTED PARTY.

**(Ord. 5466 03/06/89):** Section 2.020 - CITY ENGINEER; DEVELOPMENT SERVICES DEPARTMENT; DIRECTOR; DROP-OFF SPACE; NEIGHBORHOOD PARK; PUBLIC WORKS DIRECTOR; USE, WATER DEPENDENT; USE, WATER RELATED.

**(Ord. 5551 02/04/91):** Section 2.020 - ACCESSORY STRUCTURE; ~~AFFECTED PARTY~~; BOARDING HOUSE; CALENDAR DAY; CHURCH; CONGREGATE CARE FACILITY; DIRECTOR; EMERGENCY SHELTER; EXTENSION, ARCHITECTURAL; FAMILY; FINAL MAP; ~~FINAL PLAT~~; FOSTER HOME; GROUP CARE HOME; HALFWAY HOUSE; HIGHWAY READY; INCIDENTAL EQUIPMENT; LAND USE DECISION; MAJOR ELECTRICAL TRANSMISSION LINE; MANUFACTURED HOME, MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING; MANUFACTURED HOME PARK OR SUBDIVISION, EXPANSION OF AN EXISTING; MANUFACTURED HOME PARK OR SUBDIVISION, NEW; MANUFACTURED HOME; MODIFICATION; MODULAR HOME NOTICE; PARTITION LAND; PARTITION PLAT; PARTY; PLAT PRELIMINARY PLAN; PREFABRICATED STRUCTURE; PRIMARY STRUCTURE; RECREATIONAL VEHICLE (RV); RESIDENTIAL FACILITY; RESIDENTIAL HOME; ROOMING HOUSE; SUBDIVISION PLAT; SUBSTANTIAL DAMAGE; TENTATIVE PLAN; WATERS OF THE STATE; WETLANDS.

**(Ord. 5561 04/15/91):** Section 2.020 - EXEMPT TREE OR VEGETATION; FRONT LOT LINE; NON-EXEMPT TREE OR VEGETATION; NORTH SOUTH DIMENSION; ~~NORTH SOUTH SLOPE~~; NORTHERN LOT LINE; SHADE POINT; SHADOW PATTERN; ~~SHADOW CASTING POINT~~; SOLAR ACCESS HEIGHT LIMIT; SOLAR ACCESS GUARANTEE; ~~SOLAR ENERGY SYSTEM~~; ~~SOLAR ENVELOPE~~; ~~SOLAR FACTOR~~; SOLAR FEATURE; ~~SOLAR HEATING SYSTEM~~; SOLAR SETBACK; SOUTH OR SOUTH FACING; SUNCHART.

**(Ord. 5566 05/20/91):** Section 2.020 - LANDSCAPING.

**(Ord, 5591 10/21/91):** Section 2.020 - MANUFACTURED DWELLING; MANUFACTURED DWELLING PARK PAD; MANUFACTURED DWELLING PARK SPACE; MANUFACTURED DWELLING PARK SPACE LINE; ~~MANUFACTURED HOME~~; ~~MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING~~; MANUFACTURED

~~HOME PARK OR SUBDIVISION, EXPANSION OF AN EXISTING; MANUFACTURED HOME PARK OR SUBDIVISION, NEW; MANUFACTURED STRUCTURE; MANUFACTURED HOME SUBDIVISION; MOBILE HOME; MOBILE HOME PAD; MOBILE HOME PARK; MOBILE HOME SPACE; MOBILE HOME SPACE LINE.~~

~~(Ord. 5633 05/04/92): Section 2.020 SIGN; SIGN, BANNER; SIGN, DIRECTIONAL; SIGN, FACE; SIGN, FREESTANDING; SIGN, PROJECTING; SIGN, RIGID; SIGN, ROOF; SIGN, TEMPORARY; SIGN WALL.~~

(Ord. 5636 05/18/92): Section 2.020 - MANUFACTURED DWELLING.

(Ord. 5660 10/05/92): Section 2.020 - REGIONAL PARK.

(Ord. 5732 04/18/94): Section 2.020 - MANUFACTURED DWELLING.

(Ord. 5753 08/15/94): Section 2.020 - BUSINESS PARK.

(Ord. 5804 12/18/95): Section 2.020 - ACCESSORY STRUCTURE; AGRICULTURE; BUILDING ENVELOPE; DBH; DENSITY, GROSS; DEVELOPMENT; ~~DEVELOPMENT REVIEW MEETING~~; DEVELOPMENT SERVICES DEPARTMENT; DISCRETIONARY USE; FUTURE DEVELOPMENT PLAN; MANUFACTURED DWELLING; PREFABRICATED DWELLING; PUBLIC UTILITY FACILITY; USE, NON-CONFORMING; WOODED LOT; YARD.

(Ord. 5849 3/17/97): Section 2: Article 2 DEFINITIONS

(Ord. 5860 6/18/97): Section 2: Article 2 DEFINITIONS

(Ord. 5864 11/3/97): Section 2: Article 2 DEFINITIONS

(Ord. 5962 05/15/00): Section 2: Article 17 DEFINITIONS

(Ord. 5965 06/19/00): Section 2: Article 2 DEFINITIONS

(Ord. 5972 02/05/2001): Section 1: Article 2 DEFINITIONS; Section 2: Article 2 DEFINITIONS

(Ord. 6009 4/1/2002): Section 2 Definitions (Recreation Center, Community and Wellness Center)

(Ord. 6018 06/01/02): Section 2.020 MEANING OF SPECIFIC WORDS AND TERMS; ACCESSORY DWELLING UNIT AND CLUSTER SUBDIVISION.

(Ord. 6021 7/15/02): Article 2 Definitions, Section 2.020.

(Ord. 6062 7/21/03): Effective 8/21/2003; Article 2 Definitions, Section 2.020.

(Ord. 6092 7/6/2004): Article 2 Definitions, Section 2.020.

(Ord. 6133 07/18/05): Article 2 Definitions, Section 2.020.



**ARTICLE 3**

**DEVELOPMENT APPROVAL AND LAND USE DECISION PROCEDURES**

3.010 DESCRIPTION OF PERMIT/DECISION-MAKING PROCEDURES

3.020 DEVELOPMENT EXEMPTIONS

3.030 THE DEVELOPMENT REVIEW COMMITTEE

3.040 THE DEVELOPMENT ISSUES MEETING, THE PRE-APPLICATION REPORT AND  
THE PRE-SUBMITTAL MEETING

3.050 APPLICATION SUBMITTAL

3.060 RESERVED FOR FUTURE USE

3.070 REVIEW - TYPE I PROCEDURE

3.080 REVIEW - TYPE II PROCEDURE

3.090 REVIEW - TYPE III PROCEDURE

3.100 REVIEW - TYPE IV PROCEDURE

3.110 EXPEDITED LAND DIVISION

## ARTICLE 3

### DEVELOPMENT APPROVAL AND LAND USE DECISION PROCEDURES

#### 3.010 DESCRIPTION OF PERMIT/DECISION-MAKING PROCEDURES.

All applications required by this Code are decided by using Type I, II, III, and IV review procedures. The procedure "type" assigned to each application governs the decision-making process for that application. Sections 3.070 through 3.100 describe the four review procedure types and list all of this Code's applications applicable to that procedure type. The Building Official shall not issue a Building Permit for which Development Approval is required and has not been obtained.

#### 3.020 DEVELOPMENT EXEMPTIONS.

The following developments and activities do not require Type I, II, III, or IV review procedures, but shall conform to all other applicable provisions of this Code or any other applicable Code as determined by the Director.

- (1) Normal maintenance, replacement or enhancement of existing landscaping consistent with approved plans.

**EXCEPTION.** Development approval may be required for replacement or enhancement of landscaping as specified in Articles 25, 26, 31, 32, 34, 35 and 38 of this Code.

- (2) An emergency measure necessary for the safety or protection of life or property when authorized by the Public Works Director. An emergency measure may be conditioned by the requirement to obtain Development Approval at a later date.
- (3) Special Events sponsored by non-profit organizations and public agencies that conform to all applicable statutes, ordinances and regulations necessary to protect the public health and safety. A Special Event is an activity sponsored by a non-profit organization or public agency lasting 14 calendar days or less and includes, but is not limited to such activities as school carnivals, benefit dinners, concerts, bazaars, festivals, neighborhood fairs and revival meetings.
- (4) Agricultural uses and structures on any lot or parcel 2 acres or larger where the underlying zoning allows this use and on any lot or parcel with a valid farm deferral tax classification from the Oregon State Department of Revenue.
- (5) The establishment, construction or termination of certain public facilities authorized by the City Engineer including streets, driveways, drainage ways, sewers, pump stations, and traffic control devices, but not including substations, treatment facilities, storage tanks, reservoirs and electrical transmission structures and communications towers, unless specified elsewhere in this Code. Underground public or private facilities, including but not limited to, water lines, electrical power or gas distribution lines, or telephone or television cable systems shall also be exempt. Refer to Section 32.130 of this Code for additional information concerning

siting standards and the review process for certain wireless telecommunications systems facilities.

- (6) Excavation or filling of land in accordance with Springfield Municipal Code, 1997.

**EXCEPTION:** Work in the FP Flood Plain and WG Willamette Greenway Overlay Districts or when an identified Goal 5 resource is present.

- (7) Single-family homes on lawfully created lots or parcels within the city limits and duplexes on MDR and HDR property that do not require Site Plan Review.
- (8) Single-family homes on lawfully created lots or parcels in the City's urbanizable area zoned LDR that are less than 5 acres.

### **3.030 THE DEVELOPMENT REVIEW COMMITTEE.**

The Development Review Committee (DRC) is composed of representatives from City Departments and Divisions. When applicable, agencies, including but not limited to utility companies, the Lane Transit District, Lane Regional Air Pollution Authority, and the State Highway Division may participate. The DRC is responsible for ensuring that Code requirements are complied with and for recommending conditions to the Director, the Historical Commission, the Hearings Official or the Planning Commission. The Director shall chair meetings of the DRC and shall ensure overall compliance of Code requirements.

### **3.040 THE DEVELOPMENT ISSUES MEETING, THE PRE-APPLICATION REPORT AND THE PRE-SUBMITTAL MEETING**

Pre-Application Options. The City has established three pre-application processes to assist prospective applicants through the application review process:

- (1) The Development Issues Meeting. The purpose of the Development Issues Meeting is to give a prospective applicant the opportunity to discuss a limited number of development issues with City staff. The discussions can be general or specific depending on the questions submitted with the application. The Development Issues Meeting is voluntary, unless specifically required elsewhere in this Code.
- (2) Pre-Application Report. The purpose of the Pre-Application Report is to give a prospective applicant the opportunity to discuss an entire development proposal with City Staff. This meeting is recommended for large and/or complex proposals to avoid unanticipated costs or delay during the formal application process.

**EXCEPTION:**

The Pre-Application Report shall be required for Master Plan application as specified in Section 37.020(2).

- (3) The Pre-Submittal Meeting. The purpose of the Pre-Submittal Meeting is to provide an opportunity for the property owner, applicant and the development team to meet with City staff to determine that an application is complete for processing prior to formal submittal to the City. A complete application will facilitate the review process. The Pre-Submittal Meeting will examine key elements of the application, including but not limited to: transportation, stormwater management, sanitary sewer facilities, and landscaping. The Pre-Submittal Meeting shall be mandatory for all Site Plan Review, Subdivision and Partition applications. The Pre-Submittal Meeting shall be required even if the meetings specified in Subsection (1) and (2) of this Section have been utilized. Applications shall be reviewed by the Director within 30 days of receipt to determine if they meet the requirements specified in Section 3.050 of this Article and are complete.

### **3.050 APPLICATION SUBMITTAL.**

- (1) Where appropriate, the Director may provide application forms for certain applications.
- (2) All applications required by this Code shall be submitted to the Development Services Department.
- (3) An application shall consist of items required by this Code and the following:
  - (a) An explanation stating the nature of the proposal and information that may have a bearing in determining the action to be taken, including findings demonstrating compliance with applicable approval criteria.
  - (b) Evidence that the property affected by the application is in the exclusive ownership or control of the applicant, or that the applicant has the consent of all owners of the affected property to act on their behalf.
  - (c) The legal description and assessor map and tax lot number of the property affected by the application.
  - (d) Additional information including maps, site plans, sketches and calculations as required by applicable Sections of this Code or in information packets provided by the Development Services Department.
  - (e) The required number of copies of the application.
  - (f) Payment of the applicable application fee at the time of application submittal. No application will be accepted without payment of the appropriate fee in full, unless the applicant qualifies for a fee waiver.
- (4) Applications shall be reviewed by the Director within 30 days of receipt to determine if they meet the requirements specified in Subsection (3) of this Section and are complete.

- (5) When the Director determines that an application is incomplete, a written list of items shall be provided to the applicant describing the omitted information. For those incomplete applications that require a Pre-Submittal Meeting, the application shall be deemed complete by the Director upon receipt of the revised submittal that provides the missing information. For those incomplete applications that do not require a Pre-Submittal Meeting, the completeness regulations specified in ORS 227.178 shall apply.
- (6) A final decision on an application, including any local appeal, shall be granted within 120 calendar days of the Director's acceptance of a completed application as specified in ORS 227.178, unless specified elsewhere in this Code. The 120 days may be extended for a reasonable period of time at the request of the applicant.
- (7) Where a proposal involves more than one application for the same property, the applicant may submit concurrent applications.
- (8) When an application has been denied, no new application for the same development application shall be filed within one year of the date of the previous denial, unless the Approval Authority, for good cause, grants permission to file a new application.

### **3.060 RESERVED FOR FUTURE USE.**

**3.070 TYPE I PROCEDURE (MINISTERIAL).** Type I decisions shall be made by the Director without public notice and without a public hearing. Type I procedure is used when there are clear and objective approval criteria, and/or City standards that do not require the use of discretion. Type I applications shall be reviewed as described below:

- (1) Type I applications shall be submitted in accordance with the submittal requirements of Section 3.050. The Director shall determine application completeness.
- (2) The Director's decision shall address all of the applicable approval criteria and/or development standards. The Director may approve, approve with conditions, or deny the application.
- (3) The Director's decision shall be the final decision of the City. The Director's decision shall be effective on the day it is mailed or otherwise provided to the applicant.

**TABLE 3-1  
TYPE I APPLICATIONS**

<b>Applications</b>	<b>SDC Reference</b>
Accessory Dwelling Unit	Article 16
Determination of Non-Conforming Use Status	Article 5
Development Issue Meeting	Article 3
Drinking Water Protection Overlay District Development	Article 17
Final Site Plan Review/Development Agreement	Article 31
Final Site Plan Equivalent	Article 31
Floodplain Development	Article 27
Historic Commission Review – Minor Alterations	Article 30
Home Occupations	Article 16
Land Use and Zoning Compatibility Statement	Article 1
Manufactured Dwelling Park Space Line Adjustment	Article 36
Manufactured Home – Temporary Residential Use	Article 36
Minimum Development Standards	Article 31
Pre-Application Report	Article 3
Property Line Adjustment – Single	Article 33
Site Plan Modification – Minor	Article 31
Subdivision/Replat Plat	Article 35 + 42
Wireless Telecommunications Systems Facilities	Article 32

**3.080 TYPE II PROCEDURE (ADMINISTRATIVE).**

Type II decisions shall be made by the Director after public notice, but without a public hearing, unless appealed. Type II applications shall be reviewed as described below, unless the Director determines that the application should be reviewed as a Type III decision due to the complexity of the application or the need for discretionary review:

- (1) Type II applications shall be submitted in accordance with the submittal requirements of Section 3.050 of this Code. The Director shall determine application completeness.
- (2) The Director shall provide mailed notice to the property owners and occupants within 300 feet of the property being reviewed and to the applicable neighborhood association. In addition, the applicant shall post one sign, approved by the Director, on the subject property. For all Type II notices, an affidavit shall be completed by staff stating that the required notice was provided to the appropriate individuals. There shall be a 14 day period, beginning from the date of the notice, for persons to provide written comments to the Director. The Type II notice shall:
  - (a) State that issues which may provide the basis for an appeal shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient

information to enable the Approval Authority to respond to the issue;

- (b) List the applicable approval criteria from this Code that apply to the decision;
  - (c) Provide the street address and/or Lane County Tax Assessor's Map and tax lot number of the subject property;
  - (d) State the place, date and time that written comments are due;
  - (e) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
  - (f) Include the name and phone number of the assigned planner;
  - (g) Briefly summarize the local decision making process for the limited land use decision being made;
  - (h) Include a map locating the subject property and/or a Site Plan;
  - (i) Identify the application by Department file number;
  - (j) Identify the property owner and applicant; and
  - (k) Explain the nature of the application and the proposed use or uses that could be authorized by the decision.
- (3) The Director shall distribute the application to the Development Review Committee or the Historical Commission for comments.
- (4) The Director's decision shall address all of the applicable approval criteria and/or development standards and any written comments from those persons who received notice. The Director may approve, approve with conditions, or deny the application.
- (5) The Director's decision shall be the City's final decision and is effective the day it is mailed to the applicant, property owner and those persons who submitted written comments, unless appealed. The Director's decision shall include an explanation of the rights of each party to appeal the decision.
- (6) The Director's decision may be appealed within 15 calendar days to the Planning Commission or Hearing's Official in accordance with Article 15, Appeals. Any action taken to begin development prior to the expiration of the appeal period is solely at the applicant's risk and expense. The City assumes no liability or expense if the development is ultimately terminated based upon the outcome of the appeal.

**TABLE 3-2  
TYPE II APPLICATIONS**

<b>Applications</b>	<b>SDC Reference</b>
Expansion/Modification of a Non-Conforming Use	Article 5
Expedited Land Division	Article 34 + 35
Hillside Development Overlay District	Article 26
Historic Commission Review – Major Alteration	Article 30
HS Hospital Support Overlay District	Article 28
Interpretation not involving policy	Article 4
Manufactured Dwelling Medical Hardship	Article 36
Manufactured Dwelling Park	Article 36
Minor Variance	Article 11
Partition Tentative Plan	Article 34
Partition Replat Tentative Plan	Article 42
Property Line Adjustment – Serial	Article 33
Site Plan Review	Article 31
Site Plan Review Modification - Major	Article 31
Solar Access Guarantee	Article 39
Subdivision Replat Tentative Plan	Article 42
Subdivision Tentative Plan	Article 35
Tree Felling Permit	Article 38
Vacation of Public Easements	Article 9
Wireless Telecommunications Systems Facility	Article 32

**3.090 TYPE III PROCEDURE (QUASI-JUDICIAL).**

Type III decisions shall be made by the Planning Commission or Hearings Official after a public hearing. Type III decisions may be complex in nature and generally use discretionary approval criteria. Type III applications shall be reviewed as described below:

- (1) Type III applications shall be submitted in accordance with the submittal requirements of Section 3.050 of this Code. The Director shall determine application completeness.
  
- (2) The Director shall provide newspaper notice and mailed notice to the property owners and occupants within 300 feet of the property being reviewed and to the appropriate neighborhood association as specified in Section 14.030 of this Code. In addition, the applicant shall post one sign, approved by the Director on the subject property. For all Type III mailed notices, an affidavit shall be completed by staff stating that the required notice was provided to the appropriate individuals. Any person may provide written comments to the Director through the day of the public hearing or may testify in person.



- (3) The Director shall distribute the application to the Development Review Committee or the Historical Commission for comments, where applicable.
- (4) The Planning Commission or Hearings Official may approve, approve with conditions, or deny the application. The Planning Commission's or Hearings Official's decision shall include findings that address all of the applicable approval criteria and/or development standards and any written or oral testimony.
- (5) The Planning Commission's or the Hearings Official's decision shall be the City's final decision, unless appealed. The decision shall be effective the day notice is mailed to the applicant, property owner and those persons who submitted written or oral testimony. The notice of decision shall include an explanation of the rights of each party to appeal the decision.
- (6) The Planning Commission's decision may be appealed within 15 calendar days to the City Council in accordance with Article 15, Appeals. The Hearings Official's decision may be appealed within 21 calendar days to the Land Use Board of Appeals in accordance with Article 15, Appeals. Any action taken to begin development prior to the expiration of the appeal period is solely at the applicant's risk and expense. The City assumes no liability or expense if the development is ultimately terminated based upon the outcome of the appeal.

**TABLE 3-3  
TYPE III APPLICATIONS**

<b>Applications</b>	<b>SDC Reference</b>
Appeal of a Type II Director's Decision	Article 15
Appeal of an Expedited Land Division	Article 34 & 35
Conceptual Development Plan	Applicable Article
Conceptual Development Plan Amendment	Applicable Article
Demolition of Historic Landmark	Article 30
Discretionary Use	Article 10
Establishment of Historic Landmark Inventory	Article 30
Major Variance	Article 11
Master Plan Amendment – Type II	Article 37
Master Plan Amendment – Type III	Article 37
Master Plan Amendment – Approval	Article 37
Willamette Greenway Overlay District Development	Article 25
Wireless Telecommunications Systems Facilities	Article 32
Zoning Map Amendment	Article 12

### **3.100 TYPE IV PROCEDURE (LEGISLATIVE).**

Type IV decisions shall be made by the City Council after a public hearing, upon a recommendation by the Planning Commission, where applicable. Type IV decisions apply to legislative matters involving the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations which apply to entire districts, Metro Plan amendments, etc.). Type IV applications shall be reviewed as described below:

- (1) Type IV applications shall be submitted in accordance with the submittal requirements of Section 3.050 of this Code. The Director shall determine application completeness.
- (2) The Director shall provide newspaper notice and mailed notice to the property owners and occupants within 300 feet of the property being reviewed and to the appropriate neighborhood association, where applicable. In addition, the applicant shall post one sign, approved by the Director on the subject property. For all Type IV mailed notices, an affidavit shall be completed by staff stating that the required notice was provided to the appropriate individuals. Where required, the Director shall also mail notice to the Department of Land Conservation and Development in accordance with OAR 660-18-0020. Any person may provide written comments to the Director through the day of the public hearing or may testify in person.
- (3) The Director shall distribute the application to the Development Review Committee or the Historical Commission for comments, where applicable.
- (4) The Planning Commission's decision shall address all of the applicable approval criteria and/or development standards and any written or oral testimony. The Planning Commission shall make a recommendation to the City Council to approve, approve with conditions, or deny the application.
- (5) The City Council may approve, approve with conditions, or deny the application. The City Council's decision shall include findings that address all of the applicable approval criteria and/or development standards and any written or oral testimony.
- (6) The City Council's decision shall be the City's final decision either on the date the decision is made, or 30 days after the decision is made if there is no emergency clause in the adopting ordinance. Notice of decision shall be mailed to the applicant, property owner and those persons who submitted written or oral testimony. Where required, the notice of decision shall also be mailed to the Department of Land Conservation and Development in accordance with OAR 660-18-0040.

#### **EXCEPTION:**

For annexations, the City Council decision is final only upon concurrence of the Lane County Local Government Boundary Commission. For Metro Plan amendments that require adoption by the City, Eugene and/or Lane County, the City Council decision is final only upon concurrence of the Lane County Commissioners and the City of Eugene, as appropriate.

- (7) The City Council's decision may be appealed within 21 calendar days to the Land Use Board of Appeals in accordance with Article 15, Appeals. Any action taken to begin development prior to the expiration of the appeal period is solely at the applicant's risk and expense. The City assumes no liability or expense if the development is ultimately terminated based upon the outcome of the appeal.

**TABLE 3-4  
TYPE IV APPLICATIONS**

<b>Applications</b>	<b>SDC Reference</b>
Amendment of Development Code Text	Article 8
Amendment of Refinement Plan Text or Diagram	Article 8
Annexation, including extraterritorial extensions	Article 6
Appeal of Type III Decision to City Council	Article 15
Interpretation involving policy	Article 4
Metro Plan Amendment Type I	Article 7
Metro Plan Amendment Type II	Article 7
Vacation of Plats, Public Right-of-Way, or Other Public Property	Article 9

**3.110 EXPEDITED LAND DIVISION.**

An application for and any appeal of an expedited land division is subject to the process provisions in ORS 197.360 through ORS 197.380, however, the applicable standards of Articles 34 and 35 shall apply during application submittal and processing.

**(Ord. 5358 11/17/86):** Section 3.050; 3.100; Table 3-1.

**(Ord. 5407 10/19/87):** Sections 3.010; 3.020; 3.040; 3.050; 3.060; 3.080; 3.090; 3.100.

**(Ord. 5444 7/18/88):** Section 3.080.

**(Ord. 5466 3/6/89):** Table 3-1

**(Ord. 5510 5/4/90):** Sections 3.010; 3.020; 3.030; 3.040; 3.050; 3.060 deleted; 3.070; 3.080; 3.090; 3.100; Table 3-1 deleted.

**(Ord. 5633 5/4/92):** Section 3.070.

**(Ord. 5728 3/7/94):** Sections 3.070; 3.080.

**(Ord. 5804 12/18/95):** Sections 3.010; 3.020; 3.040; 3.050; 3.070; 3.080.

**(Ord. 5849 3/17/97):** Sections 3.020; 3.070; 3.080; 3.090

**(Ord. 5867 12/1/97):** Sections 3.080, 3.100

**(Ord. 5962 05/15/00):** Section 3.070 (1)(n)

**(Ord. 6062 7/21/2003):** Effective 8/21/2003 Section 3.040; The Development Issues Meeting, The Pre-Application Report And The Pre-Submittal Meeting

**(Ord. 6133 07/18/05):** Title page; Sections 3.010, 3.020, 3.040, 3.050, 3.070, 3.080, 3.090, 3.100 and 3.110.

## **ARTICLE 4**

### **INTERPRETATION**

4.010 PURPOSE

4.015 APPLICABILITY

4.020 REVIEW

4.030 INTERPRETATION OF NEW USES

4.040 INTERPRETATION OF TERMS OR PHRASES

4.050 INTERPRETATIONS REVIEWED UNDER TYPE III PROCEDURE

4.060 EFFECT OF A DECISION

## **ARTICLE 4**

### **INTERPRETATION**

#### **4.010 PURPOSE.**

The purpose of an Interpretation is to:

- (1) Consider the applicability of new uses within each zoning district that are not specifically identified in this Code;
- (2) Clarify the meaning of terms or phrases found in this Code; or
- (3) Clarify planning policy contained in this Code, adopted refinement plans or the Metro Plan, or other policy documents.

#### **4.015 APPLICABILITY.**

The Director shall have the initial authority and responsibility to interpret the appropriateness of new uses and the meaning of all terms and phrases in this Code. The City Council shall have the authority to interpret planning policy contained in this Code, adopted refinement plans or the Metro Plan, or other policy documents.

#### **4.020 REVIEW.**

A request for an Interpretation of this Code concerning new uses and terms and phrases shall be reviewed under Type II procedure, unless the Director determines that the application should be reviewed as a Type III decision by the Planning Commission or Hearings Official due to the complexity of the application or the need for discretionary review. Planning policy issues that include, but are not limited to this Code, adopted refinement plans or the Metro Plan shall be reviewed under Type IV procedure.

#### **4.030 INTERPRETATION OF NEW USES.**

- (1) Application Submittal. The request shall be submitted in accordance with Section 3.050 of this Code and shall include information on the following characteristics of the new use:
  - (a) A description of proposed structures and the operational characteristics of the new use.
  - (b) Where commercial and industrial uses are involved, the following topics shall be considered:
    1. Emission of smoke, dust, fumes, vapors, odors, and gases;
    2. Use, storage and/or disposal of flammable or explosive materials;

3. Glare;
  4. Use of hazardous materials that may impact groundwater quality;
  5. Noise;
  6. The potential for ground vibration; and
  7. The amount and type of traffic to be generated, parking required and hours of operation.
- (c) Where residential uses are involved, the following topics shall be considered:
1. Density; and
  2. The amount and type of traffic to be generated and parking required.
- (2) Criteria of Approval. A new use may be considered to be a permitted use when, after consultation with the City Attorney or other City staff, the Director determines that the new use:
- (a) Has the characteristics of one or more use categories currently listed in the applicable zoning district;
  - (b) Is similar to other permitted uses in operational characteristics, including but not limited to, traffic generation, parking or density; and
  - (c) Is consistent with all land use policies in this Code which are applicable to the particular zoning district.

#### **4.040 INTERPRETATION OF TERMS OR PHRASES.**

- (1) Application Submittal. The request shall be submitted in accordance with Section 3.050 of this Code and include:
  - (a) The particular term or phrase requiring Interpretation; and
  - (b) The applicant's statement describing what the particular term or phrase means.
- (2) Criteria of Approval. The Director shall interpret a term or phrase, after consultation with the City Attorney and City staff. The meaning of any term or phrase:
  - (a) Shall be consistent with the purpose and intent of this Code, including any Article or Section to which the term or phrase is related;

- (b) May be determined by legislative history, including staff reports and public hearing tapes and minutes; and
- (c) Shall be consistent with any dictionary of common usage, if criteria (a) and/or (b) cannot be applied.

#### **4.050 INTERPRETATIONS REVIEWED UNDER TYPE III AND TYPE IV PROCEDURE.**

- (1) Interpretations that the Director may elevate from a Type II to a Type III review shall follow the approval criteria specified in either Section 4.030 or 4.040 of this Article depending upon the nature of the interpretation requested. In addition, the Planning Commission or Hearings Official shall consider the Metro Plan and any refinement plans or other policy documents of the City, where applicable.
- (2) The Planning Commission or Hearings Official, upon a finding in support of a particular Interpretation, shall make a decision and may impose reasonable conditions to ensure compliance with the approval criteria.
- (3) Where there is an Interpretation of planning policy, the matter shall be forwarded to the City Council:
  - (a) For consideration on the record;
  - (b) To consider appropriate revisions to this Code to resolve the question; or
  - (c) To revise or supplement a policy issue.

#### **4.060 EFFECT OF A DECISION.**

An approved Interpretation shall be effective on the date of approval, unless appealed. An approved Interpretation may be superseded by a subsequent Interpretation or a Code amendment.

(Ord. 5407 10/19/87): Sections 4.010; 4.020; 4.030.



**(Ord. 5466 3/6/89):** Sections 4.010; 4.020; 4.030.

**(Ord. 5551 2/4/91):** Sections 4.010; 4.020; 4.030.

**(Ord. 5804 12/18/95):** Sections 4.010; 4.020; 4.030.

**(Ord. 5867 12/1/97):** Sections 4.010; 4.030.

**(Ord. 6133 07/18/05):** Title page; Sections 4.010, 4.015, 4.020, 4.030, 4.040, 4.050, and 4.060.

## **ARTICLE 5**

### **NON-CONFORMING USES**

5.010 PURPOSE

5.015 APPLICABILITY

5.020 REVIEW

5.025 DETERMINATION OF NON-CONFORMING USE STATUS

5.030 CONTINUANCE

5.040 EXPANSION OR MODIFICATION

5.050 ABANDONMENT

5.060 LOTS OF RECORD

5.070 EXEMPTIONS

5.080 VESTED RIGHTS – COMPLETION OF A NON-CONFORMING BUILDING OR  
STRUCTURE.

5.090 BALLOT MEASURE 37 DEMANDS

## **ARTICLE 5**

### **NON-CONFORMING USES**

#### **5.010 PURPOSE.**

- (1) This Article:
  - (a) Provides for the regulation of legally created: non-conforming uses; buildings and/or structures; and lots of record; and
  - (b) Specifies those circumstances and conditions under which a non-conforming situation may be permitted to continue and/or expand.
- (2) Approval of a Variance in accordance with Article 11 of this Code, by the Approval Authority, shall not be considered to make a use, building or structure, or lot of record non-conforming.

#### **5.015 APPLICABILITY.**

The procedures in this Article shall apply to all properties within the city limits and within the City's urbanizable area.

#### **5.020 REVIEW.**

- (1) A request for non-conforming use status shall be reviewed under Type I procedure.
- (2) A request for an expansion or modification of a non-conforming use and/or the expansion of a non-conforming building or structure shall be reviewed under Type II procedure, unless the Director determines that the application should be reviewed as a Type III decision by the Planning Commission or Hearings Official due to the complexity of the application or the need for discretionary review.
- (3) A complete application together with all required materials shall be submitted to the Director prior to the review of the request in accordance with Section 3.050, Application Submittal.

#### **5.025 DETERMINATION OF NON-CONFORMING USE STATUS.**

A non-conforming use is an activity involving land, buildings, and/or structures for purposes which were legally established prior to the effective date of this Code, but which do not fully comply with the current development regulations, or subsequent amendments to this Code. These activities would not be permitted by this Code as a new use in the zone in which it is currently located. The Director shall make a determination regarding the legal status of a non-conforming use using the following approval criteria. The burden of proof shall be upon the property owner.

- (1)** The applicant shall submit any of the following items as proof that the use was permitted by this Code at the time it was adopted or amended:
  - (a)** Copies of building and/or land use permits issued at the time the use was established; and/or
  - (b)** Copies of zoning code provisions and/or maps.
  
- (2)** The applicant shall submit any of the following as proof that the use has been in operation over time and has not been abandoned as specified in Section 5.050 of this Article:
  - (a)** Utility bills;
  - (b)** Income tax records;
  - (c)** Business licenses;
  - (d)** Listings in telephone, business directories;
  - (e)** Advertisements in dated publications, e.g., trade magazines;
  - (f)** Building, land use or development permits and/or
  - (g)** Any other information which the applicant believes is relevant.

### **5.030 CONTINUANCE.**

A non-conforming building, structure or use may continue so long as it remains otherwise lawful as specified below:

- (1)** A non-conforming building or structure, which:
  - (a)** Requires routine maintenance and repairs may be repaired in compliance with the Building Safety Codes;
  - (b)** Is determined to be substandard by the Building Official may be restored to a safe condition in compliance with the Building Safety Codes; or
  - (c)** Suffers any damage may be restored to its original condition, provided development approval is obtained, where applicable, and a Building Permit is issued within the time line specified in Section 5.050 of this Article.

- (2) A non-conforming use within a building or structure discussed in Subsection (1) of this Section may continue until abandoned as specified in Section 5.050 of this Article.
- (3) Existing single-wide manufactured dwellings on individual lots in Glenwood and in the Adams Plat area may be replaced with a single-wide manufactured dwelling of approximately the same size within the time line specified in Section 5.050 of this Article.
- (4) Agriculture and agricultural uses and structures on land in Glenwood permitted under Section 9.384 of the Eugene Code prior to the adoption of the Glenwood Refinement Plan by the City, may continue until the land is annexed to the City at the request of the property owner.

#### **5.040 EXPANSION OR MODIFICATION.**

An expansion or modification of a non-conforming use and/or the expansion of a non-conforming building or structure resulting in an increased impact upon adjacent properties shall be considered an expansion of a non-conforming use. Approval may be granted only when the Director determines that there will be no significant impact of the expansion upon adjacent properties. The Director may require conditions of approval to mitigate a significant impact. The applicant shall demonstrate all of the following applicable approval criteria have been met:

- (1) For residential zones, the expansion shall not lessen the residential character of the residential zone taking into account factors, including but not limited to:
  - (a) Building scale, placement, and facade;
  - (b) On-site parking placement;
  - (c) Vehicle trips to the site and impact on surrounding on-street parking;
  - (d) Buffering and the potential loss of privacy to abutting residential uses;  
and
  - (e) On-site lighting.
- (2) For zones other than residential, there shall be no significant impact compared to the current use or building or structure on the surrounding area taking into account factors, including but not limited to:
  - (a) The hours of operation;
  - (b) An increase in building size or height;
  - (c) On-site parking placement;

- (d) Vehicle trips to the site and impact on surrounding on-street parking;
  - (e) Noise, vibration, dust, odor, fumes, glare, smoke and on-site lighting; and
  - (f) The amount, location, and nature of any outside displays, storage, or activities.
- (3) **EXCEPTIONS:** The following situations shall not be considered to be an expansion or modification of a non-conforming use:
- (a) An existing building or structure conforming to use, but non-conforming as to height, setback and other dimensional standards, may be expanded or modified provided the expansion or modification does not result in an increased violation of this Code.
  - (b) The replacement of a single-wide manufactured dwelling as may be permitted in Section 5.030(3) of this Article.

**5.050 ABANDONMENT.**

- (1) Any non-conforming use which is discontinued for 6 months or more, or any non-conforming building or structure which is not occupied or used for 6 months or more, shall be deemed abandoned and lose its status as a non-conforming use, building or structure on:
  - (a) The date the building or structure is vacated; and/or
  - (b) The date the use ceases.
- (2) Any subsequent use or development shall be in compliance with the provisions of this Code.”

**5.060 LOTS OF RECORD.**

A lot of record is any legally approved lot which, at the time it was created, fully complied with all applicable laws and ordinances of the City, or Lane County for those lots within the City’s urbanizable area, but which is now non-conforming because the lot does not fully comply with the current requirements of this Code or any amendment to this Code.

- (1) Any lot of record that is non-conforming due to area, width and/or depth shall be a buildable lot, provided that the development standards of this Code can be met. For example, if a setback standard cannot be met due to lot area, a Variance to the setback standards of the applicable zoning district as specified in Article 11 of this Code shall be required prior to the issuance of a Building Permit.
- (2) Any lot of record that is non-conforming due to a public facility deficiency, including but not limited to, unimproved streets, lack of sidewalks, sanitary sewers or storm water facilities may be further

developed in accordance with this Code. However, the public facility deficiency shall be addressed at the time of development.

- (3) **EXCEPTION:** The dedication of right-of-way during the development review process shall not be considered to create a non-conforming lot due to lot size or dimension.

#### **5.070 EXEMPTIONS.**

- (1) Residential buildings and uses existing and legally permitted or permitted under Discretionary Use approval in the LMI zoning district or LMI plan designation in Glenwood as of January 27, 1982 shall be exempt from Sections 5.020, 5.030 and 5.040 of this Article. Commercial and industrial buildings and uses existing and legally permitted or permitted under Discretionary Use approval in the LMI zoning district or LMI plan designation in Glenwood as of December 7, 1998 shall be exempt from Sections 5.020, 5.030 and 5.040 of this Article.
- (2) Any expansion on property zoned or designated LMI that has a use listed under HI, as specified in Section 20.020 of this Code, and abuts any residential use shall require Site Plan Review approval. Exemption applies as follows: to expansions of buildings or land or both; expansions onto contiguous properties under the same ownership; and regardless of the direction.

#### **5.080 VESTED RIGHTS – COMPLETION OF A NON-CONFORMING BUILDING OR STRUCTURE.**

- (1) A building or structure that has received a valid Building Permit prior to the adoption of this Code or subsequent amendments to it may be completed in accordance with the terms of that Building Permit and used for the purpose for which it was permitted. The structure and its use shall then be considered non-conforming. The burden of proof shall be on the applicant to demonstrate that the structure has received a valid Building Permit.
- (2) If a Building Permit is revoked by the Building Official or for any reason becomes void, all rights granted by this Section are terminated and the project shall thereafter be required to conform to all the provisions of this Code.

#### **5.090 BALLOT MEASURE 37 DEMANDS.**

Notwithstanding the foregoing provisions and regulations of this Article, any waivers to the standards of this Code granted by the City Council in response to a Demand for compensation, as may be permitted in accordance with the Springfield Municipal Code 1997, shall supersede the provisions and regulations of this Article and shall be transferable to a future purchaser of the property to the extent required by ORS 197.

**(Ord. 5944 11-08-1999)** 5.030 (5)(6); 5.070 (1)(2)

**(Ord. 6133 07/18/05):** Title page; Sections 5.010, 5.015, 5.020, 5.025, 5.030, 5.040, 5.050, 5.060, 5.070 and 5.080.



## **ARTICLE 6**

### **ANNEXATIONS**

**6.010 PURPOSE**

**6.015 APPLICABILITY**

**6.020 REVIEW**

**6.030 DEVELOPMENT ISSUES MEETING**

**6.040 ANNEXATION INITIATION AND APPLICATION SUBMITAL**

**6.050 NOTICE**

**6.060 FISCAL IMPACT AND ANNEXATION AGREEMENT**

**6.070 CRITERIA OF APPROVAL**

**6.080 SUBMITTAL OF THE COUNCIL'S RESOLUTION TO THE LCLGBC**

**6.090 ZONING**

**6.100 NOTIFICATION OF UTILITIES**

**6.110 WITHDRAWAL FROM SPECIAL SERVICE DISTRICTS**

**ARTICLE 6**  
**ANNEXATIONS**

**6.010 PURPOSE.**

The purpose of this Article is to:

- (1) Clearly define the process for Annexation of territory to the City; and
- (2) Provide a process for the withdrawal of territory from special service districts.

**6.015 APPLICABILITY.**

This Article applies to any Annexation of territory to the City that is within the City's urbanizable area.

**6.020 REVIEW.**

- (1) Annexation applications shall be reviewed under Type IV procedure, without Planning Commission consideration.
- (2) The Annexation of all territory to the City requires final action by the Lane County Local Government Boundary Commission (LCLGBC) in accordance with ORS 199.425.

**6.030 DEVELOPMENT ISSUES MEETING.**

The applicant shall schedule a Development Issues Meeting (DIM) prior to filing an Annexation application, unless waived by the Director. The DIM will allow staff to inform the applicant of the Annexation application submittal requirements specified in this Article.

**6.040 ANNEXATION INITIATION AND APPLICATION SUBMITAL.**

- (1) Annexation of territory to the City may be initiated either by a citizen or the City Council.
- (2) All Annexation applications shall be submitted to the Development Services Department in accordance with Section 3.050 of this Code and shall include information to address the approval criteria specified in Section 6.070 of this Article.

**6.050 NOTICE.**

Newspaper notice shall be required as specified in Section 14.030(2) of this Code.

**6.060 FISCAL IMPACT AND ANNEXATION AGREEMENT.**

- (1) The Director shall utilize the information submitted by the applicant to determine the fiscal impact of the proposed Annexation on the City and whether the applicant has addressed the approval criteria in Section 6.070 of this Article.
- (2) Fiscal impacts may be resolved by using an Annexation Agreement. The Annexation Agreement shall address, at a minimum, connection to and extension of public facilities and services. Connection to public facilities and services shall be at the discretion of the City. Where public facilities and services are available and can be extended, the applicant shall be required to do so.

**6.070 CRITERIA OF APPROVAL.**

The City Council shall approve, modify or deny any Annexation application based upon the following approval criteria:

- (1) The territory proposed to be annexed is within the City’s urbanizable area;
- (2) Key urban services and facilities can be provided to the area in an orderly and efficient manner;
- (3) There will be a logical area and time within which to deliver urban services and facilities; and
- (4) Where applicable, fiscal impacts to the City have been mitigated through an Annexation Agreement or other mechanism approved by the City Council.

**6.080 SUBMITTAL OF THE COUNCIL’S RESOLUTION TO THE LCLGBC.**

The City Council shall adopt by resolution any Annexation recommendation. The Director shall forward all City Annexation recommendations to the LCLGBC.

**6.090 ZONING.**

Currently, all Lane County land within the City's urbanizable area is zoned in compliance with the zoning districts listed in this Code and is designated in compliance with the Metro Plan. Land within the urbanizable area is distinguished from land within the city limits by the addition of the Urban Fringe (UF-10) Overlay District established in Article 29 of this Code. Upon approval of the Annexation by the LCLGBC:

- (1) The UF-10 Overlay District designation shall cease to apply automatically; and
- (2) The current zoning shall apply, unless a zoning map amendment has been submitted and approved by the City.

#### **6.100 NOTIFICATION OF UTILITIES.**

The City Recorder shall provide notice by certified mail to all public utility providers operating in the City within 10 days of receipt of the LCLGBC action approving the Annexation. The notice shall contain each site address as recorded on the Lane County assessment and tax rolls, a legal description, a map of the boundary change and a copy of the LCLGBC action.

#### **6.110 WITHDRAWAL FROM SPECIAL SERVICE DISTRICTS.**

Withdrawal from a special service district is not automatic when annexed territory remains within that district. The Director shall instruct the City Council to consider withdrawal from a special service district in accordance with ORS 222 upon receipt of the LCLGBC action approving the Annexation, and after the effective date of the Annexation.

**(Ord. 5407 10/19/87):** Section 6.060.

**(Ord. 5551 2/4/91):** Title Page; Sections 6.050; 6.070.

**(Ord. 5701 6/21/93):** Title Page; Sections 6.010; 6.020; 6.030; 6.040; 6.050; 6.060; 6.070.

**(Ord. 6133 07/18/05):** Title page; Sections 6.010, 6.015, 6.020, 6.030, 6.040, 6.050, 6.060, 6.070, 6.080, 6.090, 6.100 and 6.110.

## **ARTICLE 7**

### **METRO PLAN AMENDMENTS**

- 7.010 METRO PLAN AMENDMENT - PURPOSE
- 7.020 METRO PLAN AMENDMENT - REVIEW
- 7.030 METRO PLAN AMENDMENT - DEFINITIONS
- 7.040 METRO PLAN - INITIATION OF PLAN AMENDMENTS
- 7.050 METRO PLAN - REFERRAL OF PLAN AMENDMENT
- 7.060 METRO PLAN - PLAN AMENDMENT APPLICATION FEE
- 7.070 METRO PLAN - APPROVAL OF A PLAN AMENDMENT
- 7.080 METRO PLAN - PLAN AMENDMENT APPROVAL PROCESS: SINGLE JURISDICTION
- 7.090 METRO PLAN - PLAN AMENDMENT APPROVAL PROCESS: TWO JURISDICTIONS
- 7.100 METRO PLAN - PLAN AMENDMENT APPROVAL PROCESS: THREE JURISDICTIONS
- 7.110 METRO PLAN - PLAN AMENDMENT PROCESSES: GENERAL PROVISIONS

## **ARTICLE 7**

### **EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN AMENDMENTS**

#### **7.010 METRO PLAN AMENDMENT - PURPOSE.**

The Metropolitan Area General Plan (Metro Plan) allows citizen initiated Type II Metro Plan amendments to be initiated at any time. Amendments that require a final decision from one or two jurisdictions shall be concluded within 120 days of the initiation date. Amendments that require a final decision from all three governing bodies shall be concluded within 180 days of the initiation date. The City Council may initiate a Type I or Type II Metro Plan amendment at any time. City Council initiated Metro Plan amendments are not subject to the 120-calendar day review period as provided for in ORS 227.178. Metro Plan amendments shall be made in accordance with the standards contained in Chapter IV of the Metro Plan and the provisions of this Code.

#### **7.020 METRO PLAN AMENDMENT - REVIEW.**

- (1) A Pre-Application Conference shall be encouraged prior to a formal Metro Plan amendment application.
- (2) Metro Plan amendments shall be reviewed under the Type IV procedures of Section 3.100 of the Springfield Development Code, EXCEPT that City Council initiated Metro Plan amendments are not subject to the 120 calendar day review period as provided for in ORS 227.178.

#### **7.030 METRO PLAN AMENDMENT - DEFINITIONS.**

**AMENDMENT.** An amendment to or change in: (1) the text of the Metro Plan, refinement plan, or functional plan; or, (2) the diagram of the Metro Plan, refinement plan or functional plan.

**METRO PLAN AMENDMENT - TYPE I.** Any change to the Metro Plan which (1) changes the urban growth boundary or the jurisdictional boundary of the Plan; (2) requires a goal exception not related to a UGB expansion to be taken under statewide planning goal 2; or, (3) is a non-site specific amendment of the Plan text.

**METRO PLAN AMENDMENT - TYPE II.** An amendment to the Metro Plan which is not otherwise a Type I plan amendment and which: (1) changes the Plan diagram; or, (2) is a site-specific Plan text amendment.

**METRO PLAN AMENDMENT - HOME CITY.** The City of Springfield shall be the home City for all site specific Type I and Type II Metro Plan amendments East of Interstate 5. The City of Eugene shall be the home City for all site specific Type I and Type II Metro Plan amendments West of Interstate 5. The applicability of home City shall have no basis with respect to non-site specific Type I Metro Plan amendments.

**METRO PLAN AMENDMENT - INITIATION.** Any of the three governing bodies may initiate a Type I Metro Plan amendment at their discretion or, at their discretion, initiate a Type I Metro Plan amendment on behalf of a citizen who has made such a request. Any of the three governing bodies or a citizen who owns property that is the subject of the proposed amendment may initiate a Type II Metro Plan amendment at any time.

**METRO PLAN AMENDMENT - REGIONAL IMPACT.** Site specific Metro Plan amendments have Regional Impact if the change in plan designation or site location will:

- (a)** Require an amendment of a jointly functional plan including the Public Facilities Plan, a Natural Resources Functional Plan or involves an amendment to TransPlan, determined by the Transportation Planning Committee (TPC) to be regional in nature, in order to provide the subject properties with an adequate level of necessary urban services or facilities; or
- (b)** Have a demonstrable impact on the water, storm drainage, sanitary sewer or transportation facilities of the non-home City; or
- (c)** Affect the buildable land inventory in such a way as to impact the regional supply by:

significantly decreasing the net inventory of buildable land in the following plan designation categories:

Medium Density Residential  
High Density Residential  
Commercial or;

significantly increasing the net inventory of buildable land in the following plan designation categories:

Low Density Residential  
Special Light Industrial  
Light-Medium Industrial  
Heavy Industrial

except in the following two cases:

1. a jurisdiction may amend the plan designations to compensate for reductions in buildable land caused by protection of newly discovered natural resources within its own jurisdiction, or
2. a jurisdiction may change a plan designation to accommodate the contiguous expansion of an existing business with a site specific requirement.

The non-home City may choose to participate in the site specific plan amendment process, excluding amendments within city limits. The non-home City may adopt a resolution determining that the proposed amendment has Regional Impact. Lane County shall participate in all Metro Plan amendments outside of city limits.

#### **7.040 METRO PLAN - INITIATION OF PLAN AMENDMENTS.**

- (1) WHO CAN INITIATE METRO PLAN AMENDMENTS.** An amendment to the Metro Plan can be initiated by the following persons or entities:
  - (a) Type I – Non-Site Specific Text amendments, UGB/Plan Boundary Changes to Other Goal Exceptions:**  
Any of the three governing bodies.
    - 1.** The council may solicit a recommendation from the planning commission before initiating this category of amendment.
    - 2.** A citizen may seek council initiation of a Metro Plan Type I amendment by filing a written request with the City. A staff report on the request shall be submitted to the council within 30 days of receipt of the request. At the direction of two councilors, the request shall be placed on the council agenda for discussion. The request shall be considered denied if the council takes no action within 60 days of the date the staff report is submitted to the council. The council need not hold a public hearing on a private Type I amendment request and may deny the request for any reason. A citizen seeking council initiation of a site specific Metro Plan Type I amendment must own the property subject to the amendment.
  - (b) Type II Plan Diagram and Site Specific Text Amendments.**
    - 1.** Inside the City limits: The Home City and citizens.
    - 2.** Between the City limits and the Plan Boundary: Any of the three governing bodies and citizens.
      - a.** The council may solicit a recommendation from the planning commission before initiating this category of amendment. A citizen initiating a Metro Plan Type II amendment must own the property subject to the amendment.
      - b.** A citizen may seek council initiation of a Metro Plan Type II amendment subject to the above requirements regarding Metro Plan Type I amendments initiated by the council at the request of a citizen.



- (2) **WHEN PLAN AMENDMENTS CAN BE INITIATED.** Amendments to the Metro Plan shall be initiated and considered at the following times:
- (a) The city council may initiate a Type I or Type II Metro Plan amendment at anytime. Consideration of this type of amendment shall begin immediately thereafter.
  - (b) Citizen initiated Type II Metro Plan amendments may be applied for at any time. The initial public hearing on an application shall take place within 60 days of acceptance of a complete application.
  - (c) Consideration of a citizen initiated Metro Plan amendment shall be postponed if the proposed amendment is also part of an existing planned refinement plan or special area study adoption or amendment process, or one that is scheduled to commence within three months of the date of application submittal. Such a requested Metro Plan amendment shall be considered in the legislative proceedings of the refinement plan or special area study. If the refinement plan or special area study process has not begun within the three-month period, the Metro Plan amendment application process shall begin immediately following the three-month period. The Director may except particular plan amendment applications from postponement under this subsection and require more immediate review if the Director finds that either there is a public need for earlier consideration or that review of the proposed amendment as part of a general refinement plan or special area study adoption or amendment process will interfere with timely completion of that process.
- (3) **WHERE A PLAN AMENDMENT APPLICATION IS FILED.** Citizen initiated Metro Plan amendment applications shall be filed in the planning office of the home City if within the UGB, or with Lane County if outside the UGB and the amendment is not a request to expand the UGB.

#### **7.050 METRO PLAN – REFERRAL OF PLAN AMENDMENT.**

All Metro Plan amendments outside the city limits of Springfield shall be referred to the City of Eugene for consideration of Regional Impact. Lane County shall participate in the hearing and decision of all Metro Plan amendments outside the city limits. All Metro Plan amendments inside the city limits shall be referred to the City of Eugene and Lane County so that they may participate as parties to the hearing. All referrals shall occur within 10 days of the plan amendment initiation date. Any referral that is provided for the purpose of determining Regional Impact shall be answered by the referral jurisdiction within 45 days of receipt of the referral. Failure of a jurisdiction to take action on the referral within 45 days from the date of referral shall be deemed a finding of no Regional Impact.

If a referral jurisdiction adopts a resolution, ordinance, or order finding that the proposed amendment has a Regional Impact that referral jurisdiction may participate in the decision if they

so choose. All jurisdictions participating in the plan amendment decision process must approve the amendment in order to enact the amendment.

#### **7.060 METRO PLAN – PLAN AMENDMENT APPLICATION FEE.**

The applicant for a citizen initiated Metro Plan amendment shall pay an application fee in an amount set by the Council under Appendix 1 of this Code. No application shall be processed until it is complete and accurate and until the application fee is paid.

#### **7.070 METRO PLAN – APPROVAL OF A PLAN AMENDMENT.**

##### **(1) TYPE I**

- (a) NON-SITE SPECIFIC** – To become effective, a non-site specific Metro Plan Text Type I amendment must be approved by all three governing bodies.
- (b) SITE SPECIFIC** – To become effective, a site specific Metro Plan Type I amendment that involves a UGB or Plan Boundary change that crosses the Willamette or McKenzie River, or that crosses over a ridge into a new basin, or that involves a goal exception not related to a UGB expansion, must be approved by all three governing bodies.
- (c) SITE SPECIFIC** - To become effective, a site specific Metro Plan Type I amendment that involves a UGB or Plan Boundary change must be approved by the Home City and Lane County. Exception: If the non-home City, after referral of the proposal, determined that the amendment has Regional Impact and, as a result of that determination, chooses to participate in the hearing, all three governing bodies must approve the amendment.

##### **(2) TYPE II**

- (a) INSIDE CITY LIMITS** – To become effective, a Metro Plan Type II amendment inside the city limits must be approved by the Home City.
- (b) BETWEEN THE CITY LIMITS AND PLAN BOUNDARY** – To become effective, a Metro Plan Type II amendment between the city limits and the Plan Boundary must be approved by the Home City and Lane County. Exception: If the non-home City, after referral of the proposal, determined that the amendment has Regional Impact and, as a result of that determination, chooses to participate in the hearing, all three governing bodies must approve the amendment.

- (3) **CRITERIA FOPR APPROVAL OF PLAN AMENDMENT.** The following criteria shall be applied by the City Council in approving or denying a Metro Plan amendment application:
  - (a) The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission; and
  - (b) Adoption of the amendment must not make the Metro Plan internally inconsistent.

**7.080 METRO PLAN – PLAN AMENDMENT APPROVAL PROCESS: SINGLE JURISDICTION**

- (1) **WHEN THE SINGLE JURISDICTION PROCESS IS USED.** The following process shall be used to consider Metro Plan Type II amendments inside the city limits of Springfield.
- (2) **INVESTIGATION AND REPORT.** Within 30 days after the Metro Plan amendment initiation date, the planning staff shall investigate the facts bearing on the amendment application, prepare a report, and submit it to the planning commission. The report shall be mailed or delivered to affected and interested parties at the time it is delivered to the commission.
- (3) **PLANNING COMMISSION CONSIDERATION.** Within 30 days after receipt of the staff report, the Planning Commission shall hold a public hearing to consider the proposed Metro Plan amendment. At least 20 days before the hearing, notice of the hearing shall be published in a local newspaper of general circulation and mailed to the applicant and to persons who have requested notice. At least 20 days before the hearing, notice of the hearing shall also be mailed to the owners and occupants of properties that are the subject of the proposed amendment and to property owners of record within 300 feet of the subject property. The content of the notice and conduct of the hearing on the amendment shall be as required by this Code and state law. The Planning Commission shall review the proposed amendment and receive evidence and testimony on whether the proposed change can be justified under the approval criteria. Within 30 days after the public hearing and close of the evidentiary record, the Planning Commission shall adopt a written recommendation on the proposed amendment.

The recommendation shall contain findings and conclusions on whether the proposal or a modified proposal meets the approval criteria.

- (4) **CITY COUNCIL ACTION.** Within 45 days after the Planning Commission action on the proposed Metro Plan amendment, the City Council shall hold a public hearing on the proposed amendment. The Council’s decision shall be based solely on the evidentiary record created before the Planning Commission.

No new evidence shall be allowed at the Council hearing. Within 30 days after the public hearing, the Council shall approve, modify and approve, or deny the proposed

amendment. The Council shall take this action by ordinance with adopted findings and conclusions on whether the proposal or a modified proposal meets the approval criteria. The action of the City Council is final.

**7.090 METRO PLAN – PLAN AMENDMENT APPROVAL PROCESS: TWO JURISDICTIONS**

- (1) **WHEN THE TWO JURISDICTIONS PROCESS IS USED.** The following process shall be used to approve Metro Plan Type II amendments when Springfield is the Home City and Lane County must participate in the decision and the City of Eugene has chosen not to participate after consideration of a referral.
- (2) **INVESTIGATION AND REPORT.** Within 30 days after a response is received from the City of Eugene or within 50 days after the Metro Plan amendment initiation date if no response is received, the planning staff of the home jurisdiction where the proposed Metro Plan amendment was submitted shall investigate the facts bearing on the application, prepare a report, and submit it to the Planning Commission of both affected jurisdictions. The report shall be mailed or delivered to affected and interested parties at the time it is delivered to the two commissions.
- (3) **PLANNING COMMISSION CONSIDERATION.** Within 30 days after receipt of the staff report the Planning Commission of both affected jurisdictions shall hold a joint public hearing to consider the proposed Metro Plan amendment. The provisions of Section 7.080(3) of this Code apply to the joint planning commission hearing and decision on a proposed Metro Plan amendment. Within 30 days after the joint public hearing and close of the evidentiary record, both Planning Commissions shall make a recommendation to their governing bodies on the proposed Metro Plan amendment.
- (4) **GOVERNING BODY ACTION.** Within 30 days after the date the last Planning Commission acts on the Metro Plan amendment, the governing bodies of both affected jurisdictions shall hold a joint public hearing on the proposed amendment. The governing bodies' decisions shall be based solely on the evidentiary record created before the Planning Commissions. No new evidence shall be allowed at the governing body joint hearing. Within 30 days after the joint public hearing, both governing bodies shall approve, modify and approve, or deny the proposed Metro Plan amendment.

Both governing bodies shall take action by ordinance, with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if they are identical. The date the last governing body acts shall be the date the decision becomes effective.

- (5) **CONFLICT RESOLUTION PROCESS.** The following process shall be used when the governing bodies do not enact identical decisions on the proposed Metro Plan amendment.

- (a) The Metro Plan amendment shall be referred to the Metropolitan Policy Committee within 5 days after the last governing body action.
  - 1. The Metropolitan Policy Committee shall meet within 30 days of the referral to hear comments on the proposed amendment from the applicant, staff of the affected jurisdictions, and interested persons. The committee may develop a recommendation to the governing bodies on the proposed amendment. The Metro Plan amendment shall be denied if the committee fails to act within 30 days of the referral date or if the governing bodies fail to adopt identical plan amendment actions within 45 days of receiving a recommendation from the committee.
- (b) If the plan amendment is denied because of lack of consensus or committee inaction, within 5 days the Director of the home jurisdiction where the application originated shall issue a denial decision on the amendment containing findings and conclusions on why the proposed amendment does not meet the approval criteria. Those findings and conclusions may incorporate findings and conclusions previously adopted by one or both of the governing bodies. The decision of the Director, is final.

**7.100 METRO PLAN – AMENDMENT APPROVAL PROCESS: THREE JURISDICTIONS.**

- (1) **WHEN THE THREE JURISDICTION PROCESS IS USED.** The following process shall be used to approve Metro Plan Type I amendments and Type II amendments where all three jurisdictions participate in the decision.
- (2) **INVESTIGATION AND REPORT.** Within 30 days after responses are received from both referral jurisdictions or within 50 days after the Metro Plan amendment initiation date if no response is received, the planning staff of the home jurisdiction where the proposed amendment was submitted shall investigate the facts bearing on the application, prepare a report, and submit it to the Planning Commissions of all three jurisdictions. The report shall be mailed or delivered to affected and interested parties at the same time it is delivered to the three Planning Commissions.
- (3) **PLANNING COMMISSION CONSIDERATION.** Within 30 days after receipt of the staff report, the Planning Commission of Springfield, Eugene and Lane County shall hold a joint public hearing on the proposed plan amendments.

The provisions of Section 7.080(3) of this Code apply to the joint Planning Commission hearing. Within 30 days after the proposed plan amendment hearing and close of the evidentiary record, each Planning Commission shall make a recommendation to its governing body on the proposed Metro Plan amendment.

- (4) **GOVERNING BODIES ACTION.** Within 30 days after the last Planning Commission acts on the Metro Plan amendment proposal, the governing bodies of Springfield,

Eugene and Lane County shall hold a joint public hearing on the plan amendment. The governing bodies' decisions shall be based solely on the evidentiary record created before the Planning Commissions. No new evidence shall be allowed at the governing body joint hearing.

Within 30 days after the joint public hearing, each governing body shall approve, modify and approve, or deny the proposed Metro Plan amendment. Each governing body shall take action by ordinance with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if all three governing bodies adopt identical decisions. The date the last governing body acts shall be the date the action becomes effective. The conflict resolution provisions of Section 7.090(5) of this Code apply if the governing bodies do not adopt identical ordinances.

#### **7.110 METRO PLAN – PLAN AMENDMENT PROCESSES: GENERAL PROVISIONS**

- (1) PROCESS FOR GOVERNMENT INITIATED PLAN AMENDMENTS.** A different process, time line, or both, than the processes and time limes specified in Sections 7.080, 7.090, 7.100 of this Code may be established by the governing bodies of Springfield, Eugene and Lane County for any government initiated Metro Plan amendment.
- (2) TIME FRAME WAIVER.** The time frames prescribed in connection with the Metro Plan amendment processes can be waived if affected property owners agree to the waiver.
- (3) BAR ON RE-SUBMITTAL.** No privately initiated Metro Plan amendment application to Springfield shall be considered if a substantially similar or identical plan amendment has been denied within the year prior to the application date unless the facts forming the basis for the denial have changed so as to allow approval. The Director shall determine whether the proposed amendment is substantially similar or identical after providing the applicant with an opportunity to comment on the matter in writing.
- (4) RELATIONSHIP TO REFINEMENT PLAN OR FUNTIONAL PLAN AMENDMENTS.** When a Metro Plan amendment is enacted that requires an amendment to a refinement plan or functional plan diagram or map for consistency, the Metro Plan diagram amendment automatically amends the refinement plan or functional plan diagram or map if no amendment to the refinement plan or functional plan text is involved. When a Metro Plan diagram amendment requires a refinement plan or functional plan diagram, or map and text amendment for consistency, the Metro Plan , refinement Plan and functional plan amendments shall be processed concurrently.

- (5) RELATIONSHIP OF AMENDMENT PROCESS TO METRO PLAN UPDATE AND PERIODIC REVIEW. An update of any element of the Metro Plan requires initiation and approval by all three jurisdictions. Amendments to the Metro Plan that result from State-mandated Periodic Review require approval by all three jurisdictions.
  
- (6) SEVERABILITY OF PLAN AMENDMENT ADOPTION ACTIONS. When identical action is required of two or three governing bodies on a Metro Plan amendment, and the amendment results in a number of different plan changes, the following applies. Unless otherwise specified in the adoption ordinance of any of the governing bodies, action by all of the governing bodies to adopt some but not all of the plan changes shall result in the adoption of the changes for which there is consensus of the forwarding of only those changes for which there is not consensus to the Metropolitan Policy Committee under Sections 7.090(5) and 7.100(4) of this Code.

**(Ord. 5367 03/16/87):** Section 7.010; 7.020; 7.030; 7.040; 7.050; 7.060; 7.090.

**(Ord. 5407 10/19/87):** Section 7.090

**(Ord. 5542 11/19/90):** Sections 7.010; 7.020; 7.030; 7.040; 7.050; 7.055; 7.060; 7.065; 7.070; 7.075; 7.080; 7.085; 7.090 deleted.

**(Ord. 5760 11/7/94):** Section 7.010; 7.020; 7.030; 7.040; 7.050; 7.060; 7.070; 7.080; 7.090; 7.100; 7.110.

**(Ord. 5946 12/06/1999):** Section 7.030.

**ARTICLE 8**

**ADOPTION OR AMENDMENT OF REFINEMENT PLAN TEXT, REFINEMENT PLAN  
DIAGRAMS AND DEVELOPMENT CODE TEXT**

8.010 GENERAL

8.020 REVIEW

8.030 CRITERIA



## **ARTICLE 8**

### **ADOPTION OR AMENDMENT OF REFINEMENT PLAN TEXT, REFINEMENT PLAN DIAGRAMS AND DEVELOPMENT CODE TEXT**

#### **8.010 GENERAL.**

Adoption or amendment of Refinement Plan Text, Refinement Plan Diagrams and Development Code Text may be initiated by the Director, the Planning Commission, the City Council or a resident of the City of Springfield or their representative. Amendment initiated by the public shall be limited to twice a year. Applications shall be submitted to the Development Services Department on or before January 5th of each year or July 5th of each year.

#### **8.020 REVIEW.**

- (1) Adoption or amendment of Refinement Plan Text, Refinement Plan Diagrams and Development Code Text shall be reviewed under Type IV procedure.
- (2) A complete application together with all required materials shall be accepted by the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

#### **8.030 CRITERIA.**

In reaching a decision on these actions, the Planning Commission and the City Council shall adopt findings which demonstrate conformance to the following:

- (1) The Metro Plan;
- (2) Applicable State statutes.
- (3) Applicable State-wide Planning Goals and Administrative Rules.

**(Ord. 5551 2/4/91):** Section 8.010.

**(Ord. 5804 12/18/95):** Section 8.010.

## **ARTICLE 9**

### **VACATIONS**

9.010 PURPOSE

9.020 APPLICABILITY

9.030 REVIEW

9.040 APPLICATION SUBMITTAL

9.050 NOTICE

9.060 CRITERIA OF APPROVAL

9.070 CONDITIONS OF APPROVAL

## **ARTICLE 9**

### **VACATIONS**

#### **9.010 PURPOSE.**

As land develops, and as land uses change over time, certain public property and easements may no longer be necessary or may need to be relocated. The reconfiguration of Subdivisions and Partitions may also be desired. This Code, the Springfield Municipal Code Sections 3.200 through 3.206 and ORS 271.080 et seq. provide procedures, requirements, and approval criteria for Vacations.

#### **9.020 APPLICABILITY.**

- (1) The Vacation process shall apply to public rights-of-way, other public land, public utility and other public easements, and recorded Subdivision and Partition Plats under the jurisdiction of the City.
- (2) The City's Vacation process shall not apply to:
  - (a) Lands over which Lane County or the State have jurisdiction such as public rights-of-way or Subdivision and Partition Plats within the City's urbanizable area; or
  - (b) Lane County streets and State highways within the city limits where jurisdiction has not been transferred to the City.

#### **9.030 REVIEW.**

- (1) The Vacation of all public easements shall be reviewed under Type II procedure.

#### **EXCEPTION:**

Public utility easements within Partition and Subdivision Plats may also be realigned, reduced in width or omitted as part of the Replat process as specified in Article 42 of this Code.

- (2) The Vacation of any public rights-of-way, any other public land as specified in ORS 271.080 et seq., and the Vacation of Partition and Subdivision Plats in part or in their entirety, including public rights-of-way and public utility easements located within the Plat, shall be reviewed under Type IV procedure.

#### **9.040 APPLICATION SUBMITTAL.**

- (1) Vacation of public rights-of-way and public easements may be applied for by property owners, public agencies, or initiated by the City Council.

- (2) Vacation of Partition and Subdivision Plats may be applied for by property owners.
- (3) A complete application together with all required materials shall be submitted to the Director prior to the review of the request as specified in Section 3.050, Application Submittal. The application shall include:
  - (a) A legal description of the public rights-of-way, easement or plat to be vacated prepared by an Oregon Licensed Land Surveyor or other professional approved by the Director;
  - (b) The reason for the Vacation;
  - (c) The proposed use of the property after Vacation;
  - (d) For citizen initiated Vacations of public rights-of-way or Partition and Subdivision Plats, the petition of affected property owners;
  - (e) A map prepared by an Oregon Licensed Land Surveyor or other professional approved by the Director of the area proposed to be vacated. The map shall show:
    - 1. The date, north arrow, and standard scale;
    - 2. The Assessor's Map and Tax Lot numbers of the affected properties and adjacent properties;
    - 3. A Vicinity Map on the Site Plan (Vicinity Map does not need to be to scale);
    - 4. All adjacent streets including street name, alleys, and accessways, and right-of-way and paving widths;
    - 5. All dimensions of existing public utility easements and any other areas restricting use of the parcels, such as conservation areas, slope easements, access easements, etc.;
    - 6. Existing dimensions and square footage of the lots/parcels involved;
    - 7. Proposed dimensions and square footage of the lots/parcels involved (applies to Vacations of undeveloped Subdivision Plats and right-of-way Vacations);
    - 8. For public easement and right-of-way Vacations, clearly show dimensions of entire easement or right-of-way on or adjacent to the subject lots/parcels. Also clearly show dimensions of that portion proposed for Vacation, including square footage; and

9. For right-of-way Vacations, demonstrate compliance with the boundary requirements of ORS 271.080 et seq.
  10. The legal description of the easement, right-of-way or Plat, or portion thereof, proposed to be vacated.
- (4) Where public easements are proposed to be vacated, a notarized letter of concurrence with the Vacation from all utility providers other than the City (telephone, cable TV, electric, water and gas), shall be submitted with the application.

#### **9.050 NOTICE.**

- (1) Notice for Vacations reviewed under Type II procedure shall be as specified in Section 3.080(2) of this Code.
- (2) Notice for Vacations reviewed under Type IV procedure shall be as specified in Section 14.030(2) of this Code.

#### **EXCEPTIONS:**

- (a) Newspaper notice shall be published once each week for two consecutive weeks prior to the public hearing. The first day of publication and the posting shall be not less than 14 days before the hearing.
  - (b) The applicant shall post two signs, approved by the Director on the subject property, or if right-of-way is proposed to be vacated, the notice shall be attached to a telephone or other similar utility pole within the Vacation area.
- (3) Notice for all Vacations shall be mailed to all utility providers providing service within the city limits and the City's urbanizable area.

#### **9.060 CRITERIA OF APPROVAL.**

- (1) For the Vacation of public utility easements, the Director shall approve, approve with conditions, or deny the application. The application shall be approved if the Vacation is found to be consistent with the following criteria:
  - (a) There are no present or future services, facilities, or utilities deemed to be necessary by a utility provider and the easement is not necessary; or

- (b) If the utility provider deems the easement to be necessary, public services, facilities, or utilities can be extended in an orderly and efficient manner in an alternate location.
- (2) Where the proposed Vacation of public rights-of-way, other City property, or Partition or Subdivision Plats is reviewed under Type IV procedure, the City Council shall approve, approve with conditions, or deny the Vacation application. The application shall be approved if the Vacation is found to be consistent with the following approval criteria.
- (a) The Vacation shall be in conformance with the Metro Plan, TransPlan, the Conceptual Local Street Map and adopted Functional Plans, and applicable Refinement Plan diagram, Plan District map, or Conceptual Development Plan;
  - (b) The Vacation shall not conflict with the provisions of Springfield Municipal Code 1997; and this Code, including but not limited to, street connectivity standards and block lengths; and
  - (c) There shall be no negative effects on access, traffic circulation, emergency service protection or any other benefit derived from the public right-of-way, publicly owned land or Partition or Subdivision Plat.

**9.070 CONDITIONS OF APPROVAL.**

If the Director or the City Council approves a Vacation, the following conditions may be attached:

- (1) For a Vacation involving public right-of-way, where applicable, an easement for a public facility, publicly owned utility or other utility shall be retained.
- (2) A public facility, publicly owned utility or other utility shall be constructed, relocated or removed at the applicant's expense or through cost sharing with the City as may be available. A new public easement shall then be required.
- (3) A Vacated Partition or Subdivision Plat shall be replatted, where necessary.
- (4) A public right-of-way shall be relocated and rebuilt at the applicant's expense or through cost sharing with the City, as may be available.
- (5) Where the Vacation of a City right-of-way results in an assessment of special benefit to the remaining property, the property owner shall provide compensation to the City in accordance with Section 3.204 of the Springfield Municipal Code 1997.
- (6) The City Council may attach any other conditions as may be reasonably necessary in order to allow the Vacation to be granted.

**(Ord. 6133 07/18/05):** Title page; Sections 9.010, 9.020, 9.030, 9.040, 9.050, 9.060 and 9.070.



**ARTICLE 10**

**DISCRETIONARY USES**

10.010 PURPOSE

10.013 APPLICABILITY

10.015 SITING OF SCHOOLS

10.020 REVIEW

10.030 CRITERIA OF APPROVAL

10.035 CRITERIA FOR MULTI-UNIT DEVELOPMENTS

10.040 CONDITIONS OF APPROVAL

## **ARTICLE 10**

### **DISCRETIONARY USES**

#### **10.010 PURPOSE.**

There are certain uses which, due to the nature of their impacts on nearby uses and public facilities, require a case-by-case review and analysis at the Planning Commission or Hearings Official level. These impacts, include but are not limited to, the size of the area required for the full development of a proposed use, the nature of the traffic problems incidental to operation of the uses, and the effect such uses have on any nearby uses. To mitigate these and other possible impacts, conditions may be applied to address potential adverse effects associated with the proposed use. This Article provides standards and procedures under which a Discretionary Use may be permitted, expanded or altered.

#### **10.013 APPLICABILITY.**

This Article shall apply to all Discretionary Uses identified in the various zoning and overlay districts in this Code, both within the city limits and Springfield's urban services area.

#### **10.015 SITING OF SCHOOLS.**

Schools are identified in the Metro Plan as key urban services, which shall be provided in an efficient and logical manner to keep pace with demand. Schools may be located in any zone that permits schools. The siting of public and private elementary, middle and high schools shall require Discretionary Use approval, unless exempted elsewhere in this Code.

#### **10.020 REVIEW.**

- (1) New Discretionary Uses shall be reviewed under Type III procedure.
- (2) Expansions and alterations shall be reviewed under:
  - (a) Type I or Type II Site Plan Modification procedures as specified in Section 31.100, if the Director determines that there will be no adverse impact on adjoining land uses; or
  - (b) Type III Discretionary review, if the Director determines that there may be an adverse impact on adjoining land uses.
- (3) A complete application together with all required materials shall be submitted to the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

#### **10.030 CRITERIA OF APPROVAL.**

A Discretionary Use may be approved only if the Planning Commission or Hearings Official finds that the proposal conforms with the Site Plan Review approval criteria specified in Section 31.060 of this Code, where applicable, and the following approval criteria:

- (1) The proposed use conforms with applicable:
  - (a) Provisions of the Metro Plan;
  - (b) Refinement plans;
  - (c) Plan District standards;
  - (d) Conceptual Development Plans or
  - (e) Special use standards in this Code;
- (2) The site under consideration is suitable for the proposed use, considering:
  - (a) The location, size, design and operating characteristics of the use (operating characteristics include but are not limited to parking, traffic, noise, vibration, emissions, light, glare, odor, dust, visibility, safety, and aesthetic considerations, where applicable);
  - (b). Adequate and safe circulation exists for vehicular access to and from the proposed site, and on-site circulation and emergency response as well as pedestrian, bicycle and transit circulation;
  - (c) The natural and physical features of the site, including but not limited to, riparian areas, regulated wetlands, natural stormwater management/drainage areas and wooded areas shall be adequately considered in the project design; and
  - (d) Adequate public facilities and services are available, including but not limited to, utilities, streets, storm drainage facilities, sanitary sewer and other public infrastructure.
- (3) Any adverse effects of the proposed use on adjacent properties and on the public can be mitigated through the:
  - (a) Application of other Code standards, for example buffering from less intensive uses, increased setbacks, etc.;
  - (b) Site Plan Review conditions of approval, where applicable;
  - (c) Other conditions of approval that may be required by the Approval Authority; and/or

- (d) A proposal by the applicant that meets or exceeds the cited Code standards and/or conditions of approval.

**EXCEPTION:**

Wireless telecommunications systems facilities requiring Discretionary Use approval shall be exempt from Subsections (1)-(3) above, but shall comply with the approval criteria specified in Section 32.130 of this Code.

**10.035 DISCRETIONARY USE CRITERIA FOR MULTI-UNIT DEVELOPMENTS.**

- (1) The Planning Commission may approve adjustments to the multi-family design standards listed in Section 16.110 of this Code that preclude compliance under Section 11.035 of this Code. In addition, the applicant may chose this Type III Discretionary Use procedure when proposing an innovative design that may preclude compliance with one or more of the design standards under Section 16.110 of this Code. The multi-family design standards are: Building Orientation; Building Form; Storage; Transition and Compatibility Between Multi-Unit and LDR Development; Open Space; Landscaping; Pedestrian Circulation; Parking; and Vehicular Circulation. The Planning Commission shall find that the application complies with or exceeds the criteria for each applicable design standard. Criteria for design standards not relevant to the application shall not require a finding by the Planning Commission, unless the guidelines in subsections (2) through (9) are implemented.
- (2) **Building Orientation.** The Planning Commission shall find that the proposed design contributes positively to the neighborhood and overall streetscape by carefully relating building mass, frontages, entries, and yards to streets and to adjacent properties. This criterion may be met by complying with the Section 16.110(3)(a), Section 11.035 or by considering the following guidelines:
  - (a) Orient buildings to an internal circulation system that mimics a public street in appearance (including, but not limited to sidewalks, landscaping, cross-walks, lighting, parallel parking), and does not diminish the appearance and safety of abutting primary public streets. Examples of “diminished appearance” include a fence along the sidewalk that isolates pedestrians between it and the street; the location of trash receptacles, utility vaults, etc. in the “rear” yard (abutting a public street); and similar impacts on the streetscape.
  - (b) Other design elements that provide exceptional design, and on balance, justify approval of the development with less than full compliance with the building orientation standard. Examples of such design elements include protection of natural and cultural resources; minimization of slope and tree cutting impacts; provision of pedestrian amenities along the public street; and similar public benefits that effectively accomplish the intent of the standard.
- (3) **Building Form.** The Planning Commission shall find that the proposed design promotes building forms that contribute positively to a sense of neighborhood and to the overall streetscape. This criterion may be met by complying with the Section 16.110(3)(b), Section 11.035 or by considering the following guidelines.

- (a) Design exterior building elevations to avoid large expanses of uninterrupted building surfaces.
  - (b) Depict building scale consistent with nearby buildings; “scale” relates to the size of various features (including, but not limited to entries, roof surfaces, facades, windows and materials) as compared to those features on nearby buildings.
  - (c) Provide transitions to nearby buildings by massing; “mass” relates to the overall size or bulk of a building or its principal parts.
  - (d) Provide porches, bays, and balconies that compliment nearby buildings.
  - (e) Provide roof variations through offsets, breaks and/or extensions.
  - (f) Provide transition between the multi-unit site and LDR areas.
  - (g) Enhance solar access protection and/or energy conservation.
  - (h) Protect on-site and off-site natural and designated historic features.
  - (i) Provide human-scaled architectural detail.
  - (j) Provide visual variety in elevations, architectural details, colors, and materials, compatible with existing development.
- (4) **Storage.** The Planning Commission shall find that unsightliness, noise and odor of exterior utilities, trash receptacle storage, and roof-mounted mechanical equipment is minimized by: providing site facilities that are adequate and convenient for residents’ needs and ensuring that site facilities are practical, attractive, and easily maintained. This criterion may be met by complying with the Section 16.110.(3)(c), Section 11.035 or by considering the following guidelines:
- (a) Provide trash receptacle areas that are adequately signed, accessible to residents and collection service, separated or buffered from living areas in order to avoid noise and odor problems.
  - (b) Provide mailboxes large enough to accommodate large envelopes, packages, and newspapers.
  - (c) Keep the number and size of television and other receiving structures to a minimum. Screen or locate these structures to minimize visibility to on-site residents, residents of adjacent properties and the public, to the extent that it is practicable.
  - (d) Provide adequate, accessible and secure storage space for each dwelling.

- (e) Provide ground or interior mounted mechanical equipment with screening as an alternative to roof-mounted equipment.
- (f) Group together roof penetrations such as plumbing and exhaust vents, air conditioner units and transformer boxes whenever practicable. Use ridge vents on pitched roofs that are in public view.

(5) **Transition and Compatibility Between Multi-Unit and Low Density Residential**

**Development.** The Planning Commission shall find that the development is located and designed in a manner compatible with surrounding development by creating reasonable transitions between multi-unit dwellings and sites and adjacent LDR areas and uses. This criterion may be met by complying with the Section 16.110(3)(d), Section 11.035 or by considering the following guidelines:

- (a) Setbacks, building heights and massing are similar to, and/or promote a visual gradient between the multi-unit site and adjacent LDR area.
- (b) Screen with landscaping or place balconies and windows to maintain the privacy of: abutting LDR areas and uses; and multi-family unit residents on-site and in abutting developments.
- (c) Window treatments and other building components are similar in size, scale, and placement to those in the adjacent LDR areas, unless variation aids in transition.
- (d) On site vehicular circulation and parking guides traffic away from abutting LDR areas and uses.
- (e) Orient buildings along street frontages shared by LDR development, particularly when such orientation aids in transition.
- (f) Use site obscuring landscaping, shade trees planted a minimum of 6 feet from property lines, or a minimum 6-foot high fence, when such screening aids in transition
- (g) Locate components of the multi-unit development, which generate noise (such as recreation areas, parking lots, trash receptacles, heating and cooling equipment, etc.) where they will least disturb abutting LDR areas and uses.
- (h) Locate and screen lights and mechanical equipment to minimize glare and noise to adjoining LDR properties.
- (i) Allow enclosed garage structures (not carports) between multi-unit buildings and abutting LDR properties as a transition device when the width and height of proposed garage structures are similar to (or subordinate to) the width and height of adjacent LDR garage structures.

**(6) Open Space.**

**(a)** The Planning Commission shall find that the open space component is located and designed in a manner compatible with surrounding development when:

1. On-site and abutting natural features are integrated into the open space system of the multi-family development.
2. Amenities such as seating, children's play areas, lighting and recreation facilities are provided within common open space areas and proportional to the needs of the development.
3. A range of usable open space types (general, common, and private) is provided and they are integrated with abutting public open space, if it exists.
4. Negative impacts to on-site or abutting wetlands, waterways, and natural areas are negligible.

**(b)** This criterion may be met by complying with the Section 16.110(3)(e), Section 11.035 or by considering the following guidelines:

1. Locate buildings, parking and circulation to minimize adverse impacts on natural features.
2. The amount of common recreation area is equal to the Section 16.110(3)(e)2. standard unless adjacent public recreation facilities, unique on-site facilities, or other similar open space/recreation facilities will be available to all residents of the site.
3. Provide linkages between on-site common open space and abutting public open spaces, when open space uses are compatible.
4. The amount of private open space is equal to the Section 16.110(3)(e)3. standard unless equivalent opportunities for common open space are demonstrated (e.g., individual units enjoy common open space).

**(7) Landscaping.** The Planning Commission shall find that landscaping, fences, and walls contribute to a quality living environment for all residents, improve the appearance of multi-unit developments, and promote transition between multi-unit development and surrounding land uses.

**(a)** This criterion may be met by complying with the Section 16.110(3)(f), Section 11.035 or by considering the following guidelines:

1. Plant outdoor spaces around multi-unit developments with a mix of ground cover, shrubbery and trees. Also incorporate hard landscaping elements (e.g. paved sidewalks, courtyards) into the development.
2. Use plants to provide visual relief along blank exterior walls, reduce building mass and bulk, define and shelter open space, provide privacy, break up and shade parking areas and help define building entries and sidewalks.
3. Include enhancements, such as plazas, galleries, courtyards, widened sidewalks, benches, shelters, street furniture, artwork or kiosks for pedestrian amenities.
4. Use vegetation, grade changes and low fences to define open space areas. Plant transition areas between multi-unit dwellings and surrounding LDR and less intensive uses to minimize the visual impact of the development.
5. Incorporate a planting design that emphasizes:
  - a. Visual surveillance by residents of common open space, parking areas, internal sidewalks, dwelling unit entries, abutting streets and public open spaces (i.e., mature plants do not block views of these areas);
  - b. Climate controls for summer shading and solar access during winter, and/or shielding from winter winds. Balance this guideline with visual surveillance objectives, above.
6. Preserve significant trees and shrubbery on the site as reasonable. Significant trees mean trees which measure 5 inches DBE or greater. Significant shrubbery means shrubbery that is greater than 40 inches in height and is a native, non-invasive species. Trees and shrubs preserved to meet this standard shall be identified on a Tree Protection Plan, in conformance with Article 38.
7. Provide small ornamental plants or other landscape features in coordination with the building's architecture to define the primary entry of a dwelling unit.
8. Avoid high solid fences and walls along streets (e.g., fences greater than 3 feet in height), unless required for noise abatement or retaining walls.
9. Incorporate landscaping, fences and walls that clearly delineate the public, communal and private areas of a development.
10. Provide street tree planting, as requires by Section 16.110(3)(f) standards.



11. Incorporate landscaping, fences and walls that do not conflict with sight lines for vehicles and pedestrians, and comply with clear vision standards. See SDC 32.070.
12. Choose landscape species for efficient maintenance. Incorporate native, drought-resistant species.
13. Use noise-reducing, ornamental walls (e.g., masonry), as necessary, to minimize the transmission of noise.
14. Incorporate landscaping, fencing and/or walls with dwellings that are close to high noise sources such as active recreation, busy roads, railway lines, or industry.
15. Obscure or screen outlooks from windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a multi-unit development. This can be accomplished with landscaping, fences or walls, where a direct view is available into the private open space of an existing adjacent single-family or multi-family dwelling unit.
16. Screen private open space and balconies by solid translucent screens or perforated panels or trellis which have a maximum of 25 percent openings and are permanent, of durable materials and designed, painted or colored to blend with the development.

(8) **Pedestrian Circulation.** The Planning Commission shall find that pedestrian circulation systems are designed to provide separation between vehicles and pedestrians and provide clear, direct, safe and identifiable connections within the multi-unit development and to other neighborhood uses. This criterion may be met by complying with the Section 16.110(3)(g), Section 11.035 or by considering the following guidelines:

- (a) Design each multi-unit development to contain an internal pedestrian circulation system that makes clear, easily identifiable and safe connections between individual units, parking, storage, common open spaces areas, and public sidewalks. Design of internal sidewalks to comply with the American with Disabilities Act (ADA) requirements.
- (b) Design the pedestrian circulation system to provide safe crossings of streets, driveways, and parking areas, where crossings are necessary. Consider design elements such as textured pavers, patterned concrete and raised surfaces to emphasize crossings.
- (c) Design internal walkways and other pedestrian links to provide privacy for ground floor residents.
- (d) Link the multi-unit development internal sidewalks to neighborhood uses that may be used by residents.

- (e) Minimize vehicle and pedestrian conflicts.
  - (f) Integrate the design of the internal sidewalks with natural contours, topography, trees, other vegetation, waterways, wetlands, and other natural resources and features.
  - (g) Provide a convenient, accessible, direct, barrier-free route design.
- (9) **Parking.** The Planning Commission shall find that the placement of parking contributes to attractive street frontages and visual compatibility with surrounding areas is located with consideration for the safety of residents. This criterion shall be met by complying with the Section 16.110(3)(h), Section 11.035 or by considering the following guidelines:
- (a) Avoid placing parking lots, carports, garages, and driveways between the buildings and the street. To minimize the visual impacts, locate parking to a portion of the site least visible from the street.
  - (b) Provide rear and below grade parking where practicable.
  - (c) Use alley access for parking areas where practicable.
  - (d) Use low, dense hedges or landscape berms at the edges of parking lots to screen autos and direct pedestrians to entry and exit points.
  - (e) Provide no more parking than the “minimum” parking requirement, where practicable.
  - (f) Avoid placing parking lots, garages, and carports that abut and/or visible from LDR areas. As an alternative, locate parking next to arterial and collector streets with landscape buffering, when possible.
  - (g) Design garages and free standing carports to be visually compatible with, or screened from, adjacent LDR uses and dwellings on-site (e.g., similar siding, trim, roof line and materials, detailing, color, as applicable).

(10) **Vehicular Circulation.**

- (a) The Planning Commission shall find that on-site vehicular circulation systems are:
  1. Designed to be clearly identifiable, safe, pedestrian-friendly, and interconnected.
  2. Designed to provide connectivity to the surrounding neighborhood streets while minimizing impacts on the arterial street system.

- (b) This criterion may be met by complying with the Section 16.110(3)(i), Section 11.035 or by considering the following guidelines:
1. Design driveways and private streets to enhance connectivity to abutting streets.
  2. Design internal site circulation to provide accessibility to and from the site.
  3. Design the vehicular circulation system, together with other design elements, to reduce the apparent scale of large developments by organizing the site into smaller land units.
  4. Where practicable, consolidate or share driveways and internal streets with driveways or internal streets serving abutting sites.
  5. Incorporate aesthetic and functional site design as it relates to vehicular circulation.
  6. Provide vehicular circulation linkages that will integrate multiple family development with the surrounding area.
  7. Provide the separation of pedestrian, bicycle and vehicular traffic.
  8. Avoid out-of-direction travel between buildings and other facilities on the site (e.g., for delivery, service, etc.).
  9. Locate service areas for ease of use and minimal conflict with circulation systems.
  10. Provide circulation systems that respond to site topography, natural contours and natural resources, to minimize grading and resource impacts.
  11. Provide shared parking with abutting sites where practicable.
  12. Provide the use of alleys for vehicular access.
  13. Provide lighting for the safety of pedestrians and drivers.

#### **10.040 CONDITIONS OF APPROVAL.**

The Approval Authority may attach conditions as may be reasonably necessary in order to allow the Discretionary Use approval to be granted.

**(Ord. 5407 10/19/87):** Sections 10.030; 10.040.

**(Ord. 5551 2/4/91):** Section 10.010; 10.030.

**(Ord. 5804 12/18/95):** Section 10.010; 10.020; 10.030.

**(Ord. 5849 3/17/97):** Section 10.030.

**(Ord. 5867 12/1/97):** Sections 10.010; 10.030; 10.040.

**(Ord. 5965 06/19/00):** Section 10.035

**(Ord. 6133 07/18/05):** Title page; Sections 10.010, 10.013, 10.015, 10.020, 10.030 and 10.040.

## **ARTICLE 11**

### **VARIANCES**

11.010 PURPOSE

11.013 APPLICABILITY

11.015 PROHIBITED VARIANCES

11.020 REVIEW

11.030 MINOR VARIANCES – CRITERIA OF APPROVAL

11.033 MAJOR VARIANCES – CRITERIA OF APPROVAL

11.035 CRITERIA FOR MULTI-UNIT DESIGN STANDARDS

11.040 CONDITIONS OF APPROVAL

## **ARTICLE 11**

### **VARIANCES**

#### **11.010 PURPOSE.**

It is the intent of this Article that a Variance may be granted when the strict application of certain provisions of this Code create a unique circumstance, caused by unusual conditions related to a specific property, building or structure. An authorized Variance is not personal to the applicant, but runs with the land and/or use, as applicable. The granting of a Variance does not create a non-conforming use, lot or parcel.

#### **11.013 APPLICABILITY.**

The Variance provisions apply:

- (1) To buildings, structures and lots/parcels;
- (2) Within in the city limits and the City's urbanizable area.

#### **11.015 PROHIBITED VARIANCES.**

No Variance shall be granted that:

- (1) Authorizes a use that is not permitted in the applicable zoning, overlay or Plan District;
- (2) Conflicts with adopted Fire and Life Safety Codes or Building Safety Codes; and/or
- (3) Varies from state or federally mandated regulations, unless otherwise specified in this Code.

**EXCEPTION:** Floodplain Variances are processed as specified in Article 27 of this Code.

#### **11.020 REVIEW.**

- (1) A Minor Variance shall be reviewed under Type II procedure.
- (2) A Major Variance shall be reviewed under Type III procedure.
- (3) A complete application together with all required materials shall be submitted to the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

#### **11.030 MINOR VARIANCES – CRITERIA OF APPROVAL.**

- (1)** Minor Variances are limited to certain specific numeric standards in this Code. The Director may adjust the following numeric standards by up to 30 percent as a Minor Variance:
  - (a)** Building setbacks;
  - (b)** Lot/parcel dimensions that do not reduce the required lot/parcel size below the minimum required in the applicable zoning district;
  - (c)** Building height;
  - (d)** Lot/parcel coverage outside of the HD Overlay District as described in Section 26.030 of this Code; and
  - (e)** Parking standards on certain infill lots.
- (2)** If the Minor Variance involves a setback, the plot plan shall be prepared by an Oregon registered surveyor.
- (3)** The Director may consider additional categories of Minor Variance, on a case by case basis, without the need for an Interpretation, as specified in Article 4 of this Code.
- (4)** The Director shall approve the Minor Variance if the applicant demonstrates compliance with all of the applicable approval criteria:
  - (a)** Locational or dimensional problems have been identified that can be resolved by a Minor Variance;
  - (b)** The request is the minimum necessary to alleviate the identified dimensional or locational problem;
  - (c)** Where applicable, the request shall result in the preservation of on-site trees 5” dba and above;
  - (d)** The request shall not impede adequate emergency access to the site;
  - (e)** The request shall not unreasonably adversely impact public or private easements; and
  - (f)** The request shall not unreasonably limit solar access standards for abutting properties. In order to meet this criterion, the Director may require that the building or structure be placed as close to the south property line as possible.
  - (g)** In addition to the applicable approval criteria specified in Subsections (a)-(f) above, the following approval criteria shall also apply to a request involving parking reductions on infill lots in the Commercial and Industrial Districts when there is a change of use, addition or

expansion that requires Site Plan Review Modification. The Minor Variance for parking reductions shall not apply to MDS applications as specified in Section 31.010(4)(d) of this Code:

1. The individual characteristics of the proposed use require more parking than is generally required for a use of this type;
2. The Minor Variance for a parking reduction shall run with the use or uses to which it pertains and not run with the land itself;
3. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses because:
  - a. The owners of abutting properties cannot agree to execute a joint access/parking agreement, and/or
  - b. The Public Works Director has determined the proposed shared parking area is a safety hazard because it is located too far from the proposed use;
4. The request shall not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
5. The property otherwise complies with the regulations of this Code.

### **11.033 MAJOR VARIANCES – CRITERIA OF APPROVAL.**

Major Variances involve discretionary decision-making and apply to those Variances that are not Minor Variances as specified in Section 11.030 of this Article. The Approval Authority may approve or approve with conditions a Major Variance on finding that all of the following approval criteria are satisfied, otherwise the request shall be denied:

- (1) An unusual condition exists that is unique to: a lot, building or structure; lot size, shape or topography; the location or size of physical improvements; or other similar circumstances not anticipated by this Code related to the property that would deprive the owner of rights commonly enjoyed by other property owners similarly situated in the same zoning district;
- (2) The Variance shall not be inconsistent with the development standards of this Code or of any applicable Refinement Plan diagram, Plan District map, Conceptual Development Plan or other applicable plans or studies;
- (3) The Variance shall have no significant adverse affects on other properties in the same zoning district and/or vicinity, or the request can be conditioned so that there are no significant adverse affects;



- (4) The unusual condition described in Subsection (1) of this Section shall not; arise from a previous Code violation or rely only on loss of profit or financial need.
- (5) The Variance requested is the minimum necessary to alleviate the unusual condition.

**11.035 CRITERIA FOR MULTI-UNIT DESIGN STANDARDS.**

- (1) The Director may approve an adjustment of up to 20 percent to the multi-family design standards listed in Section 16.110 of this Code. The multi-family design standards are: Building Orientation; Building Form; Storage; Transition and Compatibility Between Multi-Unit and LDR Development; Open Space; Landscaping; Pedestrian Circulation; Parking; and Vehicular Circulation. There is one general criterion in Subsection (2) below that applies to all the design standards. In addition, each design standard has applicable criteria as specified in Subsections (3)-(11) below. The Director shall find that the application complies with the criteria for each applicable design standard; i.e., design standards modifications that the applicant does not specifically request in the application shall not require a finding by the Director, and shall not be subject to review under Section 11.035. Requests to modify the standards of Section 16.110 (Multi-Unit Design Standards) by more than 20 percent shall require review under Section 11.030 (General Variance Criteria).
- (2) **General Criterion.** The adjustment is necessary due to topography, natural features, easements, and similar physical or legal constraints preclude full compliance. Self-imposed conditions do not satisfy this criterion
- (3) **Building Orientation.** The adjustment results in a better overall streetscape. For example, design elements include: protecting and preserving vegetation and trees 5 inches (dbh) in caliper or greater; providing pedestrian amenities (i.e., between buildings and the street); providing building mass and architectural detailing that compliment adjacent uses and landscaping; and similar elements that effectively accomplish the intent of the standard.
- (4) **Building Form.**
  - (a) The adjustment provides equivalent neighborhood compatibility either by providing similar building mass and architecture, or through protection of vegetation and trees greater than 5 inches (dbh) in caliper (i.e., screening allows for contrasting building form).
  - (b) In addition to the 20 percent adjustment provided by Subsection (2) above and Subsection 16.110(3)(b) of this Code, the Director may approve alternative roof forms where the developer demonstrates that adjacent structures, or the majority of structures within 300 feet, have roofs similar to what is proposed.

- (5) **Storage.** The adjustment provides an equivalent degree of privacy and protection for residents and adjacent uses. Protection from visual, noise, odor, light, vibration, glare and other impacts shall be provided to effectively accomplish the intent of the standard.
- (6) **Transition and Compatibility Between Multi-Unit and Low Density Residential Development.** The adjustment results in better overall transition between multi-unit dwellings and neighboring LDR areas, such as: protecting and preserving vegetation and trees 5 inches (dbh) in caliper or greater; a reduction in noise and/or light that would otherwise impact adjacent LDR areas; stepping down building height; providing roof lines that compliment adjacent uses; and similar elements that effectively accomplish the intent of the standard.
- (7) **Open Space.**
- (a) The adjustment results in better overall compliance with Subsection 16.110(3)(e) to provide common and private open space, such as protecting vegetation and preserving trees 5 inches (dbh) in caliper or greater; providing pedestrian amenities; or providing locations for common open space which enhances safety and visibility.
  - (b) The Director may approve an adjustment in the common open space requirements for developments with 61 units or more if up to 50 percent if the site is within one-quarter mile (measured walking distance) of a public park with active recreation facilities [as defined by Section 16.110(3)(e)]; and there is a direct, improved, permanent, public, Americans with Disabilities Act (ADA) - accessible, lighted, maintained pedestrian trail or sidewalk between the site and the park.
  - (c) The Director may approve a reduction in either the required private open space or required common open space areas if the proposal includes a proportional increase in the other type of required open space. This adjustment shall not apply to required active recreation areas.
- (8) **Landscaping.**
- (a) The adjustment results in a better overall transition from neighboring LDR areas, such as: protecting and preserving trees 5 inches (dbh) in caliper or greater; and
  - (b) The adjustment provides an equivalent degree of privacy, visual separation, and visual enhancement for residents and adjacent LDR uses.
- (9) **Pedestrian Circulation.**
- (a) The adjustment provides an equivalent degree of pedestrian circulation, safety and comfort, as provided by the pedestrian circulation standards.

- (b) The Director may approve an adjustment in the pedestrian circulation standard, not withstanding by Subsection (2) above and Subsection 16.110(3)(g) of this Code if the residents do not require an internal sidewalk system in full compliance with the pedestrian circulation standards.
- (10) **Parking.** The adjustment results in the protection and preservation of trees 5 inches (dbh) in caliper or greater or significant vegetation that provides parking lot screening.
- (11) **Vehicular Circulation.**
  - (a) The adjustment provides an equivalent degree of vehicular circulation, as provided by the vehicular circulation standards.
  - (b) The Director may approve an adjustment in the vehicular circulation standard, not withstanding by Subsection (2) above and Subsection 16.110(3)(i) of this Code, when the development provides more building area oriented to the street than is required by Subsection 16.110(3)(a) of this Code.

#### **11.040 CONDITIONS OF APPROVAL.**

The Approval Authority may attach conditions as may be reasonably necessary in order to allow the Minor or Major Variance to be granted.

**(Ord. 5407 10/19/87):** Section 11.030.

**(Ord. 5551 2/4/91):** Title Page; Sections 11.010; 11.020; 11.030; 11.040.

**(Ord. 5636 5/18/92):** Section 11.030.

**(Ord. 5804 12/18/95):** Section 11.030.

**(Ord. 5965 06/19/00):** Section 11.035

**(Ord. 6133 07/18/05):** Title page; Sections 11.010, 11.013, 11.015, 11.020, 11.030, 11.33 and 11.040.

**ARTICLE 12**

**OFFICIAL ZONING MAP AMENDMENTS**

12.010 PURPOSE

12.015 APPLICABILITY

12.020 REVIEW

12.030 CRITERIA

12.040 CONDITIONS OF APPROVAL

12.050 MOBILE HOME PARKS

## **ARTICLE 12**

### **OFFICIAL ZONING MAP AMENDMENTS**

#### **12.010 PURPOSE.**

The purpose of this Article is to provide standards and procedures for legislative and quasi-judicial amendments to the Official Zoning Maps.

#### **12.015 APPLICABILITY.**

The provisions of this Article apply to all lots and parcels within the city limits and the City's urbanizable area.

#### **12.020 REVIEW.**

- (1) Official Zoning Map amendments may be initiated by the Director, the Planning Commission, the Hearings Official, the City Council or a property owner. Zoning Map amendments shall be reviewed as follows:

  - (a) Legislative Zoning Map amendments involve broad public policy decisions that apply to other than an individual property owner, generally affecting a large area and/or require a concurrent Metro Plan diagram amendment as specified in Article 7 of this Code. Legislative Zoning Map amendments shall be reviewed using Type IV procedure.

    1. Metro Plan diagram amendment determination. An amendment to the Metro Plan diagram shall be required if the proposed Zoning Map amendment is not consistent with the Metro Plan diagram. Both amendments may be processed concurrently.
    2. Transportation Planning Rule Compliance. Where applicable, legislative Zoning Map amendments shall be reviewed to determine whether the application significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. In this case a Traffic Impact Study shall be submitted in accordance with Section 32.020(1)(c) of this Code.
  - (b) Quasi-judicial Zoning Map amendments involve the application of existing policy to a specific factual setting, generally affecting a single or limited group of properties and may or may not include a Metro Plan diagram amendment. Quasi-judicial Zoning Map amendments shall be reviewed using Type III procedure, unless a Metro Plan diagram amendment is required. In this case, the Quasi-judicial Zoning Map amendment shall be raised to a Type IV review.
- (2) A complete application together with all required materials shall be submitted to the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

### **12.030 CRITERIA.**

- (1) Quasi-judicial Zoning Map amendments. The Planning Commission or Hearings Official may approve, approve with conditions or deny a quasi-judicial Zoning Map amendment based upon approval criteria (3)(a)-(c), below. The Planning Commission or Hearings Official shall make the final local decision on all quasi-judicial Zoning map amendments that do not include a Metro Plan diagram amendment.
- (2) Legislative Zoning Map amendments and quasi-judicial Zoning Map amendments raised to a Type IV review. The Planning Commission or Hearings Official may make a recommendation to the City Council to approve, approve with conditions or deny Zoning Map amendment and Metro Plan diagram amendment based upon approval criteria (3)(a)-(d), below. The City Council shall make the final local decision on all Zoning Map amendments involving a Metro Plan diagram amendment.
- (3) Zoning Map amendment criteria of approval:
  - (a) Consistency with applicable Metro Plan policies and the Metro Plan diagram;
  - (b) Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans; and
  - (c) The property is presently provided with adequate public facilities, services and transportation networks to support the use, or these facilities, services and transportation networks are planned to be provided concurrently with the development of the property.
  - (d) Legislative Zoning Map amendments that involve a Metro Plan Diagram amendment shall:
    1. Meet the approval criteria specified in Article 7 of this Code; and
    2. Comply with Oregon Administrative Rule (OAR) 660-012-0060, where applicable.

### **12.040 CONDITIONS OF APPROVAL.**

The Approval Authority may attach conditions as may be reasonably necessary in order to allow the Zoning Map amendment to be granted.

### **12.050 MOBILE HOME PARKS.**

If a Zoning Map amendment involves property containing an existing mobile home park, the Director shall provide written notice to each unit in the mobile home park as specified in Section 14.030 of this Code and in accordance with ORS 90.630(5).

**(Ord. 5407 10/19/87):** Section 12.050.

**(Ord. 5551 2/4/91):** Section 12.050.

**(Ord. 5636 5/18/92):** Section 12.030.



**(Ord. 5867 12/1/97):** Section 12.030.

**(Ord. 6133 07/18/05):** Title page; Sections 12.010, 12.015, 12.020, 12.030, 12.040 and 12.050.

**ARTICLE 13**

**RESERVED FOR FUTURE USE**

**(Ord. 5551 2/4/91):** Sections deleted - 13.010; 13.020; 13.030; 13.040; 13.050.

**ARTICLE 14**

**PUBLIC HEARINGS**

14.010 PURPOSE

14.020 APPLICABILITY

14.030 NOTICE.

14.040 RESERVED FOR FUTURE USE

14.050 NATURE AND CONDUCT - GENERAL

14.060 CONFLICTS, DISCLOSURE AND CHALLENGE FOR BIAS

14.070 DUTIES OF THE PRESIDING OFFICER

14.080 ORDER OF PROCEDURE

14.090 BURDEN OF PROOF

14.100 RECORD OF PROCEEDINGS, EVIDENCE AND SUMMARY OF TESTIMONY

14.110 AMENDMENT AND SUSPENSION

14.120 FINALITY OF DECISION

## **ARTICLE 14**

### **PUBLIC HEARINGS**

#### **14.010 PURPOSE.**

This Article provides a public hearing process that makes available a venue for citizen involvement before the Planning Commission, Hearings Official and the City Council.

#### **14.020 APPLICABILITY.**

- (1)** The Planning Commission shall hear:
  - (a)** Type II review procedure administrative appeals within the city limits;
  - (b)** Type III review procedure quasi-judicial applications within the city limits;
  - (c)** Type IV review procedure legislative applications that require a recommendation to the City Council; and
  - (d)** Appeals as may be assigned by the City Council.
- (2)** The Hearings Official shall hear:
  - (a)** Type II review procedure administrative appeals within the City's urbanizable area and appeals of all expedited land division actions as defined in ORS 197.360;
  - (b)** Type III review procedure quasi-judicial applications within the City' urbanizable area; and
  - (c)** Appeals as may be assigned by the City Council.
- (3)** The City Council shall hear:
  - (a)** Type III review procedure quasi-judicial appeals within the city limits; and
  - (b)** Type IV review procedure legislative applications final decisions.

#### **14.030 NOTICE.**

- (1)** Mailed Notice. Where required, notice of the public hearings shall be given by mail sent at least 20 days before the date of the hearing. If two public hearings are required, notice may be sent 10 days before the first public hearing. The mailed notice shall be sent to the applicant and the owners of record of the subject property, all property owners and occupants within 300 feet of

the subject property and to the appropriate neighborhood association. In addition, the applicant shall post one sign, approved by the Director on the subject property. Information pertaining to property ownership shall be obtained from the most recent property tax assessment role. The mailed notice shall contain the following:

- (a) A map locating the subject property.
- (b) Identification of the application by Department file number.
- (c) Identification of the subject property by reference to the property address, if there is one, and the Lane County assessment map and tax numbers.
- (d) Identification of the property owner and applicant.
- (e) An explanation of the nature of the application and the proposed use or uses that could be authorized by the decision.
- (f) The criteria from this Code, Metro Plan and all other relevant criteria that apply to the application and decision.
- (g) The name of the Department representative to contact and the telephone number where additional information may be obtained.
- (h) A statement that the application, all documents and evidence relied upon by the applicant, and the applicable criteria are available for inspection at the Development Services Department at no cost and that copies will be provided at reasonable cost.
- (i) The time, date and place of the public hearing.
- (j) Identification of which Approval Authority will conduct the hearing.
- (k) Disclosure of the requirements of this Article for submittal of written materials prior to the hearing and a general statement of the requirements of this Article for the submission of testimony and the procedure for the conduct of hearings.
- (l) If the hearing is an appeal, identification of the appellant's name, if different from property owner's name or the applicant's name.
- (m) A statement that failure to raise an issue in a hearing by the close of the record at or following the final evidentiary hearing, in person or by letter, or failure to provide sufficient specificity regarding an issue to afford the Approval Authority an opportunity to respond to the issue, precludes raising the issue in an appeal to the Oregon Land Use Board of Appeals on that issue.

- (n) A statement that at least seven days prior to the hearing, a copy of the staff report for the hearing will be available for a free inspection at the Development Services Department and copies will be provided at a reasonable cost.
- (2) Newspaper Notice - Quasi-judicial and legislative land use decisions. Notice shall also be published in a newspaper of general circulation. This notice shall include the nature of the application and the proposed use; the subject property location; the date, time, place and location of the hearing; and a statement that the application, all documents and evidence relied upon by the applicant, the applicable criteria and a copy of the staff report will be available for a free inspection and copies will be available at a reasonable cost.

**14.040 RESERVED FOR FUTURE USE.**

**14.050 NATURE AND CONDUCT - GENERAL.**

- (1) Unless waived, affected parties are entitled to an opportunity to be heard, to present and rebut evidence before a hearing body which is impartial, to have the proceedings recorded, and to have a decision based on evidence offered supported by findings as part of the record.
- (2) No person shall be disorderly, abusive or disruptive of the orderly conduct of the hearing.
- (3) No person shall testify without first receiving recognition from the presiding officer and stating their full name and residence address.
- (4) No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
- (5) There shall be no audience demonstrations such as applause, cheering, booing, display of signs, or other conduct disruptive of the hearing. This conduct may be cause for immediate termination of the hearing by the hearing body.

**14.060 CONFLICTS, DISCLOSURE AND CHALLENGE FOR BIAS.**

- (1) A member of the Planning Commission, or City Council or the Hearings Official shall not participate in any proceeding or action in which any of the following has a direct or substantial financial interest: The member or a spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which they are then serving or has served within the previous 2 years, or any business which they are negotiating for or has an arrangement or understanding concerning a prospective partnership or employment.
- (2) Disclosure.
  - (a) To assure fair and impartial recommendations and determinations and to assure advocates the opportunity to respond or refute information which the hearing body has available to it, it is mandatory that full disclosure of pre-hearing (ex parte) consideration of all Type III and IV public hearing land use agenda items be made at the beginning of the public

hearing. However, it is anticipated that members of a hearing body may ask questions of the staff relating to the staff report.

- (b) Members of the hearing body should avoid pre-hearing contacts so that their recommendations and determinations can be based solely on the evidence presented at the time of the public hearing. If a public hearing is scheduled by another hearing body regarding a matter under the member's consideration, the member may attend that hearing provided only that the member does not engage in any conduct which would bias their decision.
- (c) Disclosure shall be made of any discussion, except at public hearing, between any voting member and an applicant or their representative or any other person with direct interest concerning a specific case that is scheduled or likely to come before the hearing body. The substance of any ex parte contact shall be related at the beginning of the public hearing before the hearing body and made part of the record.

**(3) Challenge for Bias.**

- (a) Any proponent or opponent for a proposal to be heard by the hearing body may challenge the qualifications of any member to participate in the hearing and decision. Except for a challenge based upon disclosure made at the time of the hearing, which may be made orally, the challenge shall state facts in writing, by affidavit, relied upon by the submitting party relating to a member's bias, prejudice, personal interest, or other facts from which the party has concluded that the member will not participate and made a decision in an impartial manner.
  - 1. The written challenge shall be delivered to the presiding officer, and the member whose qualification is challenged not less than 48 hours preceding the time set for public hearing.
  - 2. The challenge shall be made part of the record.
- (b) No member shall participate in a hearing or decision of a proposal when they have determined that they cannot participate in the hearing and decision in an impartial manner.

**14.070 DUTIES OF THE PRESIDING OFFICER.**

The Chairperson of the Planning Commission, shall be the presiding officer at all hearings before the Planning Commission. The Mayor shall be the presiding officer at all hearings before the City Council. In the absence of the Chairperson of the Planning Commission, the Vice-Chairperson shall act as the presiding officer at any public hearing. In the absence of the Mayor, the Council President shall be the presiding officer at all hearings before the City Council. The Hearings Official shall be considered to be a presiding officer. In the absence of the Hearings Official, a substitute shall preside. A presiding officer shall have the authority to:

- (1) Regulate the course and decorum of the hearing;



- (2) Dispose of the procedural request or similar matters;
- (3) Rule on offers of proof and relevance of evidence and testimony;
- (4) Take other action authorized by the hearing body appropriate for conduct commensurate with the nature of the hearing;
- (5) Impose reasonable time limits on those appearing; and
- (6) Rule upon a challenge for bias under Section 14.060(3) of this Article.

#### **14.080 ORDER OF PROCEDURE.**

- (1) Open Public Hearing. The presiding officer in the conduct of a public hearing shall commence the hearing by summarizing the rules for the conduct of the hearing including a statement made to those in attendance that:
  - (a) States the nature of the application and the proposed use;
  - (b) Lists the applicable substantive criteria;
  - (c) Lists the order of procedure;
  - (d) States that the testimony and evidence must be directed toward the criteria specified in Subsection (1)(b) of this Section or other criteria in the Metro Plan or land use regulations which the person believes apply to the decision; and
  - (e) States that failure to raise an issue by the close of the record at or following the final evidentiary hearing with sufficient specificity to afford the Approval Authority and the parties an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals based on that issue.
  - (f) States that, unless there is a continuance, if a participant so requests before the conclusion of the first evidentiary hearing, the record shall remain open for at least seven days after the hearing. Such an extension shall not be subject to the limitations of ORS 227.178.
- (2) Disclosure of Conflicts and Ex-parte Conflicts, if any. Inquire of the body whether any member wishes to abstain from participation in the hearing. Any member announcing their abstention shall not participate in the hearing, participate in discussion of the question, or vote on the question. This abstention shall not be construed as prohibiting the member from speaking from the floor in favor of or in opposition to the proposal as a member of the public. Any member whose participation has been challenged by allegation of bias, prejudgment, personal interest, or partiality, or who has been subject to significant ex parte or pre-hearing contact from proponents or opponents, may make a statement in response or an explanation for the record and their decision to abstain or not. This statement shall not be subject to cross examination except upon consent of that member but shall be subject to rebuttal by any person.

- (3) Inquire of the audience whether there are any objections to jurisdiction of the hearing body to hear the matter, and if objections are received, conduct further inquiry as necessary to determine the question. The presiding officer shall terminate the hearing if the inquiry results in substantial evidence that the hearing body lacks jurisdiction, (e.g. necessary procedural requirements of the ordinance have not been met). Any matter terminated may, if the defect can be remedied, be rescheduled by the hearing body.
- (4) Staff Report. Request staff to summarize the nature of the proposal, explain any graphic or pictorial displays which are a part of the record, and provide any other information as may be requested by the hearing body, including written communications received. The Staff Report shall be part of the record together with any public hearing affecting the decision.
- (5) Request the representative of the Planning Commission or the Historical Commission to summarize the reasoning in support of their recommendation.
- (6) Applicant Testimony.

  - (a) The applicant shall first be heard on their own behalf, or by representative.
  - (b) Upon failure of the applicant or their representative to appear at the hearing on the proposal, or upon their express waiver of presenting testimony and evidence, the hearing body shall consider the written application, plus staff materials, as presenting the applicant's case.
- (7) Testimony by Those in Favor.
- (8) Testimony by Those Neutral.
- (9) Testimony by Those Opposed.
- (10) Staff Summary. City staff members and representatives of other public agencies shall be afforded an opportunity to make presentations, following a summation by staff if considered necessary and desirable.
- (11) Rebuttal by Applicant. Allow the applicant to offer rebuttal evidence and testimony and the opponent to respond to any new information presented by the applicant for the first time in rebuttal. The scope and extent of rebuttal shall be determined by the presiding officer.

In addition to the direct questions presented by members, direct questions of persons appearing at a hearing may be allowed by the presiding officer upon request by any person. Persons having questions should state the questions and to whom the questions are addressed at the time of their own presentation. Reply by the person to whom the questions are addressed may be made during the rebuttal period or as determined by the presiding officer.
- (12) Close Public Hearing.

- (13) Discussion of Policy Issues and Compliance with Adopted Plans (possible questions of staff or Public).
- (14) Decision regarding approval, continuance and reopening of the record. The presiding officer shall conclude the public hearing and the hearing body shall deliberate the proposal. The hearing body shall either make its decision and state its findings, which may incorporate findings proposed by the applicant, opponents, the staff, or the Planning Commission; or may continue its deliberations to a subsequent meeting, the time and place of which shall then be announced; or, if requested by a party before the conclusion of the hearing shall leave the record open for at least seven days after the hearing.
- (15) Continuance Procedures.
- (a) Upon its own motion, the Planning Commission, Hearings Official or the City Council may order a continuance if the public hearing is not closed on the date set for the hearing or for other reasons. Unless waived by the applicant, any continuance is subject to the limits of the 120 Calendar Day Review Period as specified by ORS 227.178, At the time the continuance is granted, the time and place to which the hearing is continued shall be announced and no further public notice under Section 14.030 of this Article shall be required.
- (b) In the event that the applicant requests the continuance, the applicant shall stipulate in writing, consent to the extension of the 120 Calendar Day Review Period as specified by ORS 227.178, and waive any rights that may accrue to the applicant as a result of the 120 Calendar Day Review Period being extended.
- (16) Participant request for Open Record. Unless there is a continuance as specified in Subsection (15) of this Section, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. This extension shall not be subject to the limitation of ORS 227.178.
- (17) Reopening the Record. When the Planning Commission, Hearings Official or City Council reopens a record 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.

#### **14.090 BURDEN OF PROOF.**

The burden of proof at evidentiary public hearings shall be upon the proponent of the requested action and shall be based upon specific criteria found in this Code.

#### **14.100 RECORD OF PROCEEDINGS, EVIDENCE AND SUMMARY OF TESTIMONY.**

All public hearings shall be electronically or stenographically recorded. A summary of all pertinent testimony offered at public hearings shall be reduced to writing and made a part of the permanent files of the application. All physical and documentary evidence presented shall be marked to show the identity

of the persons offering and whether presented on behalf of proponent or opponent. These exhibits shall be retained by the City until after any applicable appeal period has expired, at which time the exhibits shall be released upon demand to the identified person.

#### **14.110 AMENDMENT AND SUSPENSIONS.**

Any rule of procedure not required by law may be amended, suspended or repealed at any hearing by majority vote of those members present and voting.

#### **14.120 FINALITY OF DECISION.**

- (1)** All actions or decisions of the Director, Planning Commission or Historical Commission shall be final unless appealed or where the City Council is required to act.
- (2)** All actions or decisions of the City Council shall be final, except referral back to the Planning Commission or Historical Commission, continuances of a hearing or where a State agency or where Eugene and Lane County are required to act.
- (3)** All actions or decisions of the Hearings Official shall be final.

**(Ord. 5358 11/17/86):** Sections 14.020; 14.030; 14.040; 14.060.

**(Ord. 5407 10/19/87):** Sections 14.010; 14.020; 14.030; 14.040; 14.060; 14.070; 14.080; 14.120; (14.130).

**(Ord. 5510 5/7/90):** Sections 14.020, 14.030, 14.040 Reserved for Future Use; 14.080; 14.090.

**(Ord. 5551 2/4/91):** Section 14.120.

**(Ord. 5728 3/7/94):** Section 14.030.

**(Ord. 5867 12/1/97):** Sections 14.010; 14.030.

**(Ord. 5949 12-13-99):** Section 14.020 (2)(a)(b)(c)

**(Ord. 5962 05/15/00)** Section 14.010 (2)(d)

**(Ord. 6133 07/18/05):** Title page; Sections 14.010, 14.020 and 14.030.

**ARTICLE 15 APPEALS**

**APPEALS**

15.003 PURPOSE

15.005 APPLICABILITY

15.010 REVIEW

15.020 APPEALS OF THE DIRECTOR'S OR HEARINGS OFFICIAL'S TYPE II DECISION

15.030 APPEALS OF THE PLANNING COMMISSION'S TYPE III DECISION

15.040 APPEALS OF THE HEARINGS OFFICIAL'S AND CITY COUNCIL'S FINAL ACTION

## **ARTICLE 15 APPEALS**

### **APPEALS**

#### **15.003 PURPOSE.**

This Article provides procedures and approval criteria for the review of appeals of the Director's, Hearings Official's, Planning Commission's or City Council's decision on land use and development matters.

#### **15.005 APPLICABILITY.**

The procedures in this Article apply to all properties within the city limits and within the City's urbanizable area.

#### **15.010 REVIEW.**

Appeals of decisions under this Code shall be reviewed as follows:

- (1) Type III procedure. The Director's decision, which is a Type II procedure, may be appealed to the Planning Commission or Hearings Official by a party as specified in Section 15.020 of this Article.

  - (a) The Planning Commission shall hear appeals of the Director's decision within the city limits.
  - (b) The Hearings Official shall hear:

    1. Appeals of the Director's decision outside of the city limits but inside the City's urbanizable area;
    2. Appeals of expedited land division actions as specified in ORS 197.375; and
    3. Appeals of a Drinking Water Protection application in accordance with Sections 17.050(7), 17.060 and 17.070(1)(a) of this Code.
- (2) Type IV procedure. The Planning Commission's quasi-judicial decision, which is a Type III procedure, may be appealed to the City Council by a party as specified in Section 15.030 of this Article.
- (3) If more than one party files an appeal on a decision, the Director may consolidate the appeals which then may be heard as one proceeding.
- (4) A complete application together with all required materials shall be submitted to the Director prior to the review of the request as specified in Section 3.050 Application Submittal.

### **15.020 APPEALS OF THE DIRECTOR'S OR HEARINGS OFFICIAL'S TYPE II DECISION.**

- (1) Standing to Appeal. Only the property owner, applicant, if different and those persons who submitted written comments within the specific comment period for limited land use decisions, or those persons entitled to notice for non-limited land use decisions shall have standing to appeal the Director's or Hearings Official's decision.
- (2) Filing an Appeal. An appeal application shall be filed with the Director within 15 calendar days of the Director's or Hearings Official's decision.
- (3) Notice. The Director shall provide notice of the public hearing to the property owner, applicant, if different, the appellant and all persons previously noticed as part of the process leading to the Director's or Hearings Official's decision. The notice of the appeal hearing shall be in accordance with Section 14.030 of this Code.
- (4) Review. The review shall be de novo and the public hearing shall be conducted as specified in Section 14.080 of this Code.
- (5) Decision. The Planning Commission or Hearings Official shall consider the Director's report and all other evidence presented, including oral and written testimony in making their decision. The Planning Commission or Hearings Official may affirm, modify or reverse the decision of the Director and shall adopt findings in support of their decision. The Planning Commission or Hearing's Official may attach conditions as may be reasonably necessary in order to allow the appeal to be granted. The Planning Commission's or Hearings Official's decision shall be final.

**EXCEPTION:** A Type III appeal decision may be reviewed as an appeal by the City Council on their own motion.

### **15.030 APPEALS OF THE PLANNING COMMISSION'S TYPE III DECISION.**

- (1) Standing to Appeal. Only those persons who participated either orally or in writing have standing to appeal the decision of the Planning Commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record.
- (2) Filing an Appeal. An appeal application shall be filed with the Director within 15 calendar days of the Planning Commission's decision.
- (3) Notice. The Director shall provide notice of the public hearing to all parties who participated either orally or in writing before the close of the public record leading to the Planning Commission's

decision. The notice of the appeal hearing shall include the information specified in Section 14.030 of this Code.

- (4) Review. The review shall be as determined by the City Council. The parties may be permitted to present their oral or written arguments as to all matters within that record. The public hearing shall be conducted as specified in Section 14.080 of this Code.
- (5) Decision. The City Council shall consider the Director's report and all other evidence presented, including oral and written testimony in making their decision. The City Council may affirm, modify or reverse the decision of the Director and shall adopt findings in support of their decision. The City Council may attach conditions as may be reasonably necessary in order to allow the appeal to be granted. The City Council's decision shall be final.

#### **15.040 APPEALS OF THE HEARINGS OFFICIAL'S AND CITY COUNCIL'S FINAL ACTION.**

A decision of the Hearings Official or the City Council shall be appealed to the Oregon Land Use Board of Appeals in accordance with ORS Chapter 197.

**EXCEPTION:** A decision of the Hearings Official on an Expedited Land Division shall be appealed to the Oregon Court of Appeals in accordance with ORS Chapter 197.

(Ord. 5407 10/19/87): Sections 15.010; 15.020; 15.030; (15.040); (15.050).

(Ord 5510 5/7/90): Sections 15.010; 15.020; 15.030.

(Ord. 5551 2/4/91): Sections 15.020; 15.030.

(Ord. 5804 12/18/95): Sections 15.010; 15.020; 15.030.

(Ord. 5867 12/1/97): Section 15.020.

(Ord. 5962 05/15/00): Section 15.020(5)(b)

(Ord. 6133 07/18/05): Title page; Sections 15.003, 15.005, 15.010, 15.020, 15.030 and 15.040.





## **CHAPTER II ZONING AND OVERLAY DISTRICTS**

ARTICLE 16 RESIDENTIAL ZONING DISTRICTS

ARTICLE 17 DWP DRINKING WATER PROTECTION OVERLAY DISTRICT

ARTICLE 18 COMMERCIAL ZONING DISTRICTS

ARTICLE 19 BKMU BOOTH-KELLY MIXED-USE DISTRICT

ARTICLE 20 LMI, HI, AND SHI INDUSTRIAL ZONING DISTRICTS

ARTICLE 21 CI CAMPUS INDUSTRIAL DISTRICT

ARTICLE 22 MS MEDICAL SERVICES DISTRICT

ARTICLE 23 PLO PUBLIC LAND AND OPEN SPACE DISTRICT

ARTICLE 24 QMO QUARRY AND MINE OPERATIONS DISTRICT

ARTICLE 25 WG WILLAMETTE GREENWAY OVERLAY DISTRICT

ARTICLE 26 HD HILLSIDE DEVELOPMENT OVERLAY DISTRICT

ARTICLE 27 FP FLOODPLAIN OVERLAY DISTRICT

ARTICLE 28 HS HOSPITAL SUPPORT OVERLAY DISTRICT

ARTICLE 29 UF-10 URBANIZABLE FRINGE OVERLAY DISTRICT

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**ARTICLE 16**

**RESIDENTIAL ZONING DISTRICTS**

16.010 ESTABLISHMENT OF RESIDENTIAL ZONING DISTRICTS

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## ARTICLE 16

### RESIDENTIAL ZONING DISTRICTS

#### 16.010 ESTABLISHMENT OF RESIDENTIAL ZONING DISTRICTS.

In order to fully implement the policies of the Metro Plan, regulate the use of land, structures and buildings, and protect the public health, safety and welfare, the following zoning districts are established in this Article:

- (1) **DR LOW DENSITY RESIDENTIAL DISTRICT.** The LDR District is intended to fully implement the Metro Plan low density residential designation, any applicable refinement plan and establishes sites for Low Density Residential development where the minimum level of urban services are provided. The maximum dwelling units per developable acre permitted is 10, consistent with the provisions of this Code. Fractions will be rounded down to the next whole number.
- (2) **MDR MEDIUM DENSITY RESIDENTIAL DISTRICT.** The MDR District is intended to fully implement the Metro Plan Medium Density Residential designation, any applicable refinement plan and establishes sites for medium density residential development where the minimum level of urban services are provided. Single family or multiple family dwellings are permitted with a minimum density of more than 10 units per developable acre and a maximum density of 20 units per developable acre, consistent with the provisions of this Code. Fractions will be rounded down to the next whole number. Land divisions shall not be used to diminish the minimum density standard.
- (3) **HDR HIGH DENSITY RESIDENTIAL DISTRICT.** The HDR District is intended to fully implement the Metro Plan High Density Residential designation, any applicable refinement plan and establishes sites for high-density residential development where the minimum level of urban services are provided. Single family or multiple family dwellings are permitted with a minimum density of more than 20 units per developable acre and a maximum density of 30 units per developable acre, consistent with the provisions of this Code. Fractions will be rounded down to the next whole number. Land divisions shall not be used to diminish the minimum density standard.

#### 16.020 SCHEDULE OF USE CATEGORIES

The following specific uses are permitted in the districts as indicated, subject to the provisions, additional restrictions and exceptions set forth in this Code:

**“P” = PERMITTED USE**, subject to the standards of this Code; may be processed under Type I, II or III procedures (Please refer to Article 3 of this Code).

**“S” = SPECIAL USE**, subject to special locational and siting standards to be met prior to being deemed a permitted use; may be processed under Type I, II or III procedures (Please refer to Article 3 of this Code).

**“D” = DISCRETIONARY USE**, may or may not be permitted, based upon the application of general criteria; may be subject to special locational and siting standards to be met prior to being deemed a permitted use; processed Type III procedures (Please refer to Articles 3 and 10 of this Code).

**- = NOT PERMITTED**

**\* = SITE PLAN REVIEW REQUIRED**

USE CATEGORIES/USES	DISTRICTS		
	LDR	MDR	HDR
(1) Accessory structures (Section 16.100(1))	S	S	S
(2) Agricultural Uses			
(a) Cultivation of undeveloped land	P	P	P
(b) Temporary sales/display of produce (Section 16.100(3))	S	-	
(c) Agricultural structures	P	P	P
(3) Churches (Section 16.100(2))	D*	D*	D*
(4) Commercial Uses			
(a) Professional offices (Section 16.100(11))	S*	S*	S*
(b) Residential dwelling units as temporary sales offices (Section 16.100(12))	S	S	S
(5) Dwellings			
(a) Attached single-family dwellings	D*	P*	P*
(b) Cluster Development (Section 16.100(3))	S	S	S
(c) Condominiums	S*	P*	P*
(d) Detached single-family dwellings	P	P	P
(e) Duplexes (Section 16.100(5))	S	P	P
(f) Multiple family dwelling including triplexes, four-plexes, quads, guints, and apartment complexes over 4 units.	-	P*	P*
(g) RVs as a residential use	-	-	-

	(h) Prefabricated dwellings	P	P	P*
(6)	Day Care Facilities (Section 16.100(4))			
	(a) Day Care Home – 1 to 5 children	P	P	P
	(b) Day Care Group Home – 6 to 12 children	P	P	P
	(c) Day Care Center – 13 or more children (abutting an arterial street)	S*	S*	S*
	(d) Day Care Center – 13 or more children (abutting a collector or local street)	D*	S*	S*
	(e) Adult Day Care – facilities up to 12 adults	P	P	P
	(f) Adult Day Care – facilities with more than 13 adults (abutting an arterial street)	S*	S*	S*
	(g) Adult Day Care – facilities with more than 13 adults (abutting a collector or local street)	D*	S*	S*
(7)	Educational facilities – Public / Private elementary/middle schools. (Section 16.100(9))			
	(a) 1 to 5 students in a private home (in a 24 hour period)	P*	P*	P*
	(b) 6 or more students (Section 10.030(4))	D*	D*	D*
(8)	Home Occupation (Section 10.030(6))	S	S	S
(9)	Group Care Facilities (Section 16.100(7))			
	(a) Foster homes for over 5 children	P*	P*	P*
	(b) Residential care facilities with more than 15 persons include: Group care homes, congregate care facilities, nursing homes and retirement homes	D*	S*	S*
(10)	Halfway Houses	-	D*	D*
	(a) Residential Facilities – 6 to 15 persons	P	P*	P*
	(b) Residential Home – 5 or fewer persons	P	P	P

	(c) Shelter Homes for abused and battered persons	P	P*	P*
<b>(11)</b>	<b>Manufactured Dwellings</b>			
	(a) Manufactured dwelling park (Article 36)	S*	-	-
	(b) Manufactured home (Article 36)	P	P	-
	(c) Manufactured home subdivision (Articles 35 & 36)	P	P	-
	(d) Mobile home (Article 36)	P	-	-
	(e) Manufactured home as a temporary residential use (Article 36)	S*	-	-
	(f) Residential trailers (Article 36)	P	-	-
<b>(12)</b>	<b>Parks – Neighborhood and private (Section 16.100(8))</b>	D*	D*	D*
<b>(13)</b>	<b>Public Utility Facilities (Section 16.100(10))</b>			
	(a) High impact facilities	S*	S*	S*
	(b) Low impact facilities	P	P	P
<b>(14)</b>	<b>Transient accommodations (Section 16.100(14))</b>			
	(a) Bed and breakfast facilities	S*	S*	S*
	(b) Boarding and rooming houses - 1 to 2 bedrooms	P*	P*	P*
	(c) Boarding and rooming houses 3 to 5 bedrooms	S*	P*	P*
	more than 5 bedrooms	-	P*	P*
	(d) Emergency shelter homes	S*	S*	S*
	(e) Youth hostels	-	D*	D*
	(f) Tree cutting and removal (Article 38)	S	S	S
	(g) Certain wireless telecommunications Systems Facilities (Article 32). Refer to Section 32.130 for siting standards and review process in all residential zoning districts.			

### **16.030 LOT/PARCEL SIZE STANDARDS.**

Minimum lot/parcel sizes in the residential districts shall be as follows:

- (1) Lots/parcels on east-west streets shall be:  
4,500 square feet in area with 45 feet of street frontage.
- (2) Lots/parcels on north-south streets shall be:  
5,000 square feet in area with 60 feet of street frontage.
- (3) Lots/parcels on the bulb portion of a cul-de-sac shall be:  
6,000 square feet in area with 35 feet of street frontage.
- (4) Lots/parcels (duplexes) on corners in all residential districts shall be:  
  
6,000 square feet in area with street frontage as specified in Subsections (1) and (2) of this Section. This standard prohibits the division of the lot/parcel to create separate ownership for each dwelling unit.

#### **EXCEPTION:**

- 10,000 square feet in area in the LDR District as specified in Section 16.100(5) of this Article with street frontage as specified in Subsections (1) and (2) of this Section. This standard is required to allow for the future the division of the lot/parcel to create separate ownership for each dwelling unit.
- (5) Lots/parcels within the boundary of the HD Hillside Development Overlay District shall be determined as specified in Section 26.050 of this Code:
    - (a) 10,000 square feet (less than 15 percent slope) with 60 feet of street frontage.
    - (b) 10,000 square feet (between 15 percent and 25 percent slope) with 90 feet of street frontage.
    - (c) 20,000 square feet in area when the slope is between 25 percent and 35 percent with 150 feet of street frontage.
    - (d) 40,000 square feet (over 35 percent slope) with 200 feet of street frontage.
  - (6) Lots/parcels with panhandles shall be:
    - (a) 4,500 square feet in area in the pan portion with:
      1. 20 feet of street frontage for a single panhandle; or



2. 26 feet of street frontage for multiple panhandles. The street frontage for each panhandle parcel shall be determined by the number of parcels, i.e., if there are two panhandles, the frontage for each will be 13 feet.
- (b) Special provisions for lots/parcels with panhandle driveways:
1. Panhandle driveways shall be permitted where dedication of public right-of-way is impractical or to comply with the density standards in the applicable zoning district. Panhandle driveways shall not be permitted in lieu of a public street, as determined by the Director.
  2. Panhandle driveways shall not encroach upon or cross a watercourse, other body of water or other topographic feature except as approved by the Director and the City Engineer.
  3. The area of the pan portion does not include the area in the panhandle driveway.
  4. No more than 4 lots/parcels or 8 dwelling units shall take primary access from one multiple panhandle driveway.
  5. The paving standards for panhandle driveways shall be:
    - a. 12 feet-wide for a single panhandle driveway from the front property line to a distance of 18 feet, where there is an unimproved street; and from the front property line to the pan of the rear lot/parcel, where there is an improved street; and
    - b. 18 feet-wide for a multiple panhandle driveway from the front property line to the pan of the last lot/parcel . This latter standard takes precedence over the driveway width standard for multiple family driveways specified in Table 32-2 of this Code.
  6. The Director may waive the requirement that buildable lots/parcels have frontage on a public street when access has been guaranteed via a private street, or driveway with an irrevocable joint use/access easement.
    - a. Private streets shall be constructed as specified in Section 32.030 of this Code and not be permitted in lieu of public streets shown on the City's adopted Conceptual Street Plan or TransPlan.
    - b. An irrevocable joint use/access easement may be used when a proposed land division includes a single or multiple panhandle lots/parcels where the front lot/parcel contains an existing primary or secondary structure and the land required for the panhandle diminishes the required 5 foot-wide side yard setback applicable to that front lot/parcel and/or the panhandle width standard cannot be met.

- i. For a single panhandle lot/parcel in the LDR District, the irrevocable access easement width shall be not less than 14 feet-wide.
  - ii. For a single panhandle in the MDR and HDR District, or where multiple panhandles are proposed in any residential district, the irrevocable access easement width shall be not less than 20 feet-wide.”
- (7) The creation of new parcels in the City’s urbanizable area shall be either 10 acres, 5 acres or shall meet the size standards of Sections (1)-(6) of this Section when approved through the Partition process specified in Article 34 of this Code.

**16.040 LOT/PARCEL COVERAGE STANDARDS**

- (1) Except as specified in Subsection (2) of this Section, the maximum lot/parcel coverage by all covered structures in all residential districts shall not exceed 45 percent.
- (2) On hillsides above 670 feet elevation and/or 15 percent slope, the maximum impervious surface of a lot/parcel inclusive of structures, patios and driveways, shall not exceed 35 percent, except as specified in Article 26, HD Hillside Development Overlay District.

**16.050 SETBACK STANDARDS.**

The following setback standards shall apply to all residential lots/parcels, unless multi-family development is proposed. In this case the setback standards specified in Section 16.110 of this Article shall take precedence. All setbacks shall be landscaped, unless a setback is for a garage or carport.

- (1) 10 feet for front yard, street side and rear yard setbacks. Determination of all yard setbacks for duplexes on corner lots shall be based upon the front yard of each unit as established by the streets used for address purposes.

**EXCEPTIONS: Garages and Carports**

- (a) 18 feet measured along the driveway from:
  - 1. The property line fronting the street to the face of the garage or carport; or
  - 2. The property line fronting the street to the far wall of the garage or carport where the face of the structure is perpendicular to the street.
  - 3. Where a garage or carport faces a panhandle driveway, the 18 feet shall be measured from the inner travel edge (pavement or gravel) within the panhandle to the face of the structure.
- (b) There shall be no setback required when the garage or carport fronts an alley.

- (2) 5 feet for interior side yard setbacks.

**EXCEPTIONS:**

- (a) Attached dwellings (zero lot line) on individual lots/parcels; and
- (b) A dwelling constructed over the common property line of two lots/parcels, where there is a recorded deed restriction.
- (3) Accessory structures shall not be located between any front or street side yard and a primary structure and shall be set back at least 3 feet from interior side and rear lot lines.

**EXCEPTIONS:**

- (a) Stand alone garages and carports shall meet the setback standards specified in Subsections (1) and (2) of this Section.
- (b) Group C accessory structures shall be permitted within setbacks as specified in Section 16.100(1)(e) of this Article.
- (4) Special provisions for panhandle and duplex lots/parcels.
- (a) All setbacks for panhandle lots/parcels shall be based on the orientation of the front and rear of the dwelling occupying the lot/parcel
- (b) All setbacks for duplexes on corner lots/parcels shall be based upon the front yard of each unit established by the street or streets used for address purposes.”
- (5) All buildings in the LDR and MDR Districts shall protect the solar access of neighboring residential lots as specified in this Subsection. See also Section 16.110(4)(d)2. and 3., of this Code, HDR Districts shall protect the solar access of LDR and MDR lots as specified in Section 16.060 of this Article.

- (a) **Solar Setback Standard.** The proposed building shall comply with one of the subsections below.

1. Solar Setback. The solar setback of the shade point shall be greater than or equal to the setback specified in Table 1 or as computed using the following formula.

$$SSB = (2.5 * SPH) + N/2 - 75$$

Where:

SSB = The solar setback (the horizontal distance between the shade point and the Northern lot line, see Figure 6);

SPH = The height of the shade point (see Figures 4 and 5); and N = The north-south dimension, provided that a north-south dimension more than 90 feet shall use a value of 90 feet for this calculation. Provide, the solar setback of the shade point may be decreased 2.5 feet above the amount calculated using the formula or Table 1 for each foot that the average grade at the rear property line exceeds the average grade at the front property line.

2. **Alternative Standard: Maximum Shade Point Height.** The maximum height of the shade point shall be less than or equal to the height specified in Table 2 or as computed using the following

$$\text{Formula: } \text{SPH} = \frac{(2 * \text{SSB}) - N + 150}{5}$$

Provided, the maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula or Table 2 for each foot that the average grade at the rear property line exceeds the average grade at the front property line..

3. **Performance Option.** The proposed building will shade no more than 20 percent of the south-facing wall of existing habitable buildings, or, where applicable, the proposed building will comply with section 3B or 3C of the Solar Design Standards. If section 3B is used, the shade point of the building(s) shall be setback from the solar building line 2.5 feet for every 1-foot of height of the shade point.

- (b) Solar setback for panhandle lots shall be calculated on the north-south dimension of the pan portion of the lot. The southern-most lot, with a north south dimension less than 60 feet in the pan portion of the lot shall have a restricted building height of 21 feet.

- (c) **Exemptions.** A building is exempt from the Solar Setback Standards when any of the following conditions exist:

1. **Slopes.** The lot on which the building is located has an average slope 20 percent or more in a direction greater than 45 degrees east or west of true south.
2. **Pre-existing Shade.** The building will shade an area that is shaded by one or more of the following:
  - a. An existing or approved building or structure;
  - b. A topographic feature; or
  - c. A non-exempt tree that will remain after development of the site. It is assumed that a tree will remain after development if: it is situated in a required setback; or it is part of a developed area, public park, or legally

reserved open space; or it is part of landscaping required pursuant to this code. A duly executed covenant also can be used to preserve trees causing such shade.

**3. Insignificant Benefit.** The proposed building shades one or more of the following:

- a. A non-developable area, such as designated open space or roadways, or a public use, which does not need solar access (park land, roadway, public facility) or similar uses.
- b. The wall of an unheated space, such as a garage, excluding solar greenhouses and other similar solar structures.
- c. Shade less than 20 square feet of south-facing glazing.

- (6) Where an easement is larger than the required setback standard, no building or above grade structure, except for a fence, shall be built upon or over that easement.
- (7) When additional right of way is required, whether by City Engineering standards or the Metro Plan including the TransPlan, setbacks shall be based on future right of way locations. Right of way shall be dedicated prior to the issuance of any building permit that increases parking requirements.
- (8) Architectural extensions may protrude into any 5-foot or larger setback area by not more than 2 feet.

**16.060 HEIGHT STANDARDS**

- (1) In residential districts, the maximum building height shall be determined by solar access considerations, in accordance with Section 16.050 of this Article. Except as specified elsewhere in this Code, no building shall exceed 30 feet in height in the LDR district and 35 feet in the MDR District and HDR District. No building shall be required to be less than 21 feet in height when set back from the northern lot line a minimum of one-half of the north-south dimension. Where the HDR District abuts an LDR or MDR district, the building height standard of the HDR District shall be one of the following:
  - (a) When abutting an LDR or MDR District to the north, the maximum building height for the HDR District shall be defined by the Maximum Shade Point Height requirement of Section 16.050(5)(a)(2) up to 50 feet south of a northern lot line or on a plane extending south with an angle of 23 degrees and originating from the top of a 16-foot hypothetical fence located on the northern lot line. In the HDR District, the maximum height may be increased to 50 feet when setback 200 feet from an LDR or MDR lot line.
  - (b) When abutting an LDR or MDR District to the east, west or south, the building height limitation on the HDR District shall be no greater than permitted in the LDR or MDR

District for a distance of 50 feet. In the HDR District, the maximum height may be increased to 50 feet when setback 200 feet from an LDR or MDR lot line.

- (2) Incidental equipment may exceed the height standards specified in Subsection (1) of this Section.

### **16.070 OFF-STREET PARKING STANDARDS**

Exception: In the Downtown Exception Area, all lots and uses shall be exempt from the motor vehicle and bicycle parking space requirements of this Article. However, any voluntarily installed parking shall conform to the design standards of this Article. Bicycle parking standards and requirements are found in Section 31.210 and 31.220 of this Code.

The following off-street parking standards have been established for residential districts:

<b>USE CATEGORIES</b>	<b>NUMBER OF SPACES</b>
(1) <b>ACCESSORY STRUCTURES</b>	Accessory structures and other structures not parking requirements occupied by humans
(2) <b>CHURCHES</b>	1 for each 100 square feet of floor area in the primary assembly area and 1 for each 200 square feet of gross floor area for the remainder of the building.
(3) <b>COMMERCIAL USES</b>	
(a) <b>Professional Offices</b>	1 for each 300 square feet of gross floor area, but in no case less than 4 spaces except that garages shall not count as parking spaces
(b) <b>Residential Dwelling units as temporary sales offices</b>	See applicable dwelling unit
(4) <b>DAY CARE CENTERS</b>	1 drop-off space for each 700 square feet of gross floor area, plus 1 long-term space for each 350 square feet of gross floor area
(5) <b>DWELLINGS</b>	
(a) <b>Attached Single-family</b>	2 for each dwelling
(b) <b>Cluster development\</b>	See applicable dwelling unit
(c) <b>Condominiums</b>	1.5 for each dwelling unit; each enclosed parking space shall count as ½ space in

		determining the 1.5 spaces for each dwelling unit.
(d)	<b>Detached single-family</b>	2 for each dwelling
(e)	<b>Duplexes</b>	2 for each dwelling unit
(f)	<b>Mobile/Manufactured homes</b>	2 for each dwelling unit
(g)	<b>Multiple family other than quads or quints</b>	1.5 for each dwelling unit
(h)	<b>Quads or Quints</b>	.75 for each bedroom
(6)	<b>EDUCATION FACILITIES</b>	Public/Private 2 for each classroom, plus 1 elementary/middle school for each 100 square feet of 6 or more student's public assembly area.
(7)	<b>GROUP CARE FACILITIES</b>	.25 for each bedroom or dwelling unit plus one per full time employee on the busiest shift.
(8)	<b>PARK, COMMUNITY OR REGIONAL</b>	Traffic Impact study required for determination of the number of parking spaces.
(9)	<b>PUBLIC UTILITY FACILITY</b>	None, unless utility vehicles will be parked over night.
(10)	<b>TRANSIENT ACCOMODATIONS</b>	
(a)	<b>Bed and breakfast facilities</b>	1 plus one for each guest
(b)	<b>Bedroom, boarding and rooming houses</b>	1 plus one for each guest bedroom
(c)	<b>Emergency shelter homes</b>	None
(d)	<b>Youth hostels</b>	.3 for each guest bedroom

**16.080 RESERVED FOR FUTURE USE.**

**16.090 FENCE STANDARDS.**

- (1) General.
- (a) Except as specified elsewhere in this Code, fences shall not exceed the height standards listed below and shall be located as follows:

1. Six feet provided the fence is located behind the front Yard setback and outside of the vision clearance area
2. Four feet in the front yard setback if an un-slatted chain-link fence is used or three feet in the front yard setback if a sight obscuring fence is used.

**EXCEPTION:**

In the case of multi-family development, fence height in the front yard shall be as specified in Section 16.110(4)(f).

3. Two and one-half feet in the vision clearance area in accordance with Section 32.070 of this Code.
4. Eight feet for public utility facilities, school yards and playgrounds, provided that the fence is located behind the front yard and street side yard planted area and outside of the vision clearance area. Residential properties abutting these facilities, railroad tracks or residential property side and rear yards abutting streets with 4 or more travel lanes, may have fences of equal height (eight feet) along common property lines and right-of-way.”
5. Ten feet for residential properties abutting commercial or industrial districts along common property lines, and around permitted storage areas in residential districts. For purposes of this Section, yards of single-family homes shall not constitute permitted storage areas.

- (b) Fences shall be in accordance with the screening standards of Section 31.160 of this Code

**(2) Review procedure.**

- (a) A construction permit shall be required only for fences over six feet in height.
- (b) Fences within the Willamette Greenway Setback area shall be reviewed under Type III procedure (Discretionary Use as provided in this Section and the provisions of Article 25).
- (c) Any fence located within a required setback, and which exceeds the allowable fence height for that setback by more than 20%, shall be reviewed under Type III procedure (Discretionary Use as provided in this Section).
- (d) Barb-wire and electrified fencing on lots less than 20,000 square feet, and razor wire on any lot, regardless of size, shall be reviewed under Type III procedure (Discretionary Use as provided in this Section). On lots larger than 20,000 square feet, barb wire and electrified fencing (the latter to be identified with warning signs every 24 feet) shall be



permitted. The Discretionary Use criteria of Section 10.030 of this Code shall not apply to fence requests. Instead, the following criteria shall apply:

1. The applicant has reasonably demonstrated a security problem exists at the site. Such demonstration shall include police reports, insurance claims paid, or affidavits from neighbors or tenants of the property corroborating the security problem;
  2. Demonstration that the placement of the fence materials will not present a hazard or risk to the general public or neighboring properties;
  3. Demonstration that the applicant has exhausted all other practical remedies to the demonstrated security problem such as sight obscuring screening, “unfriendly landscaping,” lighting or alarms which might deter trespass on the subject property; or
  4. Demonstrate that the property is subject to noise found to exceed acceptable noise levels prescribed in the Oregon Administrative Rule or the Federal Highway Administration Noise Abatement Criteria as certified by an acoustical engineer registered in the State of Oregon.
- (e) The Planning Commission, based on the evidence presented, shall approve, modify or deny the request. The Planning Commission may further condition the request including, but not limited to imposition of the following conditions; establishing the extent of the site eligible for such fencing, establishing minimum and maximum height requirements, setbacks from all property lines, and requiring specific fencing materials.

## 16.100 SPECIAL USE STANDARDS

- (1) **Accessory Structures.** This subsection regulates structures that are incidental to allowed uses to prevent them from becoming the predominant element of the site.
- (a) **Accessory Structure Groups.** Accessory structures are divided into three groups based on their characteristics. Accessory structures may be attached or separate from primary structures.
1. **Group A.** This group includes buildings and covered structures such as garages, bedrooms or living rooms, including bathrooms, that are not an accessory dwelling unit as defined in Section 16.120 of this Article, art studios, gazebos, carports, greenhouses, storage buildings, boathouses, covered decks and recreational structures. Agricultural structures as defined in this Code shall be deemed Group A accessory structures if located on lots or parcels less than 2 acres.
  2. **Group B.** (Architectural extensions) This group includes uncovered, generally horizontal structures such as decks, stairways, in ground or above ground swimming pools, tennis courts, and hot tubs.

3. **Group C.** (Incidental equipment) This group includes generally vertical structures such as flag- poles, trellises and other garden structures, play structures, radio antennas, satellite receiving dishes and lampposts. Fences are addressed in Section 16.090 of this Article and signs are addressed in Section 16.080 of this Article.

(b) **General Standards.**

1. Except as specified in Subsections (c), (d) and (e), accessory structures may be located anywhere on a site if they are not in a required building setback.
2. Accessory structures must be constructed in conjunction with or after construction of the primary structure; they may not be built in advance.

(c) **Group A Standards.**

1. **Lot Coverage.** The combined square footage of all Group A accessory structures and the primary structure may not exceed the lot coverage standards specified in Section 16.040 of this Article.
2. **Relationship to primary structure.** A Group A structure may not have more square footage than the primary structure.
3. **Height.** Group A accessory structures may be as high as the primary structure, provided that the solar access standards of this Code are met.
4. **Location.** Group A accessory structures shall meet the setbacks specified in Section 16.050 of this Article.
5. **Agricultural structures** as defined in this Code shall be exempt from Group A General Standard 2 and Group A Standards 1-3 preceding if located on lots or parcels 2 acres or larger or on land with a valid farm deferral tax classification from the Oregon State Department of Revenue.

(d) **Group B Standards.**

1. Accessory structures, not including attached rails, benches and planter boxes, which are less than 2 ½ feet in height (average finished grade) are allowed in required building setbacks.
2. Accessory structures, not including attached rails, benches and planter boxes, which are between 2 ½ feet and six feet in height (average finished grade) are not allowed in required front yard building setbacks. They are allowed in required side and rear building setbacks, but not within three feet of a lot line.
3. Accessory structures, which are over six feet in height, (average finished grade) are not allowed in any required building setbacks.

4. Swimming pools, tennis courts, and other accessory structures, which require fences shall not be located within the front yard setback.

(e) **Group C Standards.** Group C accessory structures are only allowed in required building setbacks if they are no more than two feet in width, or diameter, and no taller than 8 feet.

**EXCEPTION:** Flagpoles may be located outside of required setbacks or easements with a maximum height of 30 feet.

(2) Churches.

(a) Churches shall have a planted front yard setback of 15 feet and planted side and rear yard setbacks of 20 feet. The planted setbacks for parking lots and driveways may be reduced to 5 feet when the Director determines that adequate buffering has been provided.

(b) A minimum of 25 percent of the lot shall be planted.

(c) Churches shall abut an arterial or collector street.

(3) Cluster Development.

(a) **Applicability.** Cluster Development is a form of subdivision development that permits flexibility in dimensional requirements by reducing lot size, setback, street width and other developmental standards to allow more flexible design than is permissible under the conventional subdivision process. Cluster Development preserves open space and creates innovative residential designs that emphasize affordability and home ownership. Cluster Development shall be permitted in all residential districts. The minimum development area shall be at least 1 gross acre in size. Cluster Development shall not exceed the maximum density of the applicable zoning District and the Metro Plan. Density shall be calculated on the gross acreage.

(b) **Purpose.** The purpose of Cluster Development is to fully implement the goals and policies of the Metro Plan by:

1. Permitting developers to use innovative methods and approaches not available under conventional subdivision methods to facilitate the construction of a variety of housing types;
2. Encourage infill on larger properties;
3. Lowering development costs by economic provisions of public facilities;
4. Providing common open space for active and passive recreation use of residents of the development; and

5. Preserving natural resources including but not limited to wetlands, natural drainage ways, constructed open storm water management areas, and wooded areas by clustering development on those portions of a site that are suitable for development.
- (c) Review Procedure. All Cluster Subdivisions shall be reviewed under the Subdivision review process specified in Article 35 of this Code; and
- (d) Permitted Dwellings, Structures and Uses. The following dwellings, structures and uses shall be permitted in all residential districts:
1. Attached single-family dwelling, row houses, town houses.
  2. Detached single-family dwellings.
  3. Duplexes.
  4. Manufactured dwellings.
  5. Multi-Family dwellings (in MDS and HDR zoning districts)
  6. Accessory structures and uses permitted in the LDR District.
  7. Common public and private open spaces
- (e) Adjustments to Dimensional Standards. Cluster Development allows reduced lot sizes and setback standards for individual lots, without exceeding the maximum density provisions of the applicable zoning District and the Metro Plan.

**EXCEPTIONS:**

1. The perimeter of the development shall meet the LDR setbacks specified in Section 16.050 of this Code.
  2. No increase in building height shall be permitted.
  3. Solar protection for abutting LDR properties north of the proposed development shall be required.
  4. The maximum lot coverage of the net development area shall meet the lot coverage standards of Section 16.040 of this Code.
  5. Where zero lot line construction is used, spacing between buildings or clusters of buildings shall be at least 10 feet.
- (f) Neighborhood Compatibility. New single-family detached, attached, and duplexes constructed within a cluster development should be generally compatible with existing

homes. The goal is to reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings, such as building details, massing, proportions, and materials. To foster compatible residential development at the higher densities sought by this Article. The following standards shall be followed.

1. **Front Yard Setbacks for Buildings in Established Residential Area.** When an existing single-family residence is located within 25 feet of the subject site and fronts on the same street as a proposed building, a front yard setback similar to that of the nearest single-family residence shall be used. “Similar” means the setback is within 5 feet of the setback of the nearest single-family residence. For example, if the existing single-family residence has a front yard setback of 20 feet, then the new building shall have a front yard setback between 15 and 25 feet. If there are two adjacent single-family residences fronting on the same street, then an average measurement shall be taken using the two adjacent residences. This standard shall not cause a front yard setback to exceed 25 feet.
2. **Building Height Transition.** Tall buildings shall step-down to provide a height transition to existing single story buildings. This standard applies to new and vertically expanded buildings within 25 feet (as measured horizontally) of an adjacent LDR property line with an existing single story building that is less than 21 feet in height. The standard is met when the height of the taller building or portion of the taller building does not exceed the height of the shorter building by more than 5 feet within the 25-foot horizontal zone.

**(g) Specific Development Standards for Single-Family Dwellings.** The following design standards apply to Single-family detached, Single-family attached (less than 3 attached units) and Duplexes:

1. **Building Orientation and Connectivity to the Fronting Street.**
2. **Dwelling units shall have a door opening directly to the fronting street.** A minimum 3-foot wide walkway shall connect the door to the street. The walkway shall be constructed of a permanent hard surface (not gravel) and located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.
3. **Garage Doors.** Garage door placement and design shall meet the following conditions:
  - a. **Garage door openings facing a fronting street shall not exceed 40% of the width of the house façade.**
  - b. **The garage façade shall be back a minimum of 4 feet from the house façade. The minimum setback of the garage façade is reduced to 0 feet if the house facade has a porch, 50 square feet or more in size, encroaching into the setback.**

4. Windows. A minimum area 15 percent windows and/or dwelling doors on facades facing streets, sidewalks, and multi-use paths (including garage facades). Gabled areas do not need to be included in the base wall calculation when determining the minimum 15 percent calculation for windows/doors.
  5. Design Variety. Each home shall incorporate a minimum of three (3) of the following five (5) building design features. Applicants shall indicate which options they are proposing on plans submitted for building permits. While not all of the design features are expressly required, the inclusion of as many as possible is strongly encouraged.
    - a. Roof Pitch and Design. A minimum 4 to 12 roof pitch.
    - b. Eaves with a minimum 6-inch overhang.
    - c. Building Materials. At least two (2) different types of building materials (including, but not limited to stucco and wood, brick and stone, etc.) or a minimum of two different patterns of the same building material (e.g. scalloped wood and lap siding, etc.) on facades facing streets. These requirements are exclusive of foundations and roofs and pertain only to the walls of a structure.
    - d. Architectural Features. At least one architectural feature included on a dwelling facade(s) that faces the street. For the purposes of this provision, architectural features are defined as bay windows, covered porches greater than 60 square feet in size, second floor balconies, dormers related to living space, or habitable cupolas, pillars or posts, recessed entries and off sets in building face or roof. If a dwelling is oriented such that its front façade (facade with the front door) is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the facade of the dwelling that faces the sidewalk and contains the front door.
    - e. Architectural Details. At least one architectural detail on a dwelling facade(s) that faces the street. For the purposes of this provision, architectural details are defined as exposed rafters or beam ends, eave brackets, gridded windows or windows with divided lites, or pergolas/trellis work integrated into building facades. If a dwelling is oriented such that its front façade (façade with the front door) is oriented to a sidewalk and no facades of the dwelling face a street, then architectural details may be counted if they are located on the facades of the dwelling that face the sidewalk.
- (h) Open Space. At least 20% of the development site shall be designated common open space. Common open space can be wetlands, steep slopes, natural waterways or wooded areas. Also, common open space can be created by placing on the land amenities for community activities for residents such as playgrounds, picnic areas,

gardens or sports features. Setbacks and buffer areas do not count towards common open space. The use of restrictive covenants, dedication and homeowners' association maintenance shall be assured through a homeowners' association.

**EXCEPTION:**

The open space requirements listed in Article 16.110 shall be used when a multi-family development is proposed.

- (i) Landscaping. Landscaping and/or natural vegetation shall occupy a minimum of 50 percent of required common open space. On-site natural resources and historic features that are accessible to residents (e.g., by trails, boardwalk, etc.) may be used to satisfy this requirement. For example, if 25% of the site includes a natural resource or historic feature then 25% of the landscaping requirement is satisfied.
- (j) Conditions of Approval. Over and above any other condition of approval, when mitigating conflicts with adjacent properties raised during the review of a Cluster Development, the Director may require landscaping in the perimeter setbacks specified in Subsection (5)(a) of this Section in order to provide a buffer area to adjacent properties. In this case, the setbacks shall be landscaped according to the screening standards listed in section 31.160 or Section 16.110.

**(4) Day Care Centers**

- (a) The Day Care Center shall meet Children Services Division (CSD) regulations.
- (b) The outdoor play area shall be enclosed by a 6-foot high sight obscuring fence. In addition, the Director may require up to a 10-foot landscape buffer from an outdoor play area if conflicts with neighboring properties are identified.
- (c) Public sidewalks shall be installed in all cases where there are curb and gutter streets.
- (d) The Day Care Center shall have a planted front yard setback of 10 feet.
- (e) Wherever possible, each Day Care Center site shall have a circular drive for drop-offs. L-shaped drives or street side drop-offs may also be approved.

**(5) Duplexes**

- (a) On Corner Lots. A corner duplex or duplex lot/parcel in any residential District may be partitioned for the purpose of allowing independent ownership of each dwelling unit, if each of the two resulting lots/parcels meets the size standards specified in Section 16.030(4) of this Article. Duplexes or duplex lots eligible for such a partition shall meet the partition standards of Article 34 of this Code and the following:
  - 1. Utility service to each unit shall be separate.

2. All walls connecting abutting units shall be fire resistive walls in accordance with the Structural Specialty Code and Fire and Life Safety Code.
  3. The property line separating the two units shall have not more than 2 angle points. The angle points shall not occur within the wall between abutting units.
- (b) Duplexes on interior lots zoned Low Density Residential, approved prior to the adoption of this Code, as part of a Planned Unit Development shall not be considered to be non-conforming uses.
  - (c) Duplexes on interior lots zoned Low Density Residential, approved prior to the adoption of this Code on property previously zoned RG Garden Apartments shall not be considered to be a non-conforming use.
  - (d) Duplexes on interior lots zoned Low Density Residential, which meets the density requirements of this zoning District, shall not be considered a non-conforming use.
- (6) Home Occupations. A home occupation is a lawful activity carried on within a dwelling or accessory structure by a member or members of the family who occupy the dwelling. A home occupation is permitted provided that:
- (a) The primary use of the building is a dwelling;
  - (b) The occupation is a secondary use that does not significantly affect the residential character of the dwelling or neighborhood; and
  - (c) Compliance with the following conditions shall occur at all times:
    1. Reserved for Future Use.
    2. There shall be no display which would indicate from the exterior that the building is being used for any purpose other than a residential dwelling, excluding 1., above.
    3. There shall be not outside storage of materials visible from public property or adjacent private property.
    4. Mechanical equipment, except that which is compatible with residential purposes, shall be prohibited.
    5. There shall be no offensive noise, vibration, smoke. Dust, odors, heat or glare noticeable at or beyond the property line resulting from the home occupation.
    6. The home occupation shall not create hazardous traffic conditions or utilize on-street parking of nearby properties.



7. If the proposed home occupation requires any modification to the dwelling or accessory structure of a nature that is not typically found in a residential District, the proposed home occupation shall be considered inappropriate and prohibited.
  8. No merchandise, other than what is produced on-site shall be sold to the public from premises.
  9. The use or storage of heavy equipment or heavy vehicles shall not be permitted. Heavy equipment and heavy vehicles shall include, but not be limited to the use of : semi-trucks, trucks and trackers, back hoes, bob cats, refrigerator trucks, livestock trucks, commercial buses, farm tractors, garbage trucks and log trucks.
  10. Any home occupation, which requires more than one vehicle for its operation shall be prohibited. The one vehicle permitted shall be limited to passenger vehicles, passenger vans or pick-up trucks.
  11. No residence shall be used as a headquarters or dispatch center where employees or subcontractors report to the residence to be dispatched elsewhere.
  12. The applicant shall sign an agreement with the City acknowledging the conditions of Subsection 16.100(6)(c).
  13. Customer access to home occupations shall be limited to the hours of 7 a.m. to 6 p.m.
- (d) The following uses shall be prohibited as a home occupation:
1. Automobile repair, including but not limited to tune-ups, alignments, body-fender work, painting, detailing and upholstering;
  2. Health salons, gyms, dance studios, aerobic exercise studios, karate and judo instruction;
  3. Medical and dental offices;
  4. Mortician, hearse services;
  5. Tow truck services;
  6. Veterinary uses (including care, grooming and boarding);
  7. Wholesale distribution taking up more than the equivalent of 40 percent of the primary residence.
  8. Gun dealerships involving and storage of guns for sale or customers visiting the residence.

- (e) Any home occupation in violation of the provisions of this Code is subject to civil infraction citation process of the City of Springfield Municipal Code, Article 5.15.1. Any proposed home occupation, or component thereof, not specifically identified in the Springfield Development Code is prohibited unless authorized by the Springfield Planning Commission as the result of an application for Formal Interpretation.

Any home occupation, which has been approved by the Planning Commission shall be subject to revocation by the Planning Commission if the home occupation is found to be in violation of the conditions under which the home occupation permit was approved. The revocation decision may be appealed to the City Council in accordance with the provisions of Article 15 of this Code.

The revocation shall be sent to the applicant in writing. The home occupation shall cease within 30 days of the receipt of the revocation notice.

- (7) Group Care Facilities. Residential facilities with more than 15 people, Foster Homes for over 5 children, Shelter Homes for battered and abused persons and Halfway Houses.
  - (a) These facilities shall have a front yard setback of 15 feet and side and rear yard setbacks of 20 feet. The planted setbacks for parking lots and driveways may be reduced to 5 feet when the Director determines that adequate buffering has been provided.
  - (b) A minimum of 25 percent of the lot shall be of planted material.
  - (c) No parking shall be permitted within the front yard setback. Required parking shall be screened from Public view.
  - (d) For structures on the Springfield Historic Inventory, any external modification shall be fully compatible with the original design.
  - (e) The maximum density in the Low Density Residential District shall be 24 bedrooms per developable acre.
- (8) Neighborhood and Private Parks. The park shall be designated in the Metro Plan including the Willamalane Park and Recreation District Comprehensive Plan or be approved in accordance with a Type III review procedure (Discretionary Use).
- (9) Public/Private Elementary/Middle Schools. A unique relationship exists between schools and the community, which requires special consideration when applying screening standards. Maintaining clear sight lines for the security and safety of children is desirable and may be achieved through the use of non-opaque fencing and/or landscaping. The standards in Article 31 shall be applied only when required screen playground structures, spectator seating facilities, parking, storage yards and trash receptacles or where significant conflicts are found.

- (a) All new facilities and additions over 10,000 square feet or those additions exceeding 50% of the size of the existing building shall be approved in accordance with a Type III review procedure (Discretionary Use).
  - (b) A maximum of 65% of the site may be covered in impervious surface. The remainder of the site shall comply with the planting standards in Article 31 of this Code.
  - (c) Schools shall have a planted front yard setback of 20 feet and planted side and rear yards of 30 feet. Athletic spectator seating structures adjoining residential uses shall meet a 75-foot minimum setback unless the Director determines that adequate buffering can be provided with a reduced setback, but in no instance shall this setback (from spectator facilities) be less than 30 feet. Parking areas shall maintain a landscaped buffer of 15 feet when adjoining a residential use.
  - (d) Light shall be directed away from adjoining less intensive uses.
  - (e) Other uses permitted within school facilities include day care facilities, social service offices or other after school program activities approved by the School District and which otherwise do not require discretionary approval.
  - (f) All plants used for “landscaped buffering” shall be a minimum of 5-gallon size and shall reach a height of at least 36 inches within one year of planting.
  - (g) Paved playground areas may be used as overflow parking for special events.
  - (h) Parking shall be limited to two spaces for each teaching station in the school plus one parking space for each 100 square feet of public indoor assembly area. All parking lots and driveways will be designated to separate bus and passenger vehicle traffic. All parking lots shall have sidewalks raised a minimum of 6 inches above grade where pedestrians must cross parking lots to enter or leave the school grounds.
  - (j) Any jointly shared recreational facilities, playgrounds or athletic field shall require a joint use agreement that will provide for public use and continued maintenance.
  - (k) Elementary schools shall have a maximum building height of 35 feet, middle schools shall have a maximum building height of 45 feet.
  - (l) A Traffic Impact Study and Parking Study, prepared by a Transportation Engineer, shall be approved by the City Engineer.
- (10) Public Utility Facilities – High Impact.**
- (a) The facility shall be designated on a public facilities plan or be approved in accordance with a Type III review procedure (Discretionary Use).
  - (b) A Planting Plan in accordance with Article 31, Site Plan Review Standards, shall be effective in screening the facility from affected uses.

- (c) A minimum of 25 percent of the lot shall be of planted material.
- (11) Professional Offices.
  - (a) Professional offices in residential districts shall be permitted when:
    - 1. The lots are adjacent to CC or MRC districts; and
    - 2. The majority of the square footage of the structure on the lot is not more than 100 feet from CC or MRC districts.
  - (b) A professional office exceeding 2,000 square feet of gross floor area shall abut an arterial or collector street.
  - (c) No parking shall be permitted within the front yard setback. Required parking shall be screened from the public view.
  - (d) For structures on the Springfield Historic Inventory, any external modification shall be fully compatible with the original design.
  - (e) Professional offices permitted are limited to: accountants, architects, attorneys, computer programmers, designers, engineers, insurance agencies, investment counselors, licensed real estate agents, medical and dental practitioners, counselors, planners, and studios for artists, interior decorators and photographers, and similar general office uses engaged in support services to their businesses and/or their parent companies.
  - (f) A minimum of 25 percent of the lot shall be planted material.
- (12) Residential Dwelling Units as Temporary Sales Offices for Subdivisions (e.g., model homes).
  - (a) The residential unit shall be representative of those being sold.
  - (b) No merchandise shall be sold from the premises.
  - (c) The use shall be permitted not longer than 12 consecutive months, except as may be extended by the Director.
- (13) Temporary Sales/Display of Produce.
  - (a) The majority of the produce to be sold shall be grown on the premises. Commercially produced nursery stock shall not be sold from the premises.
  - (b) The sales are shall be located entirely on private property.
  - (c) There shall be room to pull off the roadway so that hazardous traffic conditions will not be created.

**(14)** Transient Accommodations.

**(a)** Bed and Breakfast Facilities.

1. Bed and Breakfast facilities shall be located in the Washburne Historic District or on collector or arterial streets. Bed and Breakfast facilities may be located on local streets outside of the Washburne Historic District upon Discretionary Use approval from the Approval Authority.
2. The facility shall be owner-occupied.
3. The number of guest bedrooms shall be limited to four.
4. No guest parking shall be permitted within the front yard setback. Required guest parking shall be screened from public view.
5. For structures on the Springfield Historic Inventory, and external modification shall be fully compatible with the original design.
6. A minimum of 25 percent of the lot shall be of planted material.

**(b)** Rooming and Boarding Houses.

1. Rooming and Boarding House facilities in an LDR District shall be located in collector or arterial streets.
2. One half of an additional parking space shall be provided for each room used for Rooming and Boarding House use. Nor parking spaces that are allocated for Rooming and Boarding House use shall be located within the front yard setback.
3. For structures on the Springfield Historic Inventory, any external modification shall be fully compatible with the original design.
4. A minimum of 25 percent of the lot shall be of planted material.

**(15)** RVs as a Residential use. RVs as a residential use shall be permitted only in those manufactured dwelling parks in Glenwood that exist as of January 27, 1982.

**16.110 MULTI-UNIT DESIGN STANDARDS**

- (1)** Applicability. In all residential districts, multi-unit development (3 or more attached units) shall comply with the design standards of this Subsection. In cases where the standards of this Subsection conflict with other standards in this Code, the standards of this Subsection shall prevail.

- (2) Purpose. The purpose of this section include:
- (a) Promote the livability, neighborhood compatibility and public safety of multi-unit housing in the community; and
  - (b) Promote higher residential densities inside the urban growth boundary that will utilize existing infrastructure and improve the efficiency of public services and facilities.
- (3) Review Procedure. All multi-unit developments shall be reviewed as a Type II Limited Land Use decision, in accordance with Article 3, as part of the Site Plan Review process specified in Article 31. The Director may also determine that a multi-unit development is subject to a higher level of review (i.e., Type III versus Type II), when it is in the public interest. In addition, the applicant may choose the Type III Discretionary Use procedure when proposing an innovative design that may preclude compliance with some or all of the design standards under this Section.
- (4) Design Standards. All of the following design standards shall be met by all multi-unit developments: Building Orientation (See Figure A); Building Form; Storage; Transition and Compatibility Between Multi-Unit and LDR Development; Open Space; Landscaping; Pedestrian Circulation; Parking; and Vehicular Circulation.
- (a) Building Orientation. Multi-unit developments, when abutting a private, local, collector, or arterial street that has existing or planned on-street parking, shall have Building Oriented to the street along a minimum of 50 percent of the site's frontage (See Figure B). The "orientation" standards is met when all of the following criteria are met:
    - 1. Primary building entrances shall face the street;
    - 2. The front of the buildings shall be within 25 feet of the front lot line, except that open, courtyard space in excess of 25 feet may be placed in front of building entrances. Open courtyard space is defined as usable, hard-surfaced space with pedestrian amenities such as benches, seating walls or similar furnishings.
    - 3. Off-street parking or vehicular circulation shall not be placed between buildings and streets used to comply with this standard;
    - 4. Wetlands, slopes over 15 percent as specified in Article 26, and wooded areas protected by Article 38, shall not be counted as "frontage" for determining required building orientation. For example, if jurisdictional wetlands and/or wetland buffer occupy 100 feet out of a total of 400 feet, then only 300 feet shall be counted as "frontage" for determining required building orientation. In this example, 150 feet (50%) is the required amount of frontage to meet the building orientation requirement.
  - (b) Building Form. New multi-unit construction shall comply with the following building form standards (See Figure C):

1. Structures that have one or two stories (levels) shall not have continuous horizontal distance exceeding 160 feet (measured from end wall to end wall), except as specified in Subsection c.4. Structures that have three or greater stories (levels) shall not have a continuous horizontal distance exceeding 120 feet (measured from end wall to end wall);
  2. Roofs shall have gable, hip, or gambrel forms (minimum pitch 3 to 122) with at least a 6-inch overhang;
  3. A minimum of 15 percent of the front façade (area measurement) shall contain windows or doors. All windows and doors shall provide 4-inch trim or be recessed (i.e., into the front facade) to provide shadowing.
  4. Garages attached to living units and accessed from the street (front setback) shall be recessed at least 4 feet behind the front façade of a dwelling structure; and
  5. Exterior building elevations shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expansions of uninterrupted building surfaces. Along the vertical face of a structure, such features shall occur at a minimum of every 30 feet, and on each floor shall contain a minimum of two of the following features:
    - a. Recesses (e.g., deck, patio, courtyard, entrance, window reveals) that have a minimum depth of 3 feet;
    - b. Extensions (e.g., floor area, deck, patio, entrance) that have a minimum depth of 2 feet and minimum length of 4 feet; and/or
    - c. Offsets or breaks in roof elevation of 2 feet or greater in height.
- (c) Transition and Compatibility between Multi-Unit and LDR Development. Multi-unit developments adjacent to properties designated (by the Metro Plan) LDR shall comply with the transition area and compatibility standards listed below, except when it can be demonstrated that adjacent LDR property is committed to a non-residential use (e.g., church) that is unlikely to change (See Figures D and E). In evaluating the status of an adjacent property, the Metro Plan designation shall take precedent over the current zone or use.
1. When a single-family residence is within 75 feet of the subject multi-unit development site and such residence is on the same side of the street and same block, a setback similar to that of the nearest single-family residence shall be used for the front yard. “Similar” means the multi-family development setback is within 5 feet of the setback provided by the nearest single-family residence. For example, if the single-family residence setback is 20 feet, then the multi-unit building shall be setback by 15-25 feet. The minimum front yard setback

shall be 10 feet, in accordance with Section 16.050 of this Code. See also, Section 16.010(1) of this Code; and

- 2.** A 25-foot buffer area shall be provided between multi-unit development and property lines abutting an LDR property line, not including those property lines abutting right-of-ways. Within the 25 foot buffer area, the following shall apply:
  - a.** No vehicular circulation (i.e., driveways, drive lanes, maneuvering areas, and private streets) shall be allowed within the buffer, unless driveway placement within a buffer is required in order to comply with City, County or ODOT access management standards;
  - b.** Site obscuring landscaping shall be required. The City may require retention of existing vegetation; installation of a 6-foot minimum height, site-obscuring fence with shade trees planted a maximum of 30 feet on center (2-inch caliper at planting); and/or other landscaping to provide visual buffering. In addition, the City may require acoustical barriers when parking is proposed within the transition area;
  - c.** Building encroachments shall be allowed, provided no building may encroach more than 10 feet into the 25 foot buffer and no primary entrance shall face the abutting LDR property. Buildings shall not exceed one story or 21 feet within the buffer, and shall comply with all other applicable setbacks and transition areas specified elsewhere in this Code;
  - d.** No active recreation areas (e.g., tot lots, swimming pools, etc.) shall be allowed within the 25-foot buffer (garden spaces shall not be considered active recreation areas);
  - e.** Light standards shall be 12 feet or less in height and shielded so that light does not allow direct illumination onto adjacent LDR property or into dwelling units;
  - f.** Mechanical equipment shall be screened from view (i.e., as viewed from adjacent properties and street), and shall be buffered so that noise does not typically exceed 45-50 decibels as measured at the LDR property line. The City may require a noise study certified by a licensed acoustical engineer; and
  - g.** All rooftop equipment shall be hidden behind parapets or other structures designed into the building.
- 3.** Buildings, or portions of buildings abutting an LDR property line or designation (i.e., side or rear lot line) outside of the 25-foot buffer described above, shall not exceed a building height greater than one foot for each foot distance from the



LDR property line. For example, a building or portion of a building 30 feet in height must be 30 feet from the LDR property line. This standard applies up to a distance of 50 feet from the LDR property line. See also, Section 16.060 and Section 31.160 (Screening) of this Code.

4. Structures within 50 feet of LDR zone shall not have a continuous horizontal distance exceeding 120 feet (measured from end wall to end wall).
- (d) Storage. Multi-unit development shall provide space for trash receptacles, storage and equipment in accordance with the following standards (See Figure B):
1. Adequate, accessible and secure storage space shall be provided for each dwelling. A minimum of 112 cubic feet of enclosed storage shall be required separate from the living unit. Garages and storage units adjoining a dwelling (e.g., attached to decks and patios) shall qualify as storage space;
  2. Trash receptacles shall be screened from view by placement of a solid wood fence, masonry wall, or similar sight-obscuring, gated enclosure, from 5 to 6 feet in height. Obscuring landscaping shall be planted a minimum 24 inches in height at planting around all exposed sides of the wall or fence, except where breaks are provided for gates. See also, Section 31.160(1)(d) of this Code;
  3. No trash receptacles shall be located in any front yard setback, or within 25 feet of property lines abutting LDR zoned or designated properties; and
  4. Ground-mounted equipment, such as exterior transformers, utility pads, cable television and telephone boxes and similar utility services, shall be placed underground when practicable. When placed above ground, equipment shall be placed to minimize visual impact; or screened with wall or landscaping. When walls are used they shall be tall enough to completely screen the equipment at the time of the equipment installation. Landscaping shall be planted tall enough to attain 50 percent coverage after 2 years and 100 percent coverage within 4 years.
- (e) Open Space. Multi-unit developments shall provide both Common Open Space and Private Open Space in accordance with the following standards (See Figure F):
1. General. Inclusive of required yards, a minimum of 15 percent of the gross site area shall be designated and permanently reserved as open space. The total required open space shall be the sum of setbacks, common open space, and private open space. Inventoried natural features (including regulated wetlands) and/or historic features on-site may be counted toward up to 50 percent of common open space requirements. See Section 2.020 for definitions of open space; open space, common and open space, private.
    - a. Multi-unit developments in mixed-use buildings are exempt from these standards.

- b. Multi-unit developments at densities exceeding 30 units per gross acre shall include a minimum of 10 percent of the gross site as open space, which may be any combination of yards, common open space and private open space.
  - c. Multi-unit developments at densities less than 30 units per gross acre shall provide open space in accordance with the amounts specified below.
2. Common Open Space shall be provided in all newly constructed multi-unit development in accordance with the following standards:
- a. A minimum of 0.25 square feet of common open space shall be required for each square foot of gross residential floor area;
  - b. Common open space areas provided to comply with this standard shall be at least 500 square feet with no horizontal dimension less than 15 feet;
  - c. A maximum of 15 percent of the required common open space can be on slopes greater than 25 percent;
  - d. Multi-unit developments shall designate within common open space a minimum of 250 square feet of active recreation area (e.g. children's play areas, play fields, swim pool, sports courts, etc.) for every 20 units or increment thereof. For example, a 60 unit development shall provide a minimum area of 750 square feet for active recreation. No horizontal dimension shall be less than 15 feet. Exception: As determined by the Director, qualified senior housing developments may be exempted from this requirement; however, all other common open space requirements shall apply;
  - e. Placement of children's play areas shall not be allowed in any required yard setback or transition area;
  - f. Landscaping and/or natural vegetation shall occupy a minimum of 50 percent of required common open space. On-site natural resources and historic features which are accessible to residents (e.g., by trails, boardwalks, etc.) may be used to partially or fully satisfy this requirements; and
  - g. Indoor or covered recreational space (e.g., swimming pools, sports courts, weight rooms, etc.) shall not exceed 30 percent of the required common open space area.



3. Street trees shall be placed within the planter strips between the curb and the sidewalk, a minimum 2 inches (dbh) caliper. Trees shall be planted one per every 30 linear feet (minimum) of street frontage. See also, Section 32.050 of this Code.
  4. Fences in front yards and along any frontage used to comply with the building orientation standard shall be limited to 3 feet in height. Fences in other yards shall comply with the fence standards in Section 16.090, and the sight distance requirements of Section 32.070 of this Code; and
  5. The use of native and/or drought-tolerant landscaping is encouraged. All landscaping shall be irrigated with a permanent irrigation system unless a licensed landscape architect submits written verification that the proposed plant materials do not require irrigation. The property owner shall maintain all landscaping.
- (g) Pedestrian Circulation. Multi-unit developments with more than 20 units shall provide pedestrian circulation in accordance with the following standards (See Figure G):
1. Continuous internal sidewalks shall be provided throughout the site. Discontinuous internal sidewalks shall be permitted only where stubbed to a future internal sidewalk on abutting properties, future phases on the subject property, or abutting recreation areas and pedestrian trails;
  2. Internal sidewalks shall be separated a minimum of 5 feet from dwellings, measured from the sidewalk edge closes to any dwelling unit;
  3. The internal sidewalk system shall connect all abutting streets to primary building entrances;
  4. The internal sidewalk system shall connect all building on the site and shall connect the dwelling units to parking areas, bicycle parking, storage areas, all recreational facilities and common areas, and abutting public sidewalks and pedestrian trails;
  5. Surface treatment of internal sidewalks shall be concrete, asphalt or masonry pavers, at least 5 feet wide. Multi-use accessways (e.g., for bicycles, pedestrians and emergency vehicles) shall be of the same materials, at least 10 feet wide. In the case where emergency vehicle access is required, there shall be an additional 5 feet on either side of the accessway. The additional 5 foot area may be turf-block, grass-crete or similar permeable material on a base of gravel capable of supporting fire equipment weighing 80,000 pounds.
  6. Where internal sidewalks cross a vehicular circulation area or parking aisle, they shall be clearly marked with contrasting paving materials, elevation changes, speed humps, or striping. Speed humps shall be subject to review and

approval by the Fire Department. Internal sidewalk design shall comply with Americans with Disabilities (ADA) requirements;

7. Where the internal sidewalks are parallel and abutting to a vehicular circulation area, the sidewalk shall be raised or be separated from the vehicular circulation area by a raised curb, bollards, landscaping or other physical barrier. If a raised sidewalk is used, the ends of the raised portions shall be equipped with curb ramps; and
  8. All on-site internal sidewalks shall be lighted to a minimum of 2-foot candle.
- (h) Parking. Multi-unit developments shall provide parking design in accordance with the following standards:
1. Parking Lots shall be placed to the side or rear of buildings in accordance with the Building Orientation Standards. Parking shall not be placed along that portion of the street where building frontages are used to comply with the building orientation standard;
  2. Lighting shall be provided for safety purposes, and shall be focused/shielded to avoid glare on adjacent properties or dwellings. See also, Section 31.190(k) of this Code;
  3. There shall be one planter island for every 8 parking spaces. Planter islands shall be a minimum of 6 feet in width, exclusive of the curb, the full length of a parking space containing one shade tree (a minimum 2 inches (dbh) in caliper at planting) and vegetative ground cover. Trees shall be specimens capable of attaining 35 feet or more in height at maturity and shall not produce excessive fruit, nuts, or sap (i.e., die to pest damage). Bark mulch shall not be an acceptable substitute for vegetative ground cover in the planter island. Water quality features may be incorporated into planters. Landscape areas shall be evenly distributed throughout the perimeter of interior parking areas, where practicable. See Section 31.140(3)(c) of this Code for recommended shade trees;
  4. A minimum 6-foot wide planter area shall separate and visually screen parking from living area windows. The planter area shall include a mix of ground cover, shrubbery, and trees with appropriate growth habit (i.e., for narrow planters and any height limitations such as balconies, overhangs, and eaves). Shrubby in this planter area shall be at least 24 inches in height at the time of planting, and trees a minimum of 2 inches (dbh) in caliper at the time of planting. See also, Section 31.160 of this Code;
  5. Parking lots shall be connected to all building entrances by means of internal sidewalks;

6. All parking stalls fronting a sidewalk, or planted area shall be provided with a secure wheel bumper not less than 6 inches in height and set back from the front a minimum of 2 feet to allow for vehicle encroachment. Wheel bumpers, if used, shall be a minimum of 6 feet in length. As an option, the sidewalk or planter may be widened 2 feet beyond the minimum dimension required to allow for vehicle encroachment. Such sidewalks and planters shall be protected by a curb not less than 6 inches in height. See also, Section 31.180.(3) of this Code;
  7. On corner lots, parking areas shall not be located within 30 feet of an intersection, as measured from the center of the curb return to the edge of the parking area (curb or wheel stop);
  8. All parking, maneuvering and loading areas abutting a property line or right-of-way shall provide perimeter lot landscaping. A minimum 5 foot wide planting strip shall be planted with shade trees a minimum 2 inches (dbh) in caliper at the time of planting. And a low level (e.g., 30-40 inches) evergreen hedge. See also, Section 31.130 of this Code;
  9. Decorative walls may be used in place of the hedge in subsection 8, and shall be placed no closer than 4 feet from the property line. The decorative wall shall be a minimum of 30 inches in height and no more than 40 inches in height, and shall comply with the vision clearance standards specified in Section 32.070 of this Code. Decorative walls shall be constructed of textured concrete masonry (CMU) or similar quality material, and include a cap. The wall may be partially see-through (up to 40%) as appropriate for security purposes. The area between the wall and property line shall be landscaped with shade trees;
  10. Parking area landscaping shall be designed to reduce storm water runoff (e.g., through infiltration swales and other measures), as practicable; and
  11. Bicycle parking shall be provided in conformance with Section 31.180(9) of this Code and may be incorporated into the landscaping design.
- (i) Vehicular Circulation. Multi-unit developments shall provide vehicular circulation in accordance with the following standards (See Figure G):
1. The on-site driveway (or private street) system shall connect with public streets abutting the site;
  2. Shared driveways shall be provided whenever practicable to minimize cross turning movements on adjacent streets. On-site driveways and private streets shall be stubbed to abutting MDR/HDR properties, at locations determined during Site Plan Review process to facilitate development of shared driveways;
  3. Multi-Unit developments 8 acres or larger shall be developed as a series of complete blocks bounded by a connecting network of public or private streets

with sidewalks. The average block size within a multi-unit development shall be a maximum of 4 acres in size. For example, an 8.1-acre development would have a minimum of two blocks. Portions of the site with wetlands, slopes greater than 15 percent and wooded areas subject to Article 38 shall be exempt from this standard, except that the sidewalk or pathway connections shall be required as an alternative to street connections, when practicable; and

4. Parking areas shall be accessed from alleys when properties abut an alley, or an alley can reasonably be extended to serve the development.

#### **16.120 ACCESSORY DWELLING UNIT STANDARDS**

**Accessory Dwelling Unit (ADU).** A single-family accessory dwelling unit is a secondary, self-contained dwelling that may be allowed only in conjunction with a detached single-family dwelling. An Accessory dwelling unit is subordinate in size, location, and appearance to the primary detached single-family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area. An accessory dwelling may be located within, attached to or detached from the primary single-family dwelling.

- (1) **Applicability.** Accessory dwelling units are permitted on LDR properties with an existing primary dwelling, within the City Limits.

**EXCEPTION:** Accessory dwelling Units are prohibited on lots within the Washburne Historic District.

- (2) **Purpose.** An accessory dwelling unit is intended to:
  - (a) Add affordable units to existing housing stock;
  - (b) Provide flexibility for changes in household size over the course of time;
  - (c) Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that Accessory Dwelling Units are constructed under the provisions of this Section.
- (3) **Categories.** An accessory dwelling may be established by:
  - (a) Conversion of an attic, basement or garage or any other portion of the primary dwelling;
  - (b) Adding floor area to the primary dwelling, including a second story; or
  - (c) Construction of a detached accessory dwelling unit on a lot with a primary single-family dwelling.
- (4) **Review Procedure.**
  - (a) An accessory dwelling unit shall be reviewed under Type I procedure.

- (b) A complete application together with all required materials shall be accepted by the Director prior to the review of the request as specified in Section 3.050, Application submittal.
- (5) **Plan Requirements.** A plan drawn to scale showing the proposed accessory dwelling unit and its relation to the primary dwelling; existing and proposed trees and landscaping, lot area and dimensions, percent of lot coverage, building height, entrance locations, location of utilities and meters, off-street parking area; a detailed floor plan of the accessory dwelling unit, drawn to scale with labels on rooms indicating uses or proposed uses; and a separate written response demonstrating how the required development standards listed in Subsection 6 of this Section can be met.
- (6) **Development Standards.** Accessory dwelling units shall meet the following standards:
- (a) The accessory dwelling unit shall meet all applicable standards in this Code including, but not limited to; setbacks, height, lot coverage, solar access and building codes in effect at the time of construction.
  - (b) The minimum lot size to construct an accessory dwelling unit shall be as specified in Section 16.030 of this Article.
  - (c) The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that are completely independent from the primary dwelling.
  - (d) The square footage of the accessory dwelling unit shall not exceed 40 percent of the primary dwelling exclusive of the garage. Within this standard, the minimum area shall not be less than 300 square feet. The maximum area shall not exceed 750 square feet.  
  
**EXCEPTION:** The 40 percent requirement will not apply when the primary structure is less than 750 square feet in size, in order to ensure a 300 square foot minimum accessory dwelling unit. The minimum and maximum square footage shall be 300 square feet when the existing primary structure is less than 750 square feet in size.
  - (e) When separate entrances to the accessory dwelling unit are proposed:
    - 1. Only one (1) entrance may be located on the front or street side of each residence.
    - 2. A hard surface walkway, a minimum of 3-feet in width, shall be required from the primary entrance of the accessory dwelling unit to the street or walkway serving the primary dwelling.
  - (f) Each dwelling shall have its own address.
  - (g) One, paved, off-street parking space 9'x18' in size, in addition to that which is required by Section 16.070 of this Article shall be required.



- (h) The accessory dwelling unit may not be occupied prior to occupancy of the primary dwelling.
  - (i) Before final occupancy of the accessory dwelling unit, the property owner shall record a deed restriction that states the property owner resides on the property and the accessory dwelling unit shall not be sold separately from the primary dwelling unless lawfully partitioned.
- (7) **Design Standards.** An accessory dwelling unit shall comply with the following standards, where practicable:
- (a) Exterior finish materials shall be the same or essentially the same in terms of type, size, placement and finish as the primary dwelling.
  - (b) Roof pitch shall match the roof pitch of the primary dwelling.
  - (c) Trim shall be the same in type, location and finish as the primary dwelling.
  - (d) Windows shall match those of the primary dwelling in terms of proportion (height and width ratio) and orientation (vertical vs. horizontal).
  - (e) Eaves shall project from the accessory dwelling unit addition the same distance as the eaves on the primary dwelling.
- (8) **Prior Uses.** The Director shall approve any accessory dwelling unit existing at the time of the adoption of this amendment if the following conditions can be met:
- (a) The accessory dwelling unit complies with the provisions of Subsections (3) through (7) of this Section; and
  - (b) A building permit was issued when the accessory dwelling unit was constructed or remodeled. The burden of proof shall be the responsibility of the property owner to show proof of building permits.
- (9) **Non-conforming lot sizes.** Accessory dwelling units shall not be permitted on lots that do not meet the minimum lot size stated in Section 16.030 of this Article.
- (10) **Prohibited Use.** Mobile homes, manufactured homes, Recreational Vehicles, motor vehicles, travel trailers and all other forms of towable or manufactured structures shall not be used as an accessory dwelling unit.

# Multi-Unit Design Standards Figure A

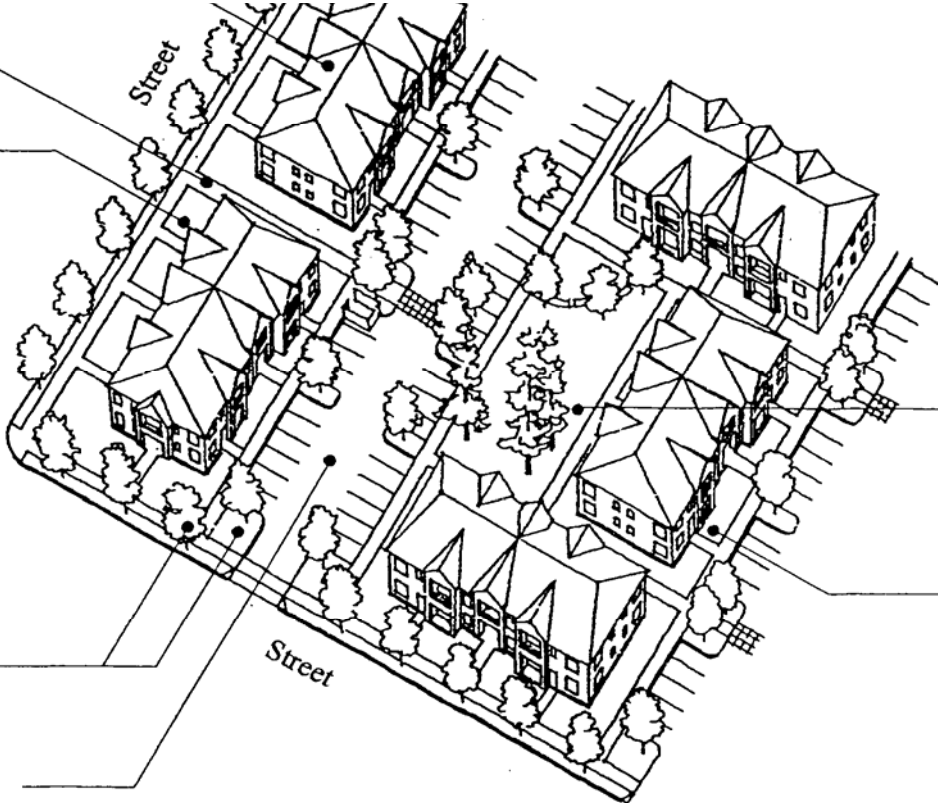
Building Form ———

Pedestrian  
Circulation

Building  
Orientation

Landscaping  
and Street Trees

Vehicular Circulation  
and Off-Street Parking



Common  
Open Space

Private  
Open Space

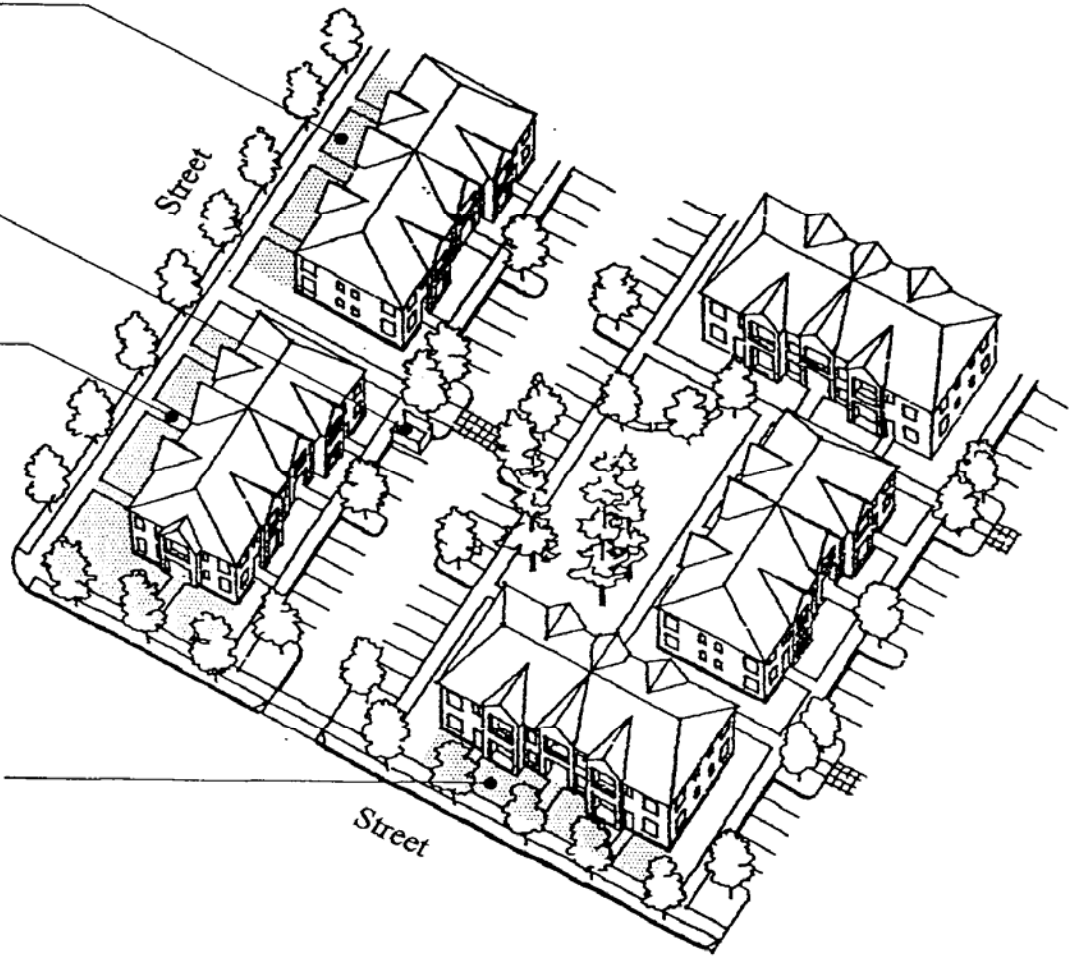
# Building Orientation and Storage Figure B

Front of Buildings  
Within 25' of Lot Line

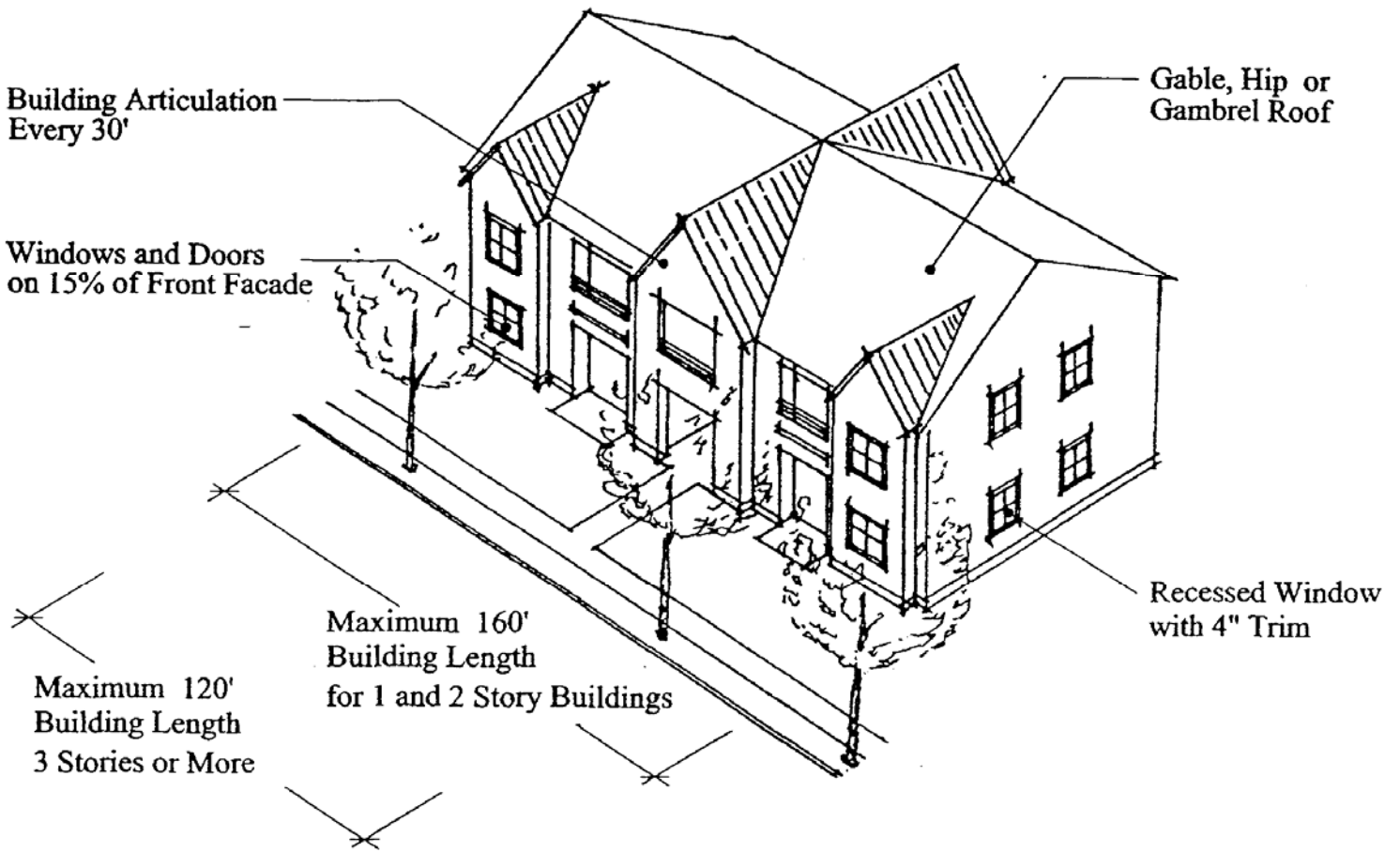
Screened  
Trash Receptacle

Primary Entries  
Facing Street -

Area Counted Toward 50%  
Orientation Standard

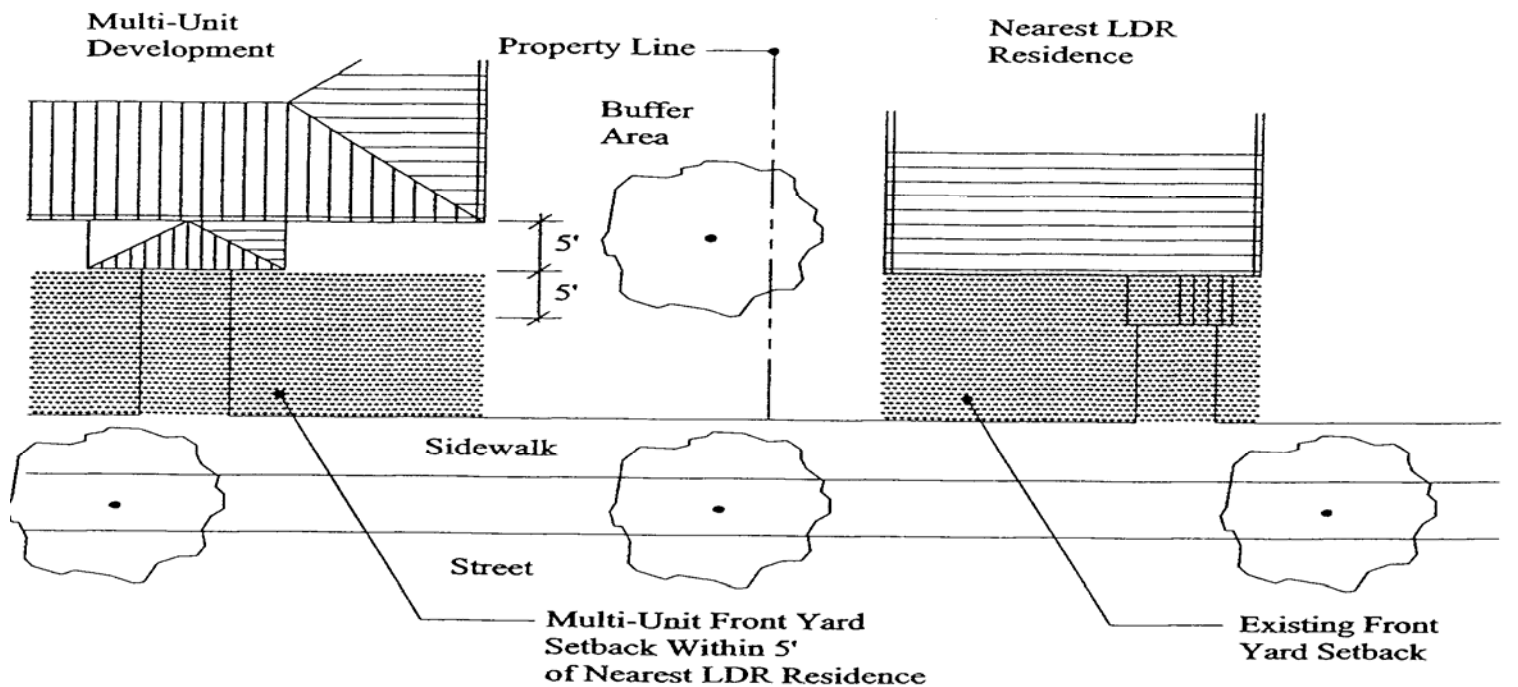
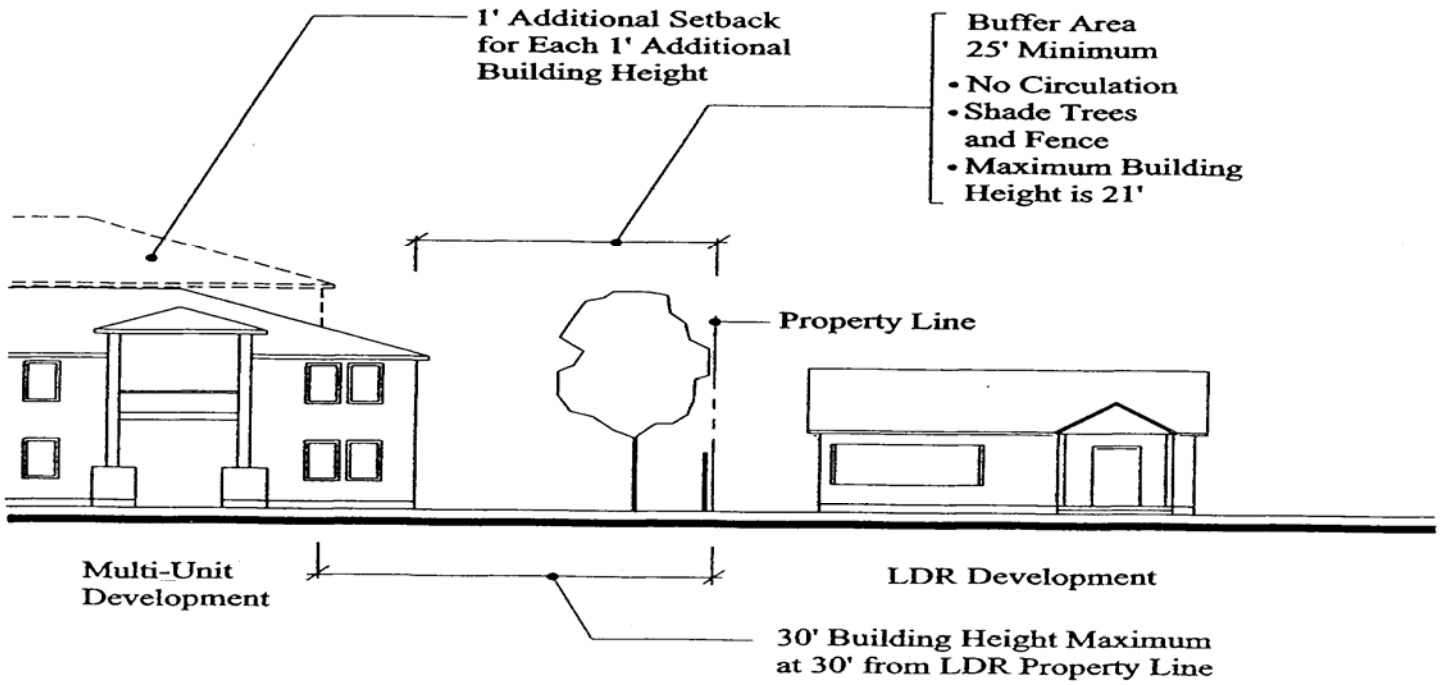


# Building Form Figure C

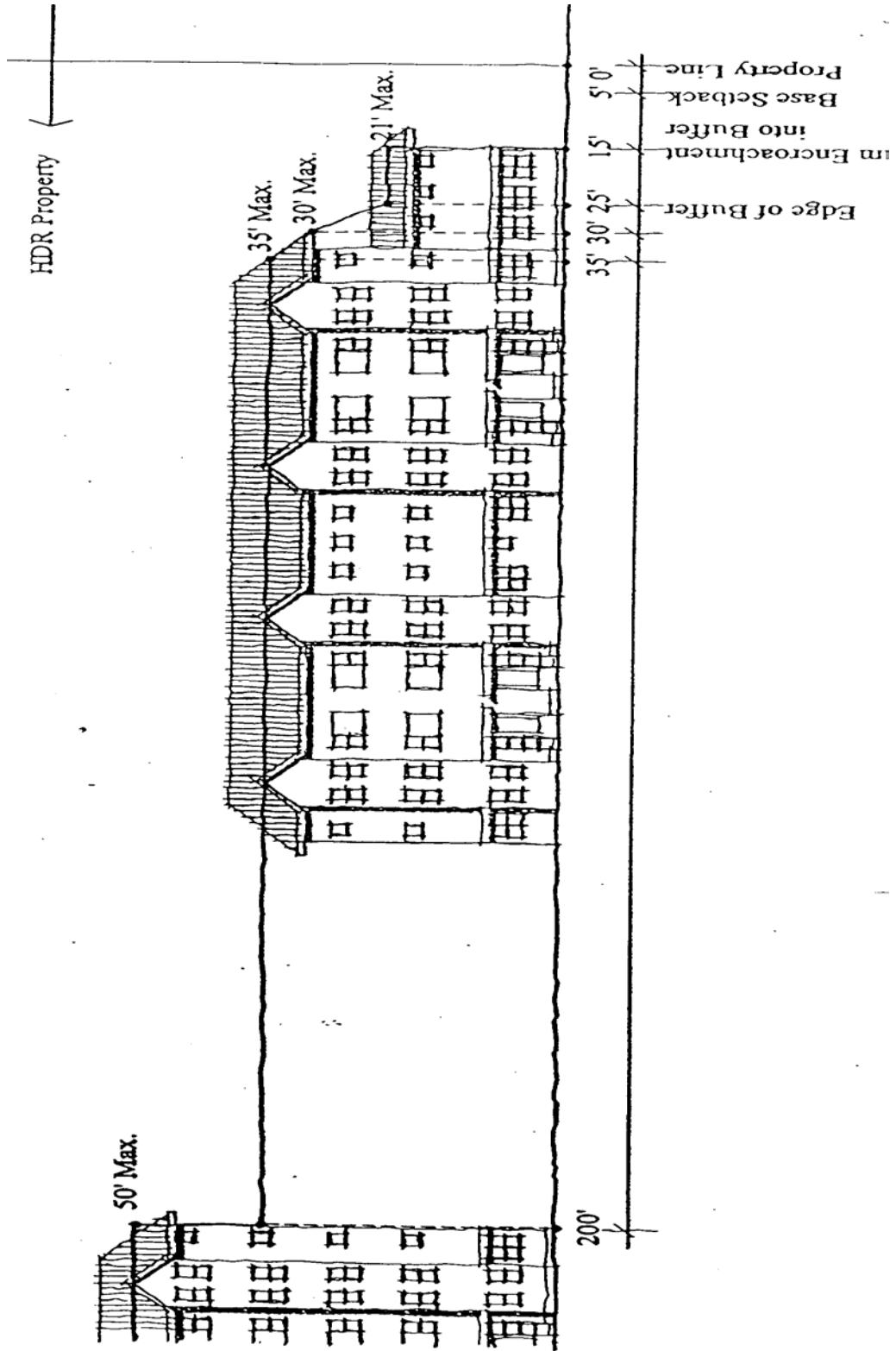


# Compatibility and Transition

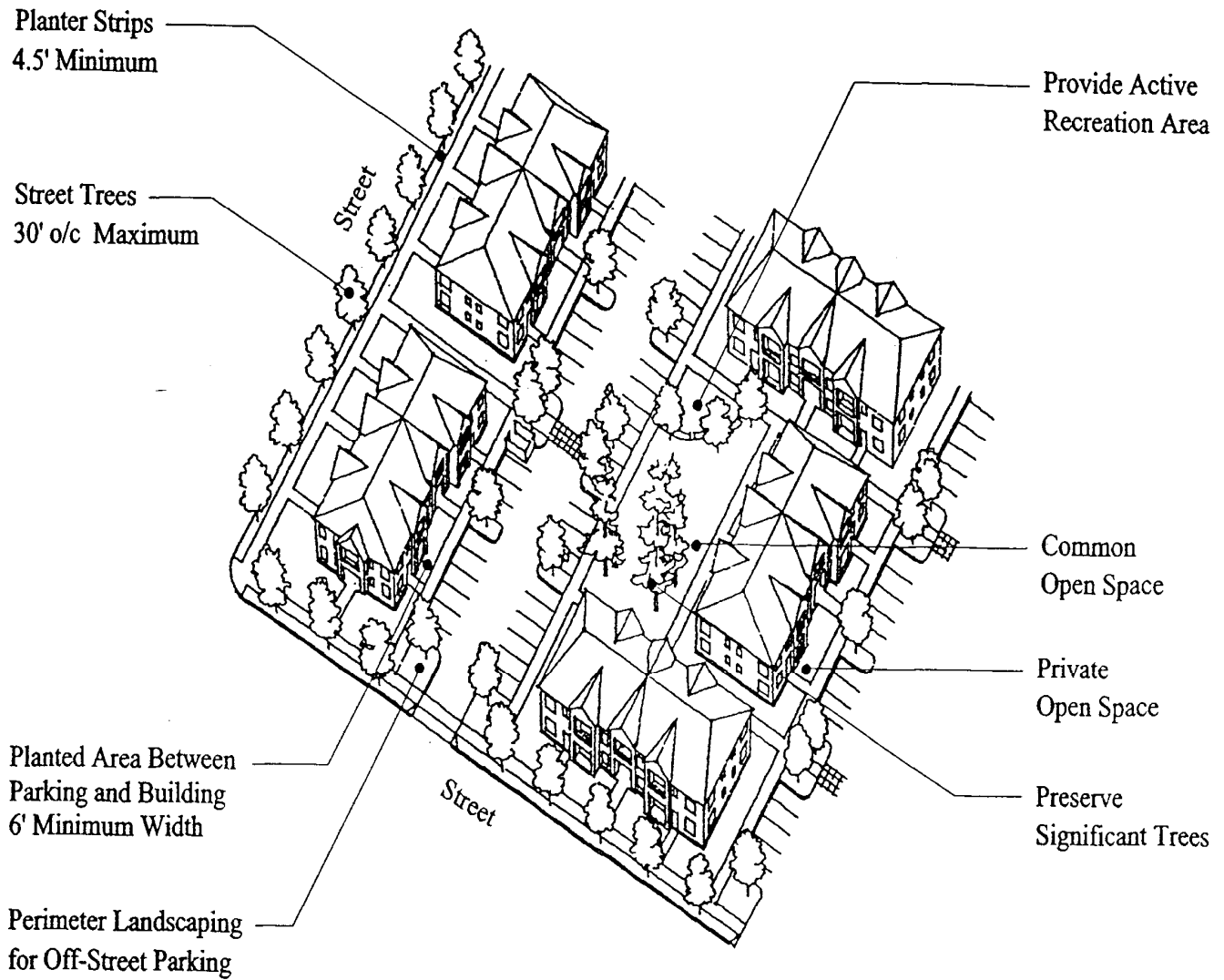
## Figure D



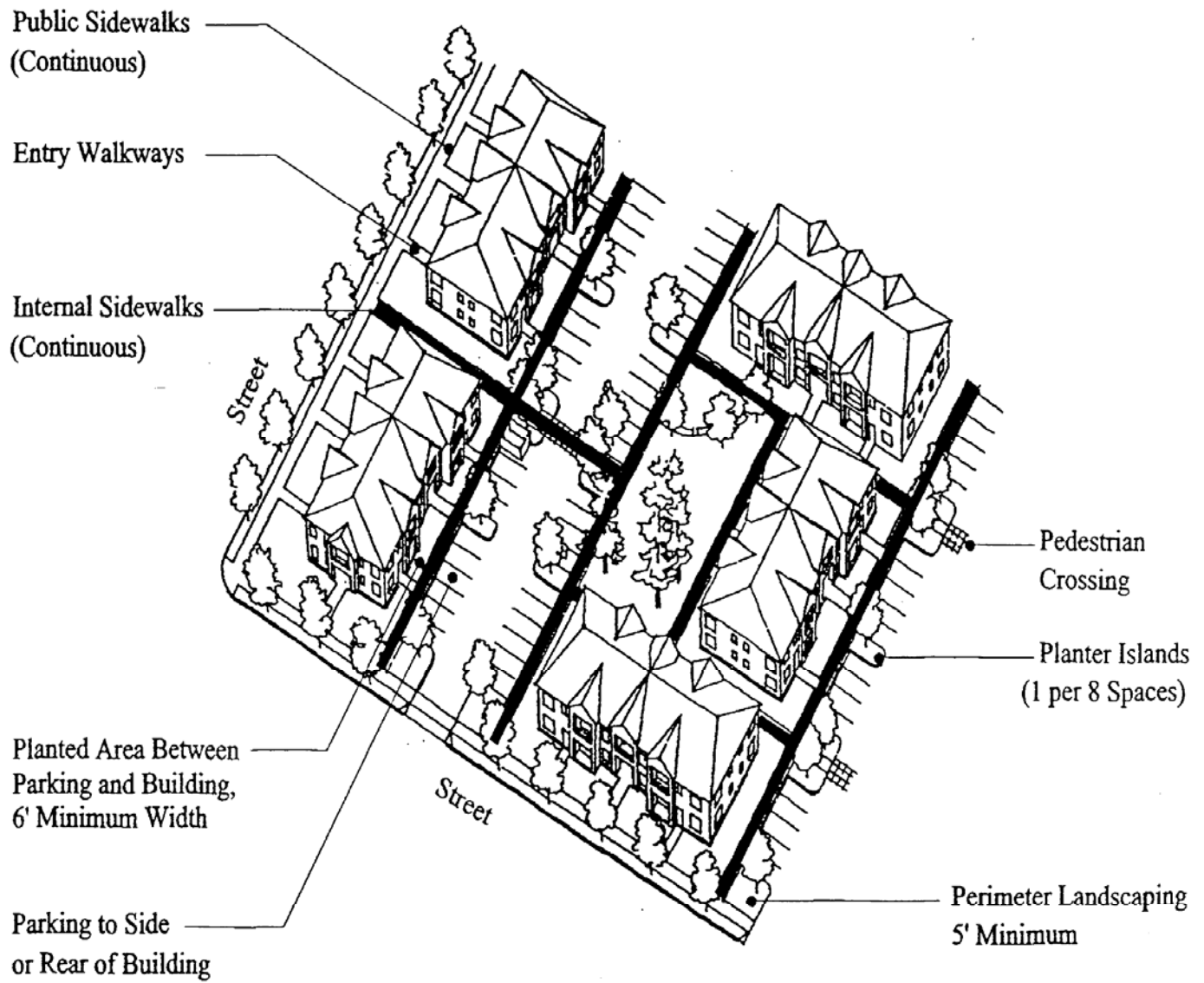
# Building Setbacks, Building Height and Transition to LDR Figure E



# Open Space and Landscaping Figure F



# Circulation and Parking Figure G





(Ord. 5342 07/21/86): Sections 16.050; 16.070; 16.100.  
(Ord. 5407 10/19/87): Sections 16.010; 16.020; 16.070; 16.080; 16.100.  
(Ord. 5450 09/06/88): Section 16.100.  
(Ord. 5466 03/06/89): Sections 16.010; 16.020; 16.070; 16.080; 16.090; 16.100.  
(Ord. 5491 09/18/89): Section 16.100.  
(Ord. 5522 08/06/90): Section 16.100.  
(Ord. 5551 02/04/91): Sections 16.010; 16.020; 16.030; 16.050; 16.070; 16.080; 16.100.  
(Ord. 5561 04/15/91): Sections 16.050; 16.060.  
(Ord. 5591 10/21/91): Section 16.020.  
(Ord. 5633 05/04/92): Sections 16.080; 16.100.  
(Ord. 5650 09/21/92): Sections 16.020; 16.100.  
(Ord. 5701 06/21/93): Section 16.100.  
(Ord. 5704 07/06/93): Section 16.030.  
(Ord. 5728 03/07/94): Section 16.100.  
(Ord. 5737 05/02/94): Sections 16.020; 16.030; 16.050.  
(Ord. 5804 12/18/95): Sections 16.010; 16.020; 16.030; 16.040; 16.050; 16.060; 16.070.  
(Ord. 5849 3/17/97): Section 16.020.  
(Ord. 5864 11/03/97): Section 16.090.  
(Ord. 5867 12/1/97): Section 16.100.  
(Ord. 5887 3/9/98): Sections 16.030(b); 16.050(1); 16.050(2).  
(Ord. 5944 11/08/99): Section 16.100 (15)  
(Ord. 5965 06/19/00): Section 16.050(1)(2)(5); 16.060(1)(a)(b); 16.090(a)1.2.; 16.110  
(Ord. 5972 02/05/2001): Section 16.070  
(Ord. 6018 06/01/02): Section 16.120 ACCESSORY DWELLING UNIT STANDARDS  
(Ord. 6133 07/18/05): Sections 16.010, 16.020, 16.030, 16.050, 16.090, and 16.100.

**ARTICLE 17**

**DWP DRINKING WATER PROTECTION OVERLAY DISTRICT**

17.010 GENERAL

17.020 DESCRIPTION

17.030 APPLICABILITY

17.040 TIME OF TRAVEL ZONES

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17.070 STANDARDS FOR HAZARDOUS MATERIALS WITHIN TIME OF TRAVEL  
ZONES

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## **ARTICLE 17**

### **DRINKING WATER PROTECTION (DWP) OVERLAY DISTRICT**

#### **17.010 GENERAL**

- (1) The DWP Overlay District regulations supplement the regulations of the underlying district. Where the regulations and permitted uses of an underlying district conflict with those of an overlay district, the more restrictive standards shall apply.
- (2) **Warning and Disclaimer of Liability.** The degree of aquifer protection required by this Article in the areas designated in Section 17.040 is based on scientific and engineering considerations. The nature of these considerations is such that the exact boundaries of Time of Travel Zones (TOTZ) have an associated uncertainty that renders conclusions based on them to be estimates. Under no conditions should this Article be construed to guarantee the purity of the ambient ground water or guarantee the prevention of ground water contamination. Therefore, this Article shall not create liability on the part of the City, or any City personnel, for any contamination that may result from reliance on this Article or any administrative decision made under this Article.

#### **17.020 DESCRIPTION**

- (1) The purpose of the DWP Overlay District is to protect aquifers used as potable water supply sources by the City from contamination. This Article establishes procedures and standards for the physical use of hazardous materials harmful to groundwater within TOTZ by new and existing land uses requiring development approval. The provisions of this Article are designed to:
  - (a) protect the City's drinking water supply which is obtained from groundwater resources from impacts by facilities that store, handle, treat, use, produce, or otherwise have on premises substances that pose a hazard to groundwater quality; and
  - (b) provide standards for hazardous materials that pose a risk to groundwater within the TOTZ.
- (2) In order to accomplish this purpose, the DWP Overlay District includes methods and provisions to:
  - (a) restrict or prohibit the use of hazardous materials which are potential groundwater contaminants;
  - (b) set standards for the storage, use, handling, treatment, and production of hazardous materials that pose a risk to groundwater within TOTZ; and
  - (c) review new or expanded uses of hazardous material that pose a risk to groundwater.

### **17.030 APPLICABILITY**

Upon the effective date of this ordinance, all areas within specified wellhead TOTZ within the City and its urbanizable area automatically are rezoned to add the DWP Overlay District to the underlying district. The areas to which the DWP Overlay District is applied are shown on the Drinking Water Protection Area Maps, hereby incorporated by reference.

### **17.040 TIME OF TRAVEL ZONES**

- (1) The DWP Overlay District includes four TOTZ: 0-1 year; 1-5 years; 5-10 years; and 10-20 years. The locations of the TOTZ for each wellhead are shown on Drinking Water Protection Area Maps kept on file with the City of Springfield Development Services, Public Works, and Fire and Life Safety Departments; and Springfield Utility Board (SUB) and Rainbow Water District (RWD).
- (2) The areas within specified wellhead TOTZ are those drinking water protection areas certified by the Oregon Health Division, under the Oregon Administrative Rules that apply to Oregon's EPA-approved Drinking Water Protection Program, in Oregon Health Division Delineation Certification #0002R, March 18, 1999.
- (3) In determining the location of a property within a TOTZ, the following criteria shall apply:
  - (a) The Lane County Department of Assessment and Taxation maps shall be used as a base map with the addition of TOTZ boundaries.
  - (b) That portion of a tax lot that lies within a TOTZ shall be governed by the restrictions applicable to that TOTZ.
  - (c) Tax lots having parts lying within more than one TOTZ shall be governed by the standards of the more restrictive TOTZ.

**EXCEPTION:** The Director may waive the requirement that the more restrictive standards apply when all of the following apply:

1. Storage, use, handling, treatment, and/or production of hazardous materials that pose a risk to groundwater will not take place within the portion of the tax lot having the more restrictive TOTZ standards; and
2. Storage, use, handling, treatment, and/or production of hazardous materials that pose a risk to groundwater will not take place within 50 feet of the portion of the tax lot having more restrictive TOTZ standards; and
3. The tax lot is 20,000 square feet or larger.

- (4) A property owner may request the TOTZ be modified by submitting a Zone Change application to the City. Any request for modification of the TOTZ shall be accompanied by certification of the TOTZ as proposed to be modified by the Oregon Health Division, under the Administrative Rules that apply to Oregon's EPA-approved Drinking Water Protection Program.

#### **17.050 REVIEW.**

- (1) A DWP Overlay District Development Application is required when the criteria of both subsections (a) and (b) are met:
  - (a) A site is affected by one of the following:
    1. there is a change of land use, occupancy or tenancy of a property, including but not limited to a change from vacant to occupied; or
    2. during the Building Permit process; or
    3. in conjunction with any development application including but not limited to Site Plan review and Minimum Development Standards.
  - (b) The action in subsection (a) above will:
    1. affect the storage, use, and/or production of hazardous materials that pose a risk to groundwater; or
    2. increase the quantity of hazardous materials that pose a risk to groundwater that are stored, used and/or produced.
- (2) Prior to the submittal of a DWP Overlay District Development Application, an exemption request may be submitted to the Director. See 17.060(2)(a).
- (3) DWP Overlay District applications shall be reviewed under Type I procedures.
- (4) Prior to undertaking an activity covered by subsection (1) of this section, the owner or tenant shall submit a DWP Overlay District Application to the City for review and approval. Applications shall include the following information:
  - (a) a Hazardous Material Inventory Statement and a Material Safety Data Sheet for any or all materials entered in the Statement unless exempted under 17.060 of this article. Hazardous material weights shall be converted to volume measurement for purposes of determining amounts - 10 pounds shall be considered equal to 1 gallon in conformance with Uniform Fire Code 8001.15.1;
  - (b) a list of the chemicals to be monitored through the analysis of groundwater samples and a monitoring schedule if ground water monitoring is anticipated to be required;

- (c) a detailed description of the activities conducted at the facility that involve the storage, handling, treatment, use or production of hazardous materials in quantities greater than the maximum allowable amounts as stated in 17.070(1)(a);
  - (d) a description of the primary and any secondary containment devices proposed, and, if applicable, clearly identified as to whether the devices will drain to the storm or sanitary sewer;
  - (e) a proposed Hazardous Material Management Plan for the facility that indicates procedures to be followed to prevent, control, collect and dispose of any unauthorized release of a hazardous material;
  - (f) a description of the procedures for inspection and maintenance of containment devices and emergency equipment;
  - (g) a description of the plan for disposition of unused hazardous materials or hazardous material waste products over the maximum allowable amounts including the type of transportation, and proposed routes.
- (5) For those development proposals requiring Site Plan Review or Minimum Development Standards review as specified in Article 31 of this Code, applications may be submitted concurrently.
  - (6) A complete DWP Overlay District Development application together with all required materials shall be accepted by the Director prior to the review of the request as specified in Section 3.050, Application Submittal.
  - (7) The Director shall review the application and make a decision on the application, based on the standards contained in section 17.070, after consulting with the Building Official, Fire Marshall, Public Works Director, and the managers of SUB and RWD, as appropriate.

**17.060 EXEMPTIONS**

This Article does not exempt any material or use from Fire Code regulations adopted by the City of Springfield.

- (1) Exemptions are as specified in this section unless the Director, in consultation with SUB and Fire/Life Safety, determines that a hazardous material, activity, and/or facility that is exempt pursuant to this section has a significant or substantial potential to degrade groundwater quality. Then the Director may require compliance with the requirements of this Article related to that hazardous material, activity or facility. Such determinations will be based upon site and/or chemical-specific data and shall be eligible for appeal to the Hearings Official as specified in Section 17.090 of this Article.
- (2) Except as otherwise provided herein, the following materials are exempt from regulation hereunder:

- (a) Use, storage and handling of specific hazardous materials that do not present a risk to the aquifer, as determined and listed by the Director in consultation with SUB, are exempt from all regulation under this Article with the exception of the potential requirement to list these hazardous materials on the Hazardous Material Inventory Statement as found in the most recent Fire Code regulations adopted by the City. A Hazardous Materials Exemption Request may be submitted to the Director for Hazardous Materials that can be demonstrated to pose no threat to the aquifer. These materials may be exempted from regulation and added to the list. The demonstration of no threat is the responsibility of the applicant seeking the exemption and will be subject to review by technical experts.
- (b) Hazardous materials offered for sale in their original sealed containers of five (5) gallons or less shall be exempt from the 500 gallon storage limit set in 17.070(1)(a).
- (c) Hazardous materials in fuel tanks and fluid reservoirs attached to (i) a private or commercial motor vehicle and used directly in the motoring operation of that vehicle, or (ii) machinery, including but not limited to fuel, engine oil and coolant.
- (d) Fuel oil used in existing heating systems.
- (e) Emergency use, storage, and handling of hazardous materials by governmental organizations in the public interest.
- (f) Hazardous materials used and stored specifically for water treatment processes of public water systems and private systems for the same purposes when approved by the Director.
- (g) Hazardous materials contained in properly operating sealed units (transformers, refrigeration units, etc.) that are not opened as part of routine use.
- (h) Local natural gas distribution lines.
- (i) Fuel for emergency generators located at facilities that provide essential community services (hospitals, fire/life safety, police, public shelters, telephone systems etc.).
- (j) Any commonly used office supply – such as correcting fluid for typewriters, toner for computer printers or cleaners for windows and bathrooms – where the supplies are purchased off-site for use on-site.
- (k) Aggregate quantities equal to or less than 20 gallons of hazardous materials that do not contain DNAPLs .

## **17.070 STANDARDS FOR APPROVAL OF DWP OVERLAY DISTRICT APPLICATIONS WITHIN TIME OF TRAVEL ZONES**

Applications shall comply with the following standards. Where the following standards are more restrictive than the standards of the Uniform Fire Code, the following standards shall apply:

- (1)** 0 - 1 year TOTZ Standards.
  - (a)** Within the 0-1 year TOTZ, hazardous materials that pose a risk to groundwater may be stored in aggregate quantities of no more than 500 gallons if in original containers not exceeding 5 gallons\* in size. Within that aggregated 500-gallon inventory, no more than 150 gallons of hazardous materials that pose a risk to groundwater may be on the premises in opened containers for handling, treatment, use production, or dispensing on site. Hazardous materials that pose a risk to groundwater shall be allowed only upon compliance with containment and safety standards set by the most recent Fire Code adopted by the City.

\*A waiver of the 5-gallon maximum size may be given by the Director if the applicant can demonstrate that a larger size container would pose less risk to the aquifer.
  - (b)** Except those exempted, all hazardous materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (Uniform Fire Code Articles 2 and 8003.1.3.3).
  - (c)** All new uses of Dense Non-Aqueous Phase Liquids (DNAPLs) shall be prohibited.
  - (d)** Any change in type of use or an increase in maximum daily inventory quantity of any DNAPL shall be considered a new use and shall be prohibited.
  - (e)** The following certain types of new facilities or changes in use and/or storage of hazardous materials that pose a risk to groundwater shall be prohibited:
    - 1.** underground hazardous material storage facilities;
    - 2.** hazardous material product pipelines used to transport the hazardous material off of the tax lot where it is produced or used;
    - 3.** injection wells, except dry wells for roof drainage;
    - 4.** solid waste landfills and transfer stations;
    - 5.** fill materials containing hazardous materials;
    - 6.** land uses and new facilities that will use, store, treat, handle, and/or produce DNAPLs.



- (f) Requirements found in Uniform Fire Code Appendix II-E 3.2.6 for a monitoring program and in 8003.1.3.3 for monitoring methods to detect hazardous materials in the secondary containment system shall be met for all amounts of hazardous materials that pose a risk to groundwater except those exempted.
  - (g) Requirements found in Uniform Fire Code Appendix II-E Section 3.2.7 for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous materials that pose a risk to groundwater except those exempted shall be met.
  - (h) Application of fertilizers containing nitrates shall be restricted to no more than the amount recommended by the Lane County, Oregon State University Extension Service for turf grass and shall be prohibited within 100 feet of a wellhead. In no event shall a single application exceed one half pound per 1,000 square feet of area per single application or a total yearly application of 5 pounds nitrogen fertilizer per 1,000 square feet.
- (2) 1-5 year TOTZ Standards.
- (a) The storage, handling, treatment, use, application, or production or otherwise keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities not containing DNAPLs shall be allowed only upon compliance with containment and safety standards set by the most recent Fire Code adopted by the City.
  - (b) Except those exempted, all hazardous materials that pose as risk to groundwater shall be stored in areas with approved secondary containment in place (Uniform Fire Code Articles 2 and 8003.1.3.3).
  - (c) All new use of DNAPLs shall be prohibited.
  - (d) Any change in the type of use or an increase in maximum daily inventory quantity of any DNAPL shall be considered a new use and shall be prohibited.
  - (e) The following certain types of facilities or changes in chemical use and/or storage of hazardous materials that pose a risk to groundwater shall be prohibited:
    - 1. hazardous material product pipelines used to transport the hazardous material off of the tax lot where it is produced or used;
    - 2. injection wells, except dry wells for roof drainage;
    - 3. solid waste landfills and transfer stations;
    - 4. fill materials containing hazardous materials;

- 5. land uses and new facilities that will use, store, treat handle, and/or produce DNAPLs.
  - (f) Requirements found in Uniform Fire Code Appendix II-E 3.2.6 for a monitoring program and in 8003.1.3.3 for monitoring methods to detect hazardous materials in the secondary containment system shall be met for all amounts of hazardous materials that pose a risk to groundwater except those exempted.
  - (g) Requirements found in Uniform Fire Code Appendix II-E Section 3.2.7 for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous materials that pose a risk to groundwater except those exempted shall be met.
- (3) 5-10 year TOTZ Standards.
  - (a) The storage, handling, treatment, use, production or otherwise keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities not containing DNAPLs shall be allowed upon compliance with containment and safety standards set by the most recent Fire Code adopted by the City
  - (b) All hazardous materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (Uniform Fire Code Articles 2 and 8003.1.3.3).
  - (c) All new use of DNAPLs shall be prohibited.
  - (d) Any change in type of use or an increase in the maximum daily inventory quantity of any DNAPL shall be considered a new use and shall be prohibited.
  - (e) Requirements found in Uniform Fire Code Appendix II-E Section 3.2.7 for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous materials that pose a risk to groundwater except those exempted shall be met.
- (4) 10-20 year TOTZ Standards. The storage, handling, treatment, use, production or keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities shall be allowed only upon compliance with containment and safety standards set by the most recent Fire Code adopted by the City.

### **17.080 CONDITIONS OF APPROVAL**

The Director may attach conditions of approval that will minimize negative impacts of regulated substances on groundwater and ensure that the facility or the proposed development can fully meet the standards specified in Section 17.070 of this Article.

These conditions may include on-site monitoring wells, Wellhead Protection Area signs, special storm water facilities or other conditions to address specific risks associated with the proposed development.

### **17.090 APPEALS**

The only portions of this Article that are subject to appeal are Section 17.050(7) the Director's decision on a DWP application, Section 17.060, Exemptions, and Section 17.070(1)(a) waiver. The appeal of a decision of the Director may be appealed to the Hearings Official under Type III procedures as specified in Section 15.020 of this Code.”

**(Ord. 5962 05/15/00)**

**(Ord. 6133 07/18/05):** Section 17.070.

**ARTICLE 18**

**COMMERCIAL ZONING DISTRICTS**

18.010 ESTABLISHMENT OF COMMERCIAL ZONING DISTRICTS

18.020 SCHEDULE OF USE CATEGORIES

18.030 LOT SIZE STANDARDS

18.040 LOT COVERAGE STANDARDS

18.050 SETBACK STANDARDS

18.060 HEIGHT STANDARDS

18.070 OFF-STREET PARKING STANDARDS

18.080 RESERVED FOR FUTURE USE

18.090 RESERVED FOR FUTURE USE

18.095 RESERVED FOR FUTURE USE

18.100 FENCE STANDARDS

18.110 SPECIAL USE STANDARDS

## ARTICLE 18

### COMMERCIAL ZONING DISTRICTS

#### 18.010 ESTABLISHMENT OF COMMERCIAL ZONING DISTRICTS.

In order to fully implement the policies of the Metro Plan, regulate the use of land, structures and buildings, and protect the public health, safety and welfare, the following zoning districts are established in this Article:

- (1) **NC NEIGHBORHOOD COMMERCIAL DISTRICT.** The NC District is intended to fully implement Metro Plan Text addressing Neighborhood Commercial facilities and any applicable refinement plan. This district designates sites up to 3 acres in size to provide day to day commercial needs for support populations up to 4,000 people. NC developments should enhance rather than intrude on the character of a neighborhood by using landscaping, building materials and design features that are similar to and in proportion with residential uses. New NC zoning districts larger than 1.5 acres shall be limited to collector and arterial streets. Existing NC zoning districts on local streets shall not be allowed to expand beyond 1.5 acres unless the development area abuts a collector or arterial street.
- (2) **CC COMMUNITY COMMERCIAL DISTRICT.** The CC District is intended to fully implement the Metro Plan Community Commercial Center designation and any applicable refinement plan. This district designates sites to provide for a wide range of retail sales, service and professional office use. This district also includes all existing strip commercial areas.
- (3) **MRC MAJOR RETAIL COMMERCIAL DISTRICT.** The MRC District is intended to fully implement the Metro Plan Major Retail Center designation and any applicable refinement plan. This district may also be applied to large, vacant tracts of CC Community Commercial land that are suitable for the siting of new shopping centers, in which case the minimum development area shall be 20 acres.
- (4) **GO GENERAL OFFICE DISTRICT.** The GO district is intended to encourage appropriate office development and to implement neighborhood refinement plans. This district is designed to be a transition zone, providing a buffer between residential and more intensive commercial development at the boundaries of a Community Commercial or Major Retail Commercial designation. A development area of at least one acre shall be required.

#### 18.020 SCHEDULE OF USE CATEGORIES.

The following uses are permitted in the districts as indicated subject to the provisions, additional restrictions and exceptions set forth in this Code.

“**P**” = **PERMITTED USE**, subject to the standards of this Code; may be processed under Type I, II or III procedures (Please refer to Article 3 of this Code).

"S" = **SPECIAL USE**, subject to special locational and siting standards to be met prior to being deemed a permitted use; may be processed under Type I, II or III procedures (Please refer to Article 3 of this Code).

"D" = **DISCRETIONARY USE**, may or may not be permitted, based upon the application of general criteria; may be subject to special locational and siting standards to be met prior to being deemed a permitted use; processed under Type III procedures (Please refer to Articles 3 and 10 of this Code).

- = **NOT PERMITTED**

**SITE PLAN REVIEW SHALL BE REQUIRED** unless specifically exempted elsewhere in this Code.

CATEGORIES / USES	DISTRICTS			
	NC	CC	MRC	GO
(1) Agricultural and animal sales and service (Section 18.110(1)):				
(a) Agricultural cultivation of undeveloped land	-	P	P	-
(b) Animal hospitals, animal clinics and kennels	-	S	-	-
(c) Feed and seed supplies	-	P	S	-
(d) Garden supplies	-	P	S	-
(2) Automotive, marine and mobile/manufactured homes sales, service, storage and repair (Section 18.110(2)):				
(a) Auto and truck dealers, new	-	S	S	-
(b) Auto and truck dealers, used	-	S	-	-
(c) Boat sales and accessories	-	S	S	-
(d) Car Washes	-	P	-	-
(e) Garage, repair	-	S	D	-
(f) Manufactured home and RV sales including campers, canopies and other accessories	-	S	-	-
(g) Motorcycle sales and repair	-	P	S	-
(h) Private parking lots and garages	-	P	P	-

<b>(i)</b>	Rental, automotive and truck	-	<b>S</b>	<b>S</b>	-
<b>(j)</b>	Service stations	<b>S</b>	<b>P</b>	<b>S</b>	-
<b>(k)</b>	Tires, batteries and accessories	-	<b>P</b>	<b>S</b>	-

**(3)** Business and professional offices and personal services (Section 18.110(3))

<b>(a)</b>	Accountants, bookkeepers and auditors	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(b)</b>	Advertising / marketing agencies	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(c)</b>	Architects, landscape architects and designers	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(d)</b>	Art Studios, fine	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(e)</b>	Art restoration	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(f)</b>	Attorneys	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(g)</b>	Audio / video production studio	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(h)</b>	Authors / composers	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(i)</b>	Banks, credit unions and savings and loans	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(j)</b>	Barber and beauty shops	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(k)</b>	Business Schools	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(l)</b>	Catering Services	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(m)</b>	Clinics and research / processing laboratories	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(n)</b>	Collection agencies	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(o)</b>	Commodity contract brokers and dealers	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>

<b>(p)</b>	Computer and information services	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(q)</b>	Day car facilities	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>
<b>(r)</b>	Dentists	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(s)</b>	Detective and protective agencies	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(t)</b>	Diaper services	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(u)</b>	Doctors	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(v)</b>	Drafting, graphic and copy services	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(w)</b>	Employment agencies and services	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(x)</b>	Engineers and surveyors	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(y)</b>	Financial Planning, investment services	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(z)</b>	Funeral services	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(aa)</b>	Graphic art services	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(bb)</b>	Gymnastics instruction	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(cc)</b>	House cleaning services	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(dd)</b>	Insurance carriers, agents, brokers and services	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(ee)</b>	Interior decorator and designers	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(ff)</b>	Laundry, dry cleaners, including self service, and ironing services	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(gg)</b>	Loan companies, other than banks	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(hh)</b>	Locksmiths	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(ii)</b>	Lumber brokers	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(jj)</b>	Mailing services / mail order sales	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>



<b>(kk)</b>	Management and planning consultants	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(ll)</b>	Manufactured unit as a temporary construction office, security quarters or general office (36.160(1), (3) and (4))	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>
<b>(mm)</b>	Manufactured home as a manufactured home sales office (36.160(2))	<b>S</b>	<b>S</b>	<b>S</b>	<b>-</b>
<b>(nn)</b>	Motion picture studio / distribution	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(oo)</b>	Non-profit organizations	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(pp)</b>	Opticians	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(qq)</b>	Performing arts instruction	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(rr)</b>	Photocopying	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(ss)</b>	Photography studios	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(tt)</b>	Planner, land use	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(uu)</b>	Printing / publishing	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(vv)</b>	Private investigator	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(ww)</b>	Psychologists and counselors	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(xx)</b>	Real estate sales and management	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(yy)</b>	Scientific and educational research	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(zz)</b>	Security systems services	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(aaa)</b>	Self-defense studio	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(bbb)</b>	Shoe repair	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(ccc)</b>	Stenographers and secretarial services	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(ddd)</b>	Stockbrokers	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(eee)</b>	Swimming pool cleaning	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>

( <b>fff</b> )	Tailors	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
( <b>ggg</b> )	Tanning salons	<b>P</b>	<b>P</b>	<b>P</b>	-
( <b>hhh</b> )	Title companies	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
( <b>iii</b> )	Telephone answering services	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
( <b>iii</b> )	Telephone answering services	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
( <b>ijj</b> )	Travel agencies	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
( <b>kkk</b> )	TV and radio broadcasting studios	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
( <b>lll</b> )	Typing services	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
( <b>mmm</b> )	Communications towers, including antennas and relay equipment.	-	<b>D</b>	<b>D</b>	-

Certain Wireless Telecommunications Systems Facilities (Article 32).  
Refer to Section 32.130 for siting standards and review process in all commercial zoning districts.

( <b>nnn</b> )	Window cleaning	<b>P</b>	<b>P</b>	<b>P</b>	-
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(4) Eating and drinking establishments (Section 18.110(12)):

( <b>a</b> )	Cocktail lounges	<b>P</b>	<b>P</b>	<b>P</b>	-
( <b>b</b> )	Delicatessens and sit down restaurants including espresso shops	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
( <b>c</b> )	Drive up restaurants and espresso shops	<b>P</b>	<b>P</b>	<b>P</b>	-
( <b>d</b> )	Taverns and brew pubs	<b>D</b>	<b>P</b>	<b>P</b>	-

(5) Public utility facilities (section 18.110(4)):

( <b>a</b> )	High impact facilities	<b>S</b>	<b>S</b>	<b>S</b>	-
( <b>b</b> )	Low impact facilities	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>

**(6)** Recreational facilities (Section 18.110(5)):

<b>(a)</b>	Amusement park	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(b)</b>	Arcades	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(c)</b>	Art studios, performing	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(d)</b>	Athletic field	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(e)</b>	Auditoriums	<b>S</b>	<b>S</b>	<b>P</b>	-
<b>(f)</b>	Batting cages	<b>S</b>	<b>S</b>	<b>S</b>	-
<b>(g)</b>	Bingo parlors	<b>S</b>	<b>S</b>	<b>S</b>	-
<b>(h)</b>	Bowling alleys	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(i)</b>	Dance halls	<b>S</b>	<b>S</b>	<b>S</b>	-
<b>(j)</b>	Exercise studios	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
<b>(k)</b>	Exhibition hall	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(l)</b>	Golf driving range	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(m)</b>	Gyms and athletic clubs	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(n)</b>	Hot tub establishments	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(o)</b>	Hydrotubes	<b>S</b>	<b>S</b>	<b>S</b>	-
<b>(p)</b>	Miniature auto race track	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(q)</b>	Miniature golf	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(r)</b>	Movie theaters, indoor	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(s)</b>	Movie theaters, drive-in	-	<b>D</b>	-	-
<b>(t)</b>	Non Alcoholic Night Club	<b>S</b>	<b>S</b>	<b>S</b>	-

(u)	Off-track betting facility	P	P	P	-
(v)	Parks, private and public	P	P	P	-
(w)	Playground	P	P	P	-
(x)	Play / tot lot	P	P	P	P
(y)	Pool halls	P	P	P	-
(z)	Recreation center	P	P	P	-
(aa)	Riding stable	P	P	P	-
(bb)	Rodeos	P	P	-	-
(cc)	Shooting range (Also subject to provisions of Springfield Municipal Code, 1997)	-	S	S	-
(dd)	Skating rinks	S	S	S	-
(ee)	Stadiums	P	P	P	-
(ff)	Swimming pools	P	P	P	-
(gg)	Tennis, racquetball and handball courts	P	P	P	-
(hh)	Theater, legitimate	P	P	P	-
(ii)	Velodromes	P	P	P	-
(7)	Religious, social and public institutions:				
(a)	Branch educational facilities	P	P	P	-
(b)	Charitable services	P	P	P	-
(c)	Churches, temples and weekly religious schools	P	P	P	P
(d)	Community and senior centers	P	P	P	-
(e)	Fraternal and civic organizations	P	P	P	-

(f)	Hospitals	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
(g)	Labor unions	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
(h)	Public offices	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
(i)	Private / Public Elementary and Middle Schools (18.110(14))	<b>D*</b>	<b>D*</b>	<b>-</b>	<b>-</b>
<b>(8)</b>	Residential uses in areas designated mixed use in the Metro Plan, Refinement Plans or Mixed Use Districts in this Code (Section 18.110(6))	<b>S</b>	<b>S</b>	<b>S</b>	<b>-</b>
<b>(9)</b>	Retail sales (Section 18.110(7)):				
(a)	Antiques	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
(b)	Apparel	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
(c)	Art galleries and museums	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
(d)	Art supplies	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
(e)	Auction / flea markets	<b>S</b>	<b>S</b>	<b>-</b>	<b>-</b>
(f)	Bakeries	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
(g)	Bicycles	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
(h)	Books	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
(i)	Cameras and photographic supplies	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
(j)	Candies, nuts and confectioneries	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
(k)	China, glassware and metal ware	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
(l)	Cigars and cigarettes	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
(m)	Computers, calculators and other office machines	<b>P</b>	<b>P</b>		<b>S</b>
(n)	Convenience stores	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>

<b>(o)</b>	Dairy products	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(p)</b>	Department stores	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(q)</b>	Drapery, curtains and upholstery	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(r)</b>	Dry goods and general merchandise	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(s)</b>	Electrical supplies	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(t)</b>	Equipment rental and leasing	<b>P</b>	<b>P</b>	<b>-</b>	<b>-</b>
<b>(u)</b>	Fabrics and accessories	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(v)</b>	Farm equipment	<b>P</b>	<b>P</b>	<b>-</b>	<b>-</b>
<b>(w)</b>	Feed, grain and hay	<b>P</b>	<b>P</b>	<b>-</b>	<b>-</b>
<b>(x)</b>	Film drop off and pick up	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(y)</b>	Fish	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(z)</b>	Floor coverings	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(aa)</b>	Florists	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
<b>(bb)</b>	Fruits and vegetables	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(cc)</b>	Furniture	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(dd)</b>	Furriers	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(ee)</b>	Groceries	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(ff)</b>	Hardware	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(gg)</b>	Hobby supplies	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
<b>(hh)</b>	Household appliances	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(ii)</b>	Jewelry	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
<b>(ij)</b>	Liquidation outlets	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>

<b>(kk)</b>	Liquor outlets (State)	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(ll)</b>	Luggage and leather	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
<b>(mm)</b>	Magazines and newspapers	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(nn)</b>	Mail order houses	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(oo)</b>	Meats	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(pp)</b>	Medical and dental supplies	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
<b>(qq)</b>	Musical instruments and supplies	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
<b>(rr)</b>	Novelties and gifts	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
<b>(ss)</b>	Office equipment	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
<b>(tt)</b>	Paint, glass and wallpaper	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(uu)</b>	Pharmacies	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
<b>(vv)</b>	Pottery	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
<b>(ww)</b>	Radios, televisions and stereos	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(xx)</b>	Second hand and pawn shops	<b>S</b>	<b>S</b>	<b>S</b>	<b>-</b>
<b>(yy)</b>	Sewing machines	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(zz)</b>	Shoes	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(aaa)</b>	Small electrical appliances	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(bbb)</b>	Sporting goods	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>
<b>(ccc)</b>	Stationary	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(ddd)</b>	Supermarkets	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>(eee)</b>	Toys	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>

(fff)	Transient merchants	<b>S</b>	<b>S</b>	<b>S</b>	-
(ggg)	Weapons dealers	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(10)</b>	Small scale repair and maintenance services (Section 18.110(8)):				
(a)	Business machine repair	<b>S</b>	<b>P</b>	-	-
(b)	Disinfecting and extermination service	-	<b>P</b>	-	-
(c)	Electrical appliance repair	<b>S</b>	<b>P</b>	-	-
(d)	Furniture repair	<b>S</b>	<b>P</b>	-	-
(e)	Janitorial services	-	<b>P</b>	-	-
(f)	Small engine repair	<b>S</b>	<b>P</b>	-	-
(g)	Watch repair	<b>P</b>	<b>P</b>	<b>P</b>	-
<b>(11)</b>	Transient accommodations (Section 18.110(9)):				
(a)	Bed and breakfast facilities	<b>S</b>	<b>P</b>	-	-
(b)	Emergency and breakfast facilities	-	<b>P</b>	-	-
(c)	Hotels	-	<b>P</b>	<b>P</b>	-
(d)	Motels	-	<b>P</b>	<b>P</b>	-
(e)	Youth hostels	<b>P</b>	<b>P</b>	-	-
(f)	RV Parks	-	<b>S</b>	-	-
<b>(12)</b>	Transportation facilities (Section 18.110(10)):				
(a)	Bus terminals	-	<b>S</b>	<b>S</b>	-
(b)	Dock, boat ramps and marinas	-	<b>D</b>	-	-
(c)	Heliports	-	<b>S</b>	<b>S</b>	-



	(d) Helistops	-	S	S	-
(13)	Warehouse commercial retail and wholesale sales (Section 18.110(11)):				
	(a) Cold storage lockers	-	P	-	-
	(b) Electrical supplies and contractors	-	P	-	-
	(c) Floor coverings sales	-	P	-	-
	(d) Fuel dealers	-	S	-	-
	(e) Heavy equipment and truck rental/sales	-	S	-	-
	(f) Indoor storage, other than mini-warehouses, and outdoor storage areas / yards	-	S	-	-
	(g) Large electrical appliance sales	-	P	P	-
	(h) Lumber yards and building materials	-	S	-	-
	(i) Merchandise vending machine operators	-	P	-	-
	(j) Mini-warehouses	-	S	-	-
	(k) Plumbing and heating supplies and contractors	-	S	-	-
	(l) Unfinished furniture	-	P	-	-
	(m) Uses listed under automotive and retail which are wholesale uses. <b>(See appropriate section)</b>				
(14)	Secondary uses serving or related to on-site commercial uses. (Section 18.110(13)):				
	(a) Manufacture or assembly of goods or products to be sold on premises	-	P	-	-
	(b) One single family dwelling, attached or detached, as a secondary use.	P	P	-	-

### **18.030 LOT SIZE STANDARDS.**

The minimum lot size in all commercial districts shall be 6,000 square feet with a minimum of 50 feet of street frontage. Exceptions to these standards may be allowed for the following:

- (1) Lots created prior to the adoption of the Comprehensive Zoning Code, 1982
- (2) Panhandle lots shall not be permitted in the GO, MRC or NC Districts. Panhandle lots may have a reduced frontage of 40 feet in the CC district.
- (3) The Director may waive the requirement that buildable City lots have frontage on a public street when all of the following apply:
  - (a) The lot or lots have been approved as part of a Development Area Plan, Site Plan, Subdivision or Partition application, and
  - (b) Access has been guaranteed via a private street or driveway by an irrevocable joint use/access agreement.

### **18.040 LOT COVERAGE STANDARDS.**

Lot coverage standards are limited only by standards specified in other Sections of this Code, except that lot coverage standards in the NC District shall be subject to the following:

- (1) For development areas less than 1 acre – building coverage shall not exceed 35% if the total development area.
- (2) For development areas between 1 and 2 acres - building coverage shall not exceed 35% of the total development area.
- (3) For development areas between 2 and 3 acres - building coverage shall not exceed 35% of the total development area. No single lease space shall exceed 15,000 square feet.
- (4) Parking, loading and vehicular circulation area coverage shall not exceed 45% of the total development area.
- (5) Perimeter and interior landscaping area combined coverage shall not be less than 20% of the total development area.

### **18.050 SETBACK STANDARDS.**

In all commercial districts, each lot shall have planted setbacks of not less than the following sizes:

- (1) Front, Street Side Yard and Through Lot Rear Yard.

- (a) Building setback 10 feet
  - (b) Parking, driveway and outdoor storage setback 5 feet
  - (c) Except: in NC districts this setback shall be 7 feet
- (2) Interior Side Yard and Rear Yard Setbacks When Abutting Residential Districts or CI District:
- (a) Building setback 10 feet
  - (b) Parking, driveway and outdoor storage setbacks 5 feet
  - Except: in NC districts this setback shall be 7 feet
- (3) There shall be no setback requirements for buildings in the Downtown Exception Area.
- (4) Where an easement is larger than the required setback standard, no building or above grade structure, except for a fence, shall be built on or over that easement.
- (5) When additional right of way is required, whether by City Engineering standards or the Metro Plan (including the TransPlan), setbacks shall be based on future right of way locations. Right of way shall be dedicated prior to the issuance of any building permit that increases required parking.
- (6) Architectural extensions may protrude into any 5 foot or larger setback area by not more than 2 feet.

**18.060 HEIGHT STANDARDS.**

In the NC District the maximum building height shall be 20 feet. There are no building height limitations in the GO, CC or MRC Districts unless abutting an LDR or MDR District. In this case, one of the following shall apply:

- (1) When a GO, CC or MRC District abuts an LDR or MDR District to the north, the maximum building height shall be defined by the Maximum Shade Point Height requirement of Section 16.050(5)(a) 2, or up to 50 feet south of a northern lot line a plane extending south with an angle of 23 degrees and originating from the top of a 16 foot hypothetical fence located on the northern lot line.

- (2) When a GO, CC or MRC District abuts an LDR or MDR District to the east, west or south, the building height limitation shall be no greater than that permitted in the LDR or MDR Districts for a distance of 50 feet.
- (3) Incidental equipment may exceed the height standards specified in Subsections (1) and (2) of this Section.

**18.070 OFF-STREET PARKING STANDARDS.**

The Downtown Exception Area shall be exempt from the motor vehicle and bicycle parking space requirements of this Article, except government and/or public facilities are not exempt from the bicycle parking requirements. Any voluntarily installed parking shall conform to the design standards of this Code. Bicycle parking standards and requirements are found in Sections 31.210 and 31.220 of this Code.

Parking lots in NC districts shall be designed so that every seventh space shall be developed as a landscaped separator between spaces. NC developments that require more than 25 parking spaces shall located half of all the required spaces over 25 behind proposed buildings.

Parking lots shall be used exclusively for the parking of vehicles except that parking spaces in excess of the number required by this Code may be used for temporary sales or display of merchandise where such activity does not create a hazard for automobile or pedestrian traffic. The following off-street parking standards have been established for commercial districts. **IN ANY CASE, NOT LESS THAN 4 OFF-STREET PARKING PLACES SHALL BE REQUIRED.**

<b>USE CATEGORIES</b>	<b>NUMBER OF SPACES</b>
(1) Accessory structures and other structures not occupied by humans	No parking requirements
(2) Agricultural and animal sales and service	1 for each 300 square feet of gross floor area
(3) Automotive, marine and manufactured home service storage repair	1 for each 300 square feet of gross floor area
(4) Business and professional offices and personal services	1 for each 300 square feet of gross service floor area.
(5) Eating and drinking establishments	1 for each 100 square feet of gross floor area.

- |      |  |   |
|------|--|---|
| (6)  | Public utility facilities  | None, unless associated with other not containing employees uses.   |
| (7)  | Recreational facilities  | 1 for each 100 square feet of floor area in the primary assembly area and 1 for each 200 square feet of gross floor area for the remainder of the building.   |
| (8)  | Religious, social and public institutions  | 1 for each 100 square feet of floor area in the primary assembly area and 1 for each 200 square feet of gross floor area for the remainder of the building.   |
| (9)  | Residential uses in areas designated mixed-use in the Metro Plan or refinement plans | 1.5 spaces per dwelling unit.   |
| (10) | Retail Sales   | 1 for each 300 square feet of gross floor area.   |
| (11) | Small scale repair and maintenance   | 1 for each 300 square feet of gross floor area.   |
| (12) | Transient accommodations   | 1 for each guest room.  |
| (13) | Transportation facilities  | 1 for each 300 square feet of gross floor area not including vehicle storage areas.   |
| (14) | Warehouse commercial sales   | 1 for each 600 square feet of gross floor area.   |
| (15) | Shopping centers and malls   | 1 for each 250 square feet of gross floor area, exclusive of covered pedestrian walkways. Once a shopping center or mall has been approved, no additional parking shall be required, unless there is new construction |

**18.080 RESERVED FOR FUTURE USE.**

**18.090 RESERVED FOR FUTURE USE.**

**18.095 RESERVED FOR FUTURE USE.**

**18.100 FENCE STANDARDS.**

**(1) General.**

**(a)** Except as specified elsewhere in this Code, fences shall not exceed the height standards listed below and shall be located as follows:

- 1.** Six feet, provided that the fence is located behind the required front yard and street side yard planted areas and outside of the vision clearance area.
- 2.** Eight feet for public utility facilities, school yards and playgrounds, provided that the fence is located behind the required front yard and street side yard planted areas and outside of the vision clearance area.
- 3.** Barbed wire, razor wire or electrified fencing shall be permitted atop a six foot chain link fence. The total height of the fence and barbed wire shall not exceed 8 feet. These materials shall not extend into the vertical plane of adjoining public sidewalks. Barbed wire or razor wire only fences are prohibited. Electrified fencing must be posted with warning signs every 24 feet.
- 4.** Two and one-half feet in the vision clearance area in accordance with Section 32.070 of this Code.

**(b)** Fences shall comply with the screening standards of Section 31.160 of this Code.

**(c)** Outdoor storage of materials shall be screened by a sight obscuring fence where abutting residential properties along common property lines. Partial screening along rights-of-way and non-residential zoning districts may be permitted when necessary for security reasons.

**(2) Review Procedure.**

**(a)** A construction permit shall be required for all fences over six feet in height.

**(b)** Fences within the Willamette Greenway shall be reviewed under Type III procedure (Discretionary Use).

**18.110 SPECIAL USE STANDARDS.**

**(1) Agricultural and Animal Sales and Service.**

- (a)** Buildings used for the overnight accommodation of animals, and structures that enclose animals outside of buildings, shall be constructed to ensure that noise or odor do not disturb the normal operation or tranquility of neighboring residential, business, campus industrial or public land uses.
- (b)** Garden supply and feed and seed stores shall be permitted only as secondary uses in the MRC District. The bulk storage or sales of fertilizer, feed or plant materials that require heavy equipment for loading shall be prohibited.

**(2) Automotive, Marine and Mobile/Manufactured Home Sales, Service, Storage, and Repair.**

- (a)** Auto and truck dealers shall occupy an office/sales building (new construction) or any existing structure of at least 1,000 square feet, with non-metallic siding and roofing, and located where possible on the front portion of the lot, prior to the sale of any vehicle from the lot. Used car and truck sales or car rentals shall be permitted only as secondary uses in the Downtown Exception Area, i.e., where a new car dealership is the primary use. If a new car dealership terminates business in the Downtown Exception Area, and that new car dealership also included the sale of new cars, used cars may continue to be sold from those premises and such business shall be classified as a pre-existing non-conforming use. Such business shall install a decorative iron or masonry fence, raised planter or combination thereof that will prevent vehicles from encroaching on sidewalks. Under no circumstances shall such used car sales business be allowed to expand onto additional property not occupied by used car sales within the previous 90 days.

All truck rental facilities shall have approved concrete wheel stops and a 4 foot high fence (except in the vision clearance area), preferably chain or cable, with bollards placed at 5 foot intervals and secured in the ground with concrete footings of appropriate size and depth to prevent trucks from driving on sidewalks or over curbs. These barriers shall be located between the sidewalk and the paved parking or travel area.

- (b)** Mobile/Manufactured home and RV sales shall be prohibited in the Downtown Exception Area. A permanent office/sales building of at least 1000 square feet, with non-metallic siding and roofing, which may be a Class A Manufactured Home, shall be located where possible on the front of the lot, prior to the sale or rental of any vehicle, home or accessory product from the lot.
- (c)** All activities associated with motor vehicle repair and service, with the exception of maintenance activities such as pumping gas or changing tires, shall take place within a building constructed to ensure that noise or odors do not disturb the normal operation or tranquility of neighboring residential, commercial, campus industrial or public land uses. Storage of motor

vehicles to be repaired shall be screened by a sight-obscuring fence. Service stations in the NC District shall be limited to two pumps. A 5-foot landscape strip shall be installed along the street frontage of all service stations.

- (d) Storage of boats and motorcycles to be repaired shall be screened by a sight-obscuring fence.
- (3) Business and Professional Offices and Personal Services - Day Care Facilities.
- (a) Day Care Homes and Day Care Group Homes.
    - 1. Day Care Homes and Day Care Group Homes shall be permitted only in a structure constructed and used for residential purposes.
    - 2. The facility shall meet Children's Services Division (CSD) regulations.
  - (b) Day Care Centers.
    - 1. Day Care Centers shall meet Children's Services Division (CSD) regulations.
    - 2. The out door play area shall be enclosed by a 6 foot high sight obscuring fence.
    - 3. Public sidewalks shall be installed in all cases where there are curb and gutter streets.
    - 4. If possible, each Day Care Center site shall have a circular drive for drop-offs. L-shaped drives or street side drop-offs may also be approved.
- (4) Public Utility Facilities - High Impact.
- (a) The facility shall be designated on a public facilities plan or be approved under Type III review procedure.
  - (b) A Site Plan in accordance with Article 31 of this Code shall be approved to screen the facility from affected uses.
- (5) Recreational Facilities.
- (a) Arcades, Auditoriums, Bingo Parlors, Dance Halls(licensed by the state of Oregon in accordance with ORS 167.118), Non-Alcohol Night Clubs, Hydrotubes and Skating Rinks shall not be permitted to abut a residential district.
  - (b) Non-Alcohol Night Clubs shall locate at least 500 feet from an established tavern. Taverns shall locate at least 500 feet from an established non-alcohol night club.



- (c) The cumulative total area of exercise studios, sit-down restaurants and delicatessens, and secondary retail uses in the GO District shall be limited to no more than 10 percent of the gross floor area of the office building in which they are sited.
  
- (6) Residential Uses.
  - (a) In areas designated mixed use in the Metro Plan or a Refinement Plan diagram, Plan District map, or Conceptual Development Plan, multiple family development shall be required to meet development standards as specified in applicable regulation. MDR and HDR District standards contained in this Code shall be followed where a Refinement Plan diagram, Plan District map, or Conceptual Development Plan does not specify development standards, or in areas where no applicable regulation has been prepared.
  - (b) In areas with mixed use zoning, the residential development standards of the applicable mixed use zoning and/or overlay district shall apply.
  - (c) One single family dwelling, detached or attached to a commercial building in the NC or CC Districts as a secondary use, shall comply with the residential development standards of Article 16 of this Code concerning setbacks and height.
  
- (7) Retail Sales.
  - (a) The activities of auction businesses, flea markets, liquidation outlets, second-hand stores and pawn shops shall require a City Business License, unless specifically exempted by the City Council for a Special Event License.
  - (b) The cumulative total area of secondary retail uses, exercise studios, and sit-down restaurants and delicatessens in the GO District shall be limited to no more than 10 percent of the gross floor area of the office building in which they are sited.
  
- (8) Small scale repair and maintenance services. In the NC District these services shall take place entirely indoors, and buildings shall be utilized to ensure that noise or odor do not disturb the normal operation and tranquility of neighboring residential and business area
  
- (9) Transient Accommodations.
  - (a) In the NC District, bed and breakfast facilities shall meet the following standards.
    - 1. The facility shall be owner-occupied.

2. The number of guest bedrooms shall be limited to four.
  3. No guest parking shall be permitted within the front yard setback. Required guest parking shall be screened from public view
  4. For structures on the Springfield Historic Inventory, any external modification shall be fully compatible with the original design.
  5. A minimum of 25 percent of the lot shall be of planted material.
- (b) RV Park Standards.
1. New or expanded RV Parks shall consist of a minimum area of one acre.
  2. New or expanded RV Parks shall have a 20 foot landscaped perimeter setback.
  3. New or expanded RV Parks shall abut an arterial or collector street and shall be designed to direct the flow of traffic away from local streets, in accordance with Section 32.080, Access and Curb Cut Standards.
- (10) Transportation Facilities. New bus terminals, heliports and helistops shall not be located within 200 feet of any residential district. Noise attenuating barriers shall be constructed where necessary to mitigate land use conflicts.
- (11) Warehouse Commercial Retail and Wholesale.
- (a) Buildings shall be located in the front of lots, where possible, to minimize the visibility of outdoor storage yards or areas.
  - (b) Except for sales of heavy equipment and trucks, any outdoor storage yard or area shall be surrounded by a sight-obscuring fence.
  - (c) In the Downtown Exception Area, the storage and display of rental equipment shall be confined within a building.
  - (d) Existing uses in this category shall adhere to the standards of (b) and (c) above within 5 years after the adoption of this Code.
  - (e) For mini-storage facilities, an on-site manager's living quarters shall be permitted when such living quarters are constructed as part of and attached to a new or existing mini-storage facility.

- (12) Eating and Drinking Establishments. The cumulative total area of sit-down restaurants and delicatessens, secondary retail uses and exercise studios in the GO District shall be limited to no more than 10 percent of the gross floor area of the office building in which they are sited.
- (13) Secondary Uses. Manufacture or assembly of goods or products must occur indoors, must not generate more noise, odor or other physical attributes than the permitted uses, must occupy less than 50% of the floor area of the building, and the goods or products must be sold on premises.
- (14) Private/Public Elementary and Middle Schools. May be allowed through discretionary approval if the proposed site abuts residentially-zoned property and the special use standards of Section 23.100(7) are satisfied.

- (Ord. 5342 07/21/86): Sections 18.050; 18.070; 18.090; 18.110.
- (Ord. 5407 10/19/87): Sections 18.020; 18.070; 18.080; 18.100; 18.110.
- (Ord. S442 07/18/88): Section 18.110.
- (Ord. 5450 08/06/88): Section 18.110.
- (Ord. 5466 03/06/89): Sections 18.010; 18.020; 18.070; 18.090; 18.100; 18.110.
- (Ord. 5491 09/18/89): Sections 18.010; 18.020; 18.030; 18.060; 18.095; 18.100.
- (Ord. 5522 08/06/90): Section 18.010.
- (Ord. 5551 02/04/91): Sections 18.010; 18.020; 18.030; 18.070.
- (Ord. 5561 04/15/91): Section 18.060.
- (Ord. 5580 07/01/91): Sections 18.010; 18.020; 18.040; 18.050; 18.070.
- (Ord. 5591 10/21/91): Section 18.020.
- (Ord. 5633 05/04/92): Sections 18.080; 18.090; 18.095.
- (Ord. 5636 05/18/92): Section 18.110.
- (Ord. 5728 03/07/94): Sections 18.020; 18.110.
- (Ord. 5737 05/02/94): Section 18.020.
- (Ord. 5753 08/15/94): Sections 18.020; 18.050; 18.070; 18.110.

**(Ord. 5804 12/18/95):** Sections 18.110.

**(Ord. 5849 3/17/97):** Section 18.020.

**(Ord. 5864 11/03/97):** Section 18.100.

**(Ord. 5871 01/20/98):** Section 18.100.

**(Ord. 5972 02/05/2001):** Section 18.070.

**(Ord. 6133 07/18/05):** Sections 18.010, 18.020, 18.070, and 18.110.

## **ARTICLE 19**

### **BKMU BOOTH-KELLY MIXED USE DISTRICT**

19.010 ESTABLISHMENT OF THE BKMU BOOTH-KELLY MIXED USE DISTRICT

19.020 CONCEPTUAL DEVELOPMENT PLAN

19.030 DEVELOPMENT AREA PLAN AND DESIGN STANDARDS

19.040 RESERVED FOR FUTURE USE

19.050 LOT SIZE AND SETBACK STANDARDS

19.060 SCHEDULE OF USE CATEGORIES

19.070 HEIGHT STANDARDS

19.080 OFF STREET PARKING STANDARDS

19.090 RESERVED FOR FUTURE USE

19.100 FENCE STANDARDS

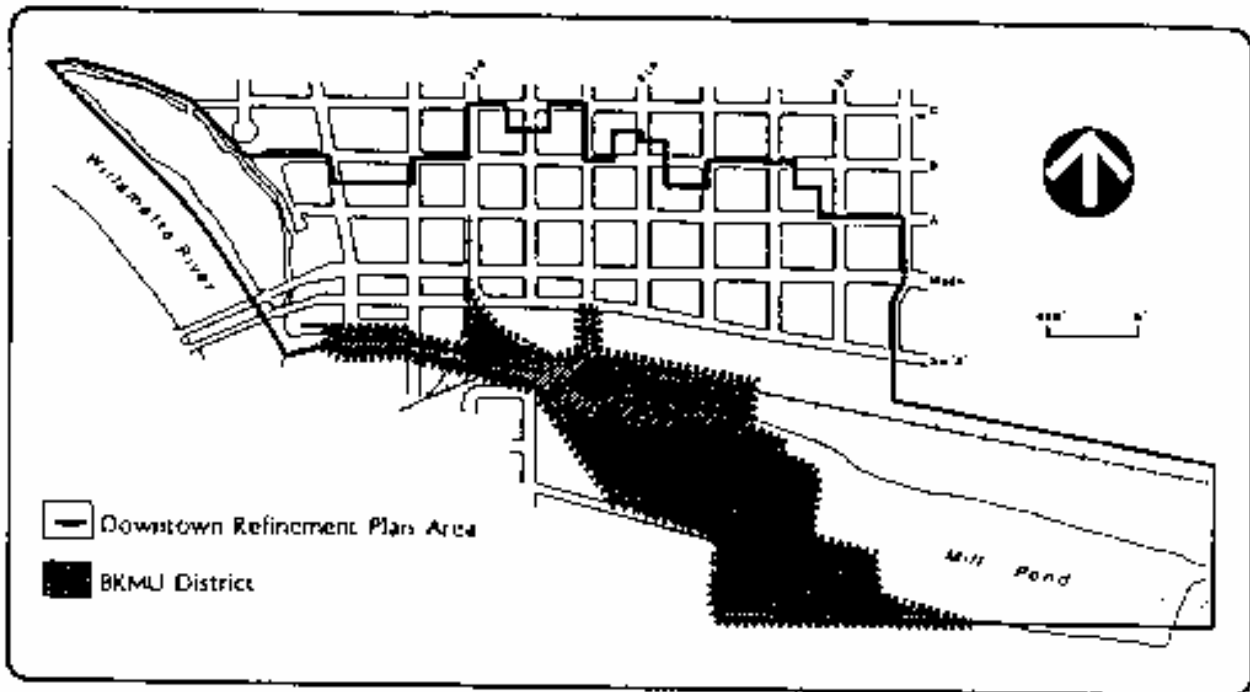
19.110 SPECIAL USE STANDARDS

## ARTICLE 19

### BKMU BOOTH-KELLY MIXED USE ZONING DISTRICT

#### 19.010 ESTABLISHMENT OF THE BKMU BOOTH-KELLY MIXED USE DISTRICT.

- (1) In order to implement the policies of the Metro Plan, regulate the use of land, structures and buildings, and protect the public health, safety and welfare, the BKMU District is established in this Article.
- (2) The BKMU District is intended to implement the Downtown Refinement Plan text addressing the Booth-Kelly Development Area. The standards of the BKMU District are intended to be applied in conjunction with the policies of the Downtown Refinement Plan. The BKMU District provides for a mixed use employment center that complements Downtown Springfield. As such, a variety of commercial, industrial, recreational and residential land uses are encouraged in a pedestrian-oriented setting that takes advantage of the district's natural features. The Conceptual Development Plan and the Site Plan Review process will ensure that Metro Plan policies are considered in the development process, that land use conflicts are minimized, and that the BKMU District's full development potential is realized.



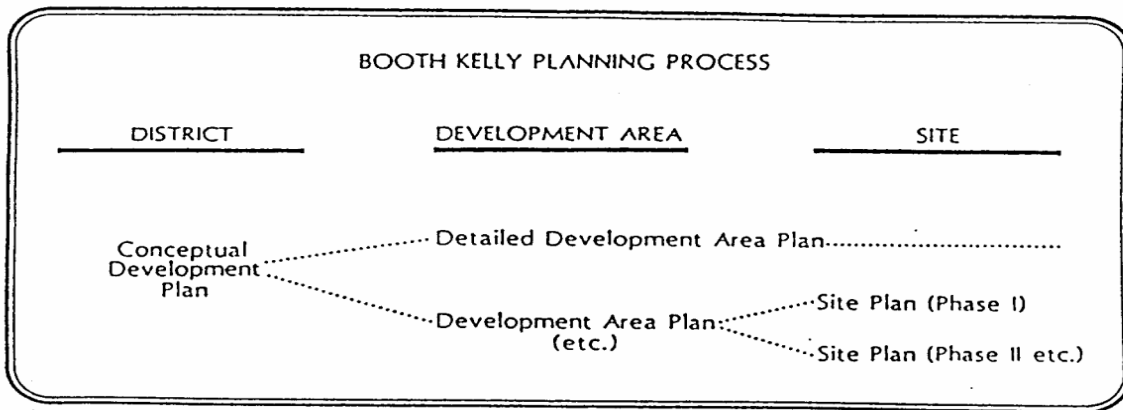


DIAGRAM 19-1

**19.020 CONCEPTUAL DEVELOPMENT PLAN.**

(See Diagram 19-1). Major redevelopment and new construction shall be consistent with a Conceptual Development Plan approved by the Planning Commission, except where exempted in Section 19.030 of this Article.

- (1) Development shall occur in accordance with a Conceptual Development Plan for the entire BKMU District. The Conceptual Development Plan or subsequent plans shall be prepared by a team of design professionals with demonstrated experience in designing large mixed-use developments. The Conceptual Development Plan shall consider the BKMU District's natural features and amenities, access and circulation needs, the provision of public facilities and services, the development needs of future users and access to arterial and collector streets. Access to the Millrace and Millpond shall be maximized for all properties and land uses within the BKMU District.
- (2) The Conceptual Development Plan shall be submitted to the Director, who shall prepare a staff report to the Planning Commission. The Planning Commission shall review the Conceptual Development Plan (a public hearing is not required). The Conceptual Development Plan shall be approved or approved with modifications including affirmative findings of compliance with the Metro Plan, Downtown. Refinement Plan and other applicable plans. The approved Conceptual Development Plan shall be kept on file in the Planning and Development Department.
- (3) Should a subsequent developer wish to depart from the Conceptual Development Plan, a modified Plan shall be developed cooperatively by the City and the subsequent developer, after consultation with representatives of adjacent heavy industrial property. Representatives of existing development in the BKMU District may be consulted regarding proposed modifications at the discretion of the Director. The modified

Conceptual Development Plan shall then be reviewed and approved as specified in Section 19.020(2) of this Article.

### **19.030 DEVELOPMENT AREA PLAN AND DESIGN STANDARDS.**

The minimum development area for major redevelopment or new construction shall be 10 acres, except for lots fronting South "A" Street or the minor expansion of existing structures (see Diagram 19 1). This minimum development area may be reduced when the Director determines that the development proposal is in all other respects consistent with this Article, the Downtown Refinement Plan and the approved Conceptual Development Plan.

- (1) Development Area Plans shall be prepared by a design team comprised of a project architect, engineer and landscape architect, one of whom shall serve as a coordinator. The design team shall certify that the Development Area Plan is in conformance with Article 31, Site Plan Review Standards.
- (2) The Development Area Plan shall be approved in accordance with the criteria set forth below:
  - (a) The proposed development will create an attractive, safe, efficient, and stable environment within the Development Area.
  - (b) Proposed buildings, roads and other uses will be designed and sited to ensure preservation of significant on-site vegetation, topographic features, and other unique or valuable natural features, and to prevent soil erosion or flood hazard and mitigate impacts on abutting properties.
- (3) If the Development Area Plan complies with all Site Plan Review standards of this Code subsequent permitted uses shall not require additional Site Plan Review.

### **19.040 RESERVED FOR FUTURE USE.**

### **19.050 LOT SIZE AND SETBACK STANDARDS.**

- (1) The minimum lot size in the BKMU District shall be 6,000 square feet for residential and commercial uses and 10,000 square feet for industrial uses. No land division shall be permitted prior to approval of a Conceptual Development Plan for the BKMU District.

The Director may waive the requirement that buildable City lots have frontage on a public street when all of the following apply:

- (a) The lot or lots have been approved as part of a Development Area Plan, Site Plan, Subdivision or Partition; and
- (b) Access has been guaranteed via a private street or driveway by an irrevocable joint use/access agreement.



- (2) Except as modified by solar access standards, planted setbacks from the exterior boundaries of the BKMU District and setbacks abutting existing and future public or private rights of way dedicated on the approved Conceptual Development Plan shall be 10 feet for buildings and 5 feet for parking and driveways. Zero lot line structures shall be permitted.
- (3) Where an easement is larger than the required setback standard, no building or above grade structure, except for a fence, shall be built upon or over that easement.

**19.060 SCHEDULE OF USE CATEGORIES.**

- (1) The following uses are permitted subject to Site Plan Review approval, unless specifically exempted elsewhere in this Article. It is expected that interim uses of buildings existing prior to the adoption of this Article will take place until redevelopment of the entire BKMU District occurs under an approved Conceptual Development Plan.
- (2) The development standards of this Article and any additional provisions, restrictions or exceptions set forth in this Code shall apply to all development in the BKMU District. **USES SIMILAR TO THOSE SPECIFICALLY LISTED MAY BE PERMITTED AT THE DISCRETION OF THE DIRECTOR IN ACCORDANCE WITH SECTION 4.010, INTERPRETATION.**

**"P"** = **PERMITTED USE**, subject to the standards of this Code; may be processed under Type I, II or III procedures (Please refer to Article 3 of this Code).

**"S"** = **SPECIAL USE**, subject to special locational and siting standards to be met prior to being deemed a permitted use; may be processed under Type I, II or III procedures (Please refer to Article 3 of this Code).

**"D"** = **DISCRETIONARY USE**, may or may not be permitted, based upon the application of general criteria; may be subject to special locational and siting standards to be met prior to being deemed a permitted use; processed under Type III procedures (Please refer to Articles 3 and 10 of this Code).

**- = NOT PERMITTED**

## **CATEGORIES / USES**

- (3)** Residential uses (Section 19.110(1)):
  - (a)** Cluster Development **S**
  - (b)** Condominiums **S**
  - (c)** Multiple family dwellings **S**
  
- (4)** Business and professional offices and personal services (Section 19.110(2)):
  - (a)** Accountants, bookkeepers and auditors **P**
  - (b)** Advertising / marketing agencies **P**
  - (c)** Architects, landscape architects and designers **P**
  - (d)** Art studios, fine and performing **P**
  - (e)** Art restoration **P**
  - (f)** Attorneys **P**
  - (g)** Audio / video production studio **P**
  - (h)** Authors / composers **P**
  - (i)** Bank, credit unions and savings and loans **P**
  - (j)** Barber and beauty shops **P**
  - (k)** Business schools **P**
  - (l)** Catering services **P**
  - (m)** Clinics and research / processing laboratories **P**
  - (n)** Collection agencies **P**
  - (o)** Commodity contract brokers and dealers **P**
  - (p)** Computer and information services **P**
  - (q)** Day care facilities **S**

<b>(r)</b>	Dentist	<b>P</b>
<b>(s)</b>	Detective and protective agencies	<b>P</b>
<b>(t)</b>	Diaper service	<b>P</b>
<b>(u)</b>	Doctors	<b>P</b>
<b>(v)</b>	Grafting, graphics and copy services	<b>P</b>
<b>(w)</b>	Employment agencies	<b>P</b>
<b>(x)</b>	Engineers and surveyors	<b>P</b>
<b>(y)</b>	Financial planning, investment services	<b>P</b>
<b>(z)</b>	Funeral services	<b>P</b>
<b>(aa)</b>	Graphic art services	<b>P</b>
<b>(bb)</b>	Gymnastics instruction	<b>P</b>
<b>(cc)</b>	House cleaning services	<b>P</b>
<b>(dd)</b>	Insurance carriers, agents, brokers and services	<b>P</b>
<b>(ee)</b>	Interior decorator and designers	<b>P</b>
<b>(ff)</b>	Laundry, dry cleaning, including self service, and ironing services	<b>P</b>
<b>(gg)</b>	Loan companies, other than banks	<b>P</b>
<b>(hh)</b>	Locksmiths	<b>P</b>
<b>(ii)</b>	Lumber brokers	<b>P</b>
<b>(jj)</b>	Mailing services / mail order sales	<b>P</b>
<b>(kk)</b>	Management and planning consultants	<b>P</b>
<b>(ll)</b>	Manufactured unit as a temporary construction or general office or sales office	<b>P</b>
<b>(mm)</b>	Motion picture studio / distribution	<b>P</b>

<b>(nn)</b>	Newspaper office and production	<b>P</b>
<b>(oo)</b>	Non-profit organizations	<b>P</b>
<b>(pp)</b>	Opticians	<b>P</b>
<b>(qq)</b>	Performing arts instruction	<b>P</b>
<b>(rr)</b>	Photocopying	<b>P</b>
<b>(ss)</b>	Photography studios	<b>P</b>
<b>(tt)</b>	Planners, land use	<b>P</b>
<b>(uu)</b>	Printing / publishing	<b>P</b>
<b>(vv)</b>	Private investigator	<b>P</b>
<b>(ww)</b>	Psychologists and counselors	<b>P</b>
<b>(xx)</b>	Real estate sales and management	<b>P</b>
<b>(yy)</b>	Scientific and educational research	<b>P</b>
<b>(zz)</b>	Security systems services	<b>P</b>
<b>(aaa)</b>	Self-defense studio	<b>P</b>
<b>(bbb)</b>	Shoe repair	<b>P</b>
<b>(ccc)</b>	Stenographers and secretarial services	<b>P</b>
<b>(ddd)</b>	Stockbrokers	<b>P</b>
<b>(eee)</b>	Swimming pool cleaning	<b>P</b>
<b>(fff)</b>	Tailors	<b>P</b>
<b>(ggg)</b>	Tanning salons	<b>P</b>
<b>(hhh)</b>	Telephone answering services	<b>P</b>
<b>(iii)</b>	Title companies	<b>P</b>
<b>(jjj)</b>	Travel agencies	<b>P</b>
<b>(kkk)</b>	TV and radio broadcasting studios	<b>P</b>

<b>(III)</b>	Typing services	<b>P</b>
<b>(mmm)</b>	Window cleaning	<b>P</b>
	Certain Wireless Telecommunications Systems Facilities (Article 32). Refer to Section 32.130 for siting standards and review process in the BKMU District.	
<b>(5)</b>	Eating and drinking establishments:	
<b>(a)</b>	Cocktail lounges	<b>P</b>
<b>(b)</b>	Delicatessens	<b>P</b>
<b>(c)</b>	Sit down restaurants	<b>P</b>
<b>(d)</b>	Taverns	<b>P</b>
<b>(6)</b>	Recreational facilities (Section 19.110(3)):	
<b>(a)</b>	Amusement park	<b>P</b>
<b>(b)</b>	Arcades	<b>P</b>
<b>(c)</b>	Art studios, fine and performing	<b>P</b>
<b>(d)</b>	Athletic field	<b>P</b>
<b>(e)</b>	Auditoriums	<b>S</b>
<b>(f)</b>	Batting cages	<b>S</b>
<b>(g)</b>	Bingo parlors	<b>P</b>
<b>(h)</b>	Bowling alleys	<b>P</b>
<b>(i)</b>	Dance halls	<b>S</b>
<b>(j)</b>	Exercise studios	<b>P</b>
<b>(k)</b>	Exhibition hall	<b>P</b>
<b>(l)</b>	Golf driving range	<b>P</b>
<b>(m)</b>	Gyms and athletic clubs	<b>P</b>
<b>(n)</b>	Hot tub establishments	<b>P</b>

(o)	Hydrotubes	S
(p)	Miniature auto race track	P
(q)	Miniature golf	P
(r)	Movie theaters, indoor	P
(s)	Movie theaters, drive-in	S
(t)	Non-alcoholic nightclubs	P
(u)	Off-track betting facility	P
(v)	Parks, private and public	P
(w)	Play / tot lot	P
(x)	Playground	P
(y)	Pool halls	P
(z)	Recreation center	P
(aa)	Riding stable	P
(bb)	Shooting range	S
(cc)	Skating rinks	S
(dd)	Stadiums	S
(ee)	Swimming pools	P
(ff)	Tennis, Racquetball and handball courts	P
(gg)	Theater, legitimate	P
(hh)	Velodromes	S
(ii)	Water skiing facilities	P
(7)	Retail sales, (Section 19.110(4)):	
(a)	Antiques	P

<b>(b)</b>	Apparel	<b>P</b>
<b>(c)</b>	Art galleries and museums	<b>P</b>
<b>(d)</b>	Art supplies	<b>P</b>
<b>(e)</b>	Auction / flea markets	<b>P</b>
<b>(f)</b>	Automobiles	<b>-</b>
<b>(g)</b>	Bakeries	<b>P</b>
<b>(h)</b>	Bicycles	<b>P</b>
<b>(i)</b>	Boats	<b>P</b>
<b>(j)</b>	Books	<b>P</b>
<b>(k)</b>	Camera and photographic supplies	<b>P</b>
<b>(l)</b>	Campers	<b>-</b>
<b>(m)</b>	Candy, nuts and confectionery	<b>P</b>
<b>(n)</b>	China, glassware and metal ware stores	<b>P</b>
<b>(o)</b>	Cigars and cigarettes	<b>P</b>
<b>(p)</b>	Computers, calculators and other office machines	<b>P</b>
<b>(q)</b>	Convenience stores	<b>P</b>
<b>(r)</b>	Dairy products	<b>P</b>
<b>(s)</b>	Department stores	<b>P</b>
<b>(t)</b>	Drapery, curtains and upholstery	<b>P</b>
<b>(u)</b>	Dry goods, and general merchandise	<b>P</b>
<b>(v)</b>	Electrical supplies	<b>P</b>
<b>(w)</b>	Equipment rental and leasing	<b>P</b>
<b>(x)</b>	Fabrics and accessories	<b>P</b>
<b>(y)</b>	Factory Outlet stores	<b>P</b>

<b>(z)</b>	Farm equipment	<b>P</b>
<b>(aa)</b>	Feed, grain and hay stores	<b>P</b>
<b>(bb)</b>	Film drop-off and pick-up	<b>P</b>
<b>(cc)</b>	Fish	<b>P</b>
<b>(dd)</b>	Floor coverings	<b>P</b>
<b>(ee)</b>	Florists	<b>P</b>
<b>(ff)</b>	Fruits and vegetables	<b>P</b>
<b>(gg)</b>	Furniture	<b>P</b>
<b>(hh)</b>	Furriers	<b>P</b>
<b>(ii)</b>	Groceries	<b>P</b>
<b>(jj)</b>	Hardware	<b>P</b>
<b>(kk)</b>	Hobby supplies	<b>P</b>
<b>(ll)</b>	Household appliances	<b>P</b>
<b>(mm)</b>	Jewelry	<b>P</b>
<b>(nn)</b>	Liquidation Outlets	<b>P</b>
<b>(oo)</b>	Luggage and leather	<b>P</b>
<b>(pp)</b>	Magazines and newspapers	<b>P</b>
<b>(qq)</b>	Mail order houses	<b>P</b>
<b>(rr)</b>	Manufactured (mobile) / modular homes	<b>P</b>
<b>(ss)</b>	Meats	<b>P</b>
<b>(tt)</b>	Medical and dental supplies	<b>P</b>
<b>(uu)</b>	Musical instruments and supplies	<b>P</b>
<b>(vv)</b>	Novelties and gifts	<b>P</b>



(ww)	Office equipment	P
(xx)	Paint, glass and wallpaper	P
(yy)	Pharmacies	P
(zz)	Pottery	P
(aaa)	Radios, televisions and stereos	P
(bbb)	RV's, fifth wheelers and trailers	P
(ccc)	Sewing machines	P
(ddd)	Shoes	P
(eee)	Small electrical appliances	P
(fff)	Sporting goods	P
(ggg)	Stationary stores	P
(hhh)	Supermarkets	P
(iii)	Toys	P
(jjj)	Transient merchants	S
(kkk)	Weapons dealers	P
(8)	Social and public institutions:	
(a)	Charitable services	P
(b)	Community and senior centers	P
(c)	Educational branch facilities	P
(d)	Fraternal and civic organizations	P
(e)	Labor unions	P
(f)	Public offices	P

- (9)** Transient accommodations:
- (a)** Bed and breakfast **P**
  - (b)** Emergency shelter / facilities **P**
  - (c)** Hotels **P**
  - (d)** Motels **P**
  - (e)** RV parks **P**
  - (f)** Youth hostels **P**
- (10)** Transportation facilities, (Section 19.110(5)):
- (a)** Bus terminals **D**
  - (b)** Docks and marinas **D**
  - (c)** Heliports **S**
  - (d)** Helistops **S**
  - (e)** Transit Stations **P**
- (11)** Warehouse commercial retail and wholesale sales, (Section 19.110(6)):
- (a)** Cold storage lockers **D**
  - (b)** Electrical supplies **P**
  - (c)** Floor covering sales **P**
  - (d)** Large electrical appliance sales **P**
  - (e)** Lumber yards and building materials **D**
  - (f)** Merchandise vending machine operators **P**
  - (g)** Mini warehouses, other inside storage **P**
  - (h)** Outdoor storage areas / yards **S**
  - (i)** Plumbing and heating supplies and contractors **S**

- (j) Unfinished furniture P
- (k) Warehouse / commercial uses engaged primarily in the wholesaling of materials to the construction industry S
- (l) Wholesale trade, warehousing, distribution and storage P
- (12) Manufacture and / or assembly of:
  - (a) Appliance P
  - (b) Apparel and other finished products made from canvas, cloth, fabrics, feathers, felt, leather, textiles, wool, yarn and similar materials P
  - (c) Chemical and chemical products P
  - (d) Communication equipment, including radio and television equipment P
  - (e) Compounding, or treatment of the following previously prepared materials: bone, cellophane, clay, cork, Fiberglas, glass, hair, horns, metal, paper, plastics, shells, stones, synthetic resins, textiles, tobacco, wool and yarns. P
  - (f) Concrete blocks. Cinder blocks and septic tanks P
  - (g) Costume jewelry, novelties, buttons and misc. notions P
  - (h) Cutlery, hand tools and hardware P
  - (i) Dairy products, including butter, cream, cheese, milk, yogurt P
  - (j) Electronic components and accessories P
  - (k) Electronic transmissions and distribution equipment P
  - (l) Engineering, laboratory, scientific and research instruments P
  - (m) Finished wood manufacturing and assembly, including cabinets, door frames and picture frames P
  - (n) Food processing and packaging to include candy and other confectionary products, vegetables, meat, poultry and seafood P

<b>(o)</b>	Furniture, including restoration	<b>P</b>
<b>(p)</b>	Greeting cards, business forms and other business related printing	<b>P</b>
<b>(q)</b>	Industrial machinery	<b>P</b>
<b>(r)</b>	Lumber, wood and paper products	<b>P</b>
<b>(s)</b>	Manufactured / modular housing and allied components	<b>P</b>
<b>(t)</b>	Measuring, analyzing and controlling instruments	<b>P</b>
<b>(u)</b>	Medical, dental and surgical equipment and supplies	<b>P</b>
<b>(v)</b>	Medicinal chemicals and pharmaceutical products	<b>P</b>
<b>(w)</b>	Metal and metal alloy products	<b>P</b>
<b>(x)</b>	Metal fabrication machine shops	<b>P</b>
<b>(y)</b>	Musical instruments	<b>P</b>
<b>(z)</b>	Paints, varnishes, lacquers, enamels and allied products	<b>P</b>
<b>(aa)</b>	Prosthetic and orthopedic devices	<b>P</b>
<b>(bb)</b>	Office computing and accounting equipment	<b>P</b>
<b>(cc)</b>	Optical instruments, including lenses	<b>P</b>
<b>(dd)</b>	Perfumes and toiletries	<b>P</b>
<b>(ee)</b>	Photographic equipment and supplies	<b>P</b>
<b>(ff)</b>	Signs and advertising display	<b>P</b>
<b>(gg)</b>	Toys, sporting and athletic goods	<b>P</b>
<b>(hh)</b>	Transportation equipment including airplanes, auto, boats, buses, helicopters, motorcycles, railroad cars, RV's, trailers and trucks	<b>P</b>
<b>(ii)</b>	Watches, clocks and related components	<b>P</b>

- (13)** Other primary industrial uses (Section 19.110(7)):
- (a)** Business, labor, scientific and professional organizations **P**
  - (b)** Cleaning and dyeing plants **P**
  - (c)** Ice and cold storage plants **P**
  - (d)** Lubricating oils and greases **P**
  - (e)** Media productions, including TV and radio broadcasting, motion picture production and newspaper / books / periodical publishing **P**
  - (f)** Plating, and coating works **P**
  - (g)** Regional distribution headquarters **P**
  - (h)** Research development and testing laboratories and facilities **P**
  - (i)** Recycling facilities **P**
  - (j)** Warehouse / commercial uses engage primarily in the wholesaling of materials to the construction industry **P**
- (14)** Transportation related, non-manufacturing
- (a)** Automotive and heavy equipment repair and service including the recapping and re-treading of tires **P**
  - (b)** Maintenance facilities for passenger bus vehicles or motor freight vehicles **P**
- (15)** Education, (Section 19.110(8)):
- (a)** College level education facilities **S**
  - (b)** Trade Schools **S**
- (16)** Public and private parks (Section 19.110(9)):
- (a)** Pocket / Neighborhood Parks **P**
  - (b)** Community Parks **P**

- (17) Public utility facilities (Section 19.110(10)):
  - (a) Communications towers, transmitters and relays D
  - (b) High impact facilities S
  - (c) Low impact facilities P
  - (d) Fish hatcheries P

**19.070 HEIGHT STANDARDS.**

- (1) There shall be no building height standards in the BKMU District unless abutting a Medium Density Residential (MDR) use. In this case, one of the following building height limitations shall apply:
  - (a) When abutting an MDR use to the north, the maximum building height shall be defined by the Maximum Shade Point Height requirement of Section 16.050(5)(a) 2, or up to 50 feet south of a northern lot line a plane extending south with an angle of 23 degrees and originating from the top of a 16 foot hypothetical fence located on the northern lot line.
  - (b) When abutting an MDR use to the east, west and south, the building height limitation shall be no greater than that permitted in the MDR use for a distance of 50 feet.
- (2) Incidental equipment may exceed the height standards specified in Subsection (1) of this Section if no additional floor space exceeding that necessary for the equipment is provided.

**19.080 OFF STREET PARKING STANDARDS.**

Motor vehicle parking standards shall be determined based upon standards for similar uses in other districts. A traffic study may be required to determine parking needs. Bicycle parking standards and requirements are found in Section 31.210 and 31.20 of this Code.

**19.090 RESERVED FOR FUTURE USE.**

**19.100 FENCE STANDARDS.**

Fence standards shall be determined based upon standards for similar uses in other districts.

## **19.110 SPECIAL USE STANDARDS.**

- (1) Residential Uses.**
  - (a)** Residential uses other than cluster development shall be encouraged as second story uses above commercial and industrial uses and shall not occupy more than 35 percent of the land area of the BKMU District.
  - (b)** All standards of the MDR District listed in Article 16 of this Code shall apply, except the 30 foot height limitation specified in Section 16.060(1).
- (2) Business and Professional Offices and Personal Services - Day Care Facilities.** All day care standards listed in Article 16 of this Code shall apply.
- (3) Recreational Facilities.**
  - (a)** Auditoriums, dance halls, Hydrotubes, skating rinks, stadiums and Velodromes shall not be permitted to abut a residential use.
  - (b)** Batting cages shall require a noise attenuating barrier when abutting residential or commercial uses.
- (4) Retail Sales.** Automobile, boat, camper and RV sales shall be located entirely indoors. These uses shall primarily sell new units.
- (5) Transportation Facilities.** New bus terminals, heliports and helistops shall not be located within 200 feet of any residential use (transit stations are exempt from this requirement). Noise attenuating barriers shall be constructed where necessary to mitigate land use conflicts.
- (6) Warehouse Commercial Retail and Wholesale.**
  - (a)** Buildings shall be located to minimize the visibility of outdoor storage yards or areas.
  - (b)** Outdoor storage yards shall only be permitted as a secondary use.
  - (c)** Any outdoor storage yard or area shall be surrounded by a sight obscuring fence.
- (7) Light-Medium Industrial and Warehousing.** Wholesaling and warehousing activities shall only be permitted when secondary to a manufacturing use.
- (8) Education.** A Traffic Impact Study shall be prepared by a Traffic Engineer and approved by the City Engineer.

- (9)** Public and Private Parks and Recreational Facilities.
  - (a)** Community Parks shall be designated on a Park or Public Facilities Plan adopted by the City, or be approved in accordance with Type III review procedure (Discretionary Use).
  - (b)** A Traffic Impact Study shall be prepared by a Traffic Engineer and approved by the City Engineer.
  
- (10)** Public Utility Facilities - High Impact.
  - (a)** The facility shall be designated on a Public Facilities Plan or be approved in accordance with a Type III review procedure (Discretionary Use).
  - (b)** A Planting Plan in accordance with Article 31, Site Plan Review Standards, shall be effective in screening the facility from affected uses.
  - (c)** A minimum of 25 percent of the lot shall be of planted material.

**(Ord. 5352 9/22/86):** Sections 19.010; 19.020; 19.030; 19.040; 19.050; 19.060; 19.070; 19.080; 19.090; 19.100; 19.110.

**(Ord. 5407 10/19/87):** Sections 19.060; 19.110.

**(Ord. 5466 3/6/89):** Title Page; Sections 19.010; 19.040; 19.060.

**(Ord. 5551 2/4/91):** Sections 19.050; 19.060.

**(Ord. 5561 4/15/91):** Section 19.070.

**(Ord. 5633 5/4/92):** Section 19.090.

**(Ord. 5804 12/18/95):** Section 19.010.

**(Ord. 5849 3/17/97):** Section 19.060.

**(Ord. 5972 02/05/2001):** Section 19.080.

**(Ord. 6025 11/18/2002):** Section 19.060 (Booth Kelly Mixed-Use Zoning District and 19.110(5) Special Use Standards



**ARTICLE 20**

**LMI, HI AND SHI INDUSTRIAL ZONING DISTRICTS**

20.010 ESTABLISHMENT OF INDUSTRIAL ZONING DISTRICTS

20.020 SCHEDULE OF USE CATEGORIES

20.030 LOT SIZE STANDARDS

20.040 LOT COVERAGE STANDARDS

20.050 SETBACK STANDARDS

20.060 HEIGHT STANDARDS

20.070 OFF-STREET PARKING STANDARDS

20.080 RESERVED FOR FUTURE USE

20.090 FENCE STANDARDS

20.100 SPECIAL USE STANDARDS

## ARTICLE 20

### LMI, HI AND SHI INDUSTRIAL ZONING DISTRICTS

#### 20.010 ESTABLISHMENT OF INDUSTRIAL ZONING DISTRICTS.

This Article does not include the CI Campus Industrial District, which is to provide opportunities for the diversification of the local economy through siting of light industrial firms in a campus-like setting. Developments that do not require characteristics of Campus Industrial sites are encouraged to locate in an appropriate industrial zoning district located below. The development standards and permitted uses of the CI District are listed separately in Article 21 of this Code. In order to fully implement the policies of the Metro Plan, regulate the use of land and buildings and protect the public health, safety and welfare, the following zoning districts are established in this Article.

- (1) **LMI LIGHT-MEDIUM INDUSTRIAL DISTRICT.** The LMI District is intended to fully implement the Metro Plan Light-Medium Industrial designation and any applicable refinement plans. Light and medium industries are generally involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling, and warehousing. The external impact from these uses is generally less than Heavy Industrial, and transportation needs are often met by truck. Activities are generally located indoors, although there may be some outdoor storage. This designation also can accommodate supporting offices and light industrial uses.
- (2) **HI HEAVY INDUSTRIAL DISTRICT.** The HI District is intended to fully implement the Metro Plan Heavy Industrial designation and any applicable refinement plans. These industries are generally involved in the processing of large volumes of raw materials into refined materials and/or that have significant external impacts. Heavy Industrial transportation needs often include rail and truck. Examples of such uses are: lumber and wood products; paper; chemicals and primary metal manufacturing; large-scale storage of hazardous materials; power plants; and railroad yards. Less intensive industrial uses that are permitted in the LMI District are permitted in this district.
- (3) **SHI SPECIAL HEAVY INDUSTRIAL DISTRICTS.** The SHI District is intended to fully implement the Metro Plan Special Heavy Industrial designation and any applicable refinement plans. These areas are designated to accommodate industrial developments that need large parcels, particularly those with rail access. Although a primary purpose of this district is to provide sites for heavy industries, any industry which meets the following siting criteria may be permitted:
  - (a) Since sanitary sewer is not available to the Natron site in the short-term, industrial firms may be allowed to provide self-contained sewage disposal

- facilities subject to City, Lane County, State and Federal environmental standards.
- (b) Annexation to the City shall be required as a condition of development approval.
  - (c) Land divisions in this area shall be a minimum of 40 acres until annexation to the City has been assured.
  - (d) While industrial park development will be encouraged, opportunity for the siting of industries that require large lots, such as 20 acres or more, will be reserved through the Conceptual Development Plan and Site Plan Review processes.

#### **20.020 SCHEDULE OF USE CATEGORIES.**

The following uses are permitted in the districts as indicated subject to the provisions, additional restrictions and exceptions set forth in this Code. Uses similar to those specifically listed may be permitted at the discretion of the Director in accordance with Article 4, Interpretation.

**"P" = PERMITTED USE**, subject to the standards of this Code; may be processed under Type I, II or III procedures (Please refer to Article 3 of this Code).

**"S" = SPECIAL USE**, subject to special locational and siting standards to be met prior to being deemed a permitted use; may be processed under Type I, II or III procedures (Please refer to Article 3 of this Code).

**"D" = DISCRETIONARY USE**, may or may not be permitted, based upon the application of general criteria; may be subject to special locational and siting standards to be met prior to being deemed a permitted use; processed under Type III procedures (Please refer to Articles 3 and 10 of this Code).

**- = NOT PERMITTED**

**SITE PLAN REVIEW SHALL BE REQUIRED** unless specifically exempted elsewhere in this Code.

USE CATEGORIES / USES

DISTRICTS  
LMI HI SHI

USE CATEGORIES / USES		LMI	HI	SHI
<b>(4)</b>	Manufacture and/or assembly of (20.100(2) and (3)):			
<b>(a)</b>	Appliances	<b>P</b>	<b>P</b>	<b>S</b>
<b>(b)</b>	Apparel and other finished products made from canvas, cloth, fabrics, feathers, felt, leather, textiles, wool, yarn and similar materials	<b>P</b>	<b>P</b>	<b>S</b>
<b>(c)</b>	Chemical and chemical products	-	<b>P</b>	<b>S</b>
<b>(d)</b>	Communication equipment, including radio and television equipment	<b>P</b>	<b>S</b>	<b>S</b>
<b>(e)</b>	Compounding, or treatment of the following previously prepared materials: bone. Cellophane, clay, cork, Fiberglas, glass, hair, horns, metal, paper, plastic, shells, stones, synthetic resins, textiles, tobacco, wool and yarns	-	<b>P</b>	<b>S</b>
<b>(f)</b>	Concrete blocks, cinder blocks and septic tanks	-	<b>P</b>	<b>S</b>
<b>(g)</b>	Costume jewelry, novelties, buttons and misc. notions	<b>P</b>	<b>P</b>	<b>S</b>
<b>(h)</b>	Cutlery, hand tools and hardware	<b>P</b>	<b>P</b>	<b>S</b>
<b>(i)</b>	Dairy products, including butter, cream, cheese, milk, yogurt	-	<b>P</b>	<b>S</b>
<b>(j)</b>	Electronic components and accessories	<b>P</b>	<b>P</b>	<b>S</b>
<b>(k)</b>	Electronic transmission and distribution equipment	<b>P</b>	<b>P</b>	<b>S</b>
<b>(l)</b>	Engineering, laboratory, scientific, and research instruments	<b>P</b>	<b>P</b>	<b>S</b>
<b>(m)</b>	Explosives, manufacturing and distribution	-	<b>D</b>	<b>D</b>
<b>(n)</b>	Finished wood manufacturing and assembly, including cabinets and door frames	<b>P</b>	<b>P</b>	<b>S</b>

<b>(o)</b>	Food processing and packaging to include beverages, candy and other confectionery products, vegetables, meat, poultry and seafood	<b>P</b>	<b>P</b>	<b>S</b>
<b>(p)</b>	Fireworks	-	<b>D</b>	<b>D</b>
<b>(q)</b>	Furniture, including restoration	<b>P</b>	<b>P</b>	<b>S</b>
<b>(r)</b>	Greeting cards, business forms and other business related printing	<b>P</b>	<b>P</b>	<b>S</b>
<b>(s)</b>	Industrial machinery	<b>P</b>	<b>P</b>	<b>S</b>
<b>(t)</b>	Lumber, wood and paper products	-	<b>P</b>	<b>S</b>
<b>(u)</b>	Manufactured / modular housing and allied components	<b>P</b>	<b>P</b>	<b>S</b>
<b>(v)</b>	Measuring, analyzing, and controlling instruments	<b>P</b>	<b>P</b>	<b>S</b>
<b>(w)</b>	Medical, dental, and surgical equipment and supplies	<b>P</b>	<b>P</b>	<b>S</b>
<b>(x)</b>	Medicinal chemical and pharmaceutical products	<b>P</b>	<b>P</b>	<b>S</b>
<b>(y)</b>	Metal and metal alloy products	-	<b>P</b>	<b>S</b>
<b>(z)</b>	Metal fabrication and machine shops	<b>P</b>	<b>P</b>	<b>S</b>
<b>(aa)</b>	Musical instruments	<b>P</b>	<b>P</b>	<b>S</b>
<b>(bb)</b>	Paint, varnishes, lacquers, enamels and allied product	-	<b>P</b>	<b>S</b>
<b>(cc)</b>	Prosthetics and orthopedic devices	<b>P</b>	<b>P</b>	<b>S</b>
<b>(dd)</b>	Office computing and accounting equipment	<b>P</b>	<b>P</b>	<b>S</b>
<b>(ee)</b>	Optical instruments, including lenses	<b>P</b>	<b>P</b>	<b>S</b>
<b>(ff)</b>	Perfumes and toiletries	<b>P</b>	<b>P</b>	<b>S</b>
<b>(gg)</b>	Photographic equipment and supplies	<b>P</b>	<b>P</b>	<b>S</b>
<b>(hh)</b>	Signs and advertising display	<b>P</b>	<b>P</b>	<b>S</b>

<b>(ii)</b>	Toys, sporting and athletic goods	<b>P</b>	<b>P</b>	<b>S</b>
<b>(jj)</b>	Transportation equipment including airplanes, autos, boats, buses, helicopters, motorcycles, RVs, trailers and trucks	<b>P</b>	<b>P</b>	<b>S</b>
<b>(kk)</b>	Watches, clocks and related components	<b>P</b>	<b>P</b>	<b>S</b>
<b>(5)</b>	Other primary industrial uses (20.100(1), (2) and (3)):			
<b>(a)</b>	Batch plant: Asphaltic and Portland cement concrete	-	<b>D</b>	<b>D</b>
<b>(b)</b>	Bulk plant: Refined flammable liquids delivered by tank car, pipe line, etc.	-	<b>D</b>	<b>D</b>
<b>(c)</b>	Cleaning and dyeing plants	-	<b>P</b>	<b>S</b>
<b>(d)</b>	Foundry and stamping plants	-	<b>D</b>	<b>D</b>
<b>(e)</b>	Gas storage tanks and distribution facilities	-	<b>D</b>	<b>D</b>
<b>(f)</b>	Ice and cold storage plants	-	<b>P</b>	<b>S</b>
<b>(g)</b>	Incineration or reduction of garbage, dead animals, offal and refuse	-	<b>D</b>	<b>D</b>
<b>(h)</b>	Industrial Parks (Subdivisions)	<b>S</b>	<b>P</b>	<b>S</b>
<b>(i)</b>	Leather tanning and finishing	-	<b>D</b>	<b>D</b>
<b>(j)</b>	Lubricating oil and grease processing and storage	-	<b>P</b>	<b>S</b>
<b>(k)</b>	Media productions, including TV and radio broadcasting, motion picture production and newspaper / book / periodical publishing	<b>P</b>	<b>P</b>	<b>S</b>
<b>(l)</b>	Plating and coating works	-	<b>P</b>	<b>S</b>
<b>(m)</b>	Recycling facilities	-	<b>P</b>	<b>S</b>
<b>(n)</b>	Regional distribution headquarters, including indoor storage	<b>P</b>	<b>P</b>	<b>S</b>
<b>(o)</b>	Research development and testing laboratories and facilities	<b>P</b>	<b>P</b>	<b>S</b>

	<b>(p)</b>	Slaughters houses	-	<b>D</b>	-
<b>(6)</b>		Transportation related, non-manufacturing			
	<b>(a)</b>	Automotive and heavy equipment repair and service including the recapping and retreating of tires	<b>P</b>	<b>P</b>	<b>S</b>
	<b>(b)</b>	Auto wrecking, storage and towing services	-	<b>D</b>	-
	<b>(c)</b>	Maintenance facilities for passenger bus vehicles or motor freight vehicles	<b>P</b>	<b>P</b>	<b>S</b>
	<b>(d)</b>	Key / card lock fuel facilities	<b>P</b>	<b>P</b>	<b>P</b>
	<b>(e)</b>	Uses listed under 18.020(12) of this Code	<b>P</b>	<b>P</b>	<b>S</b>
<b>(7)</b>		Secondary uses serving or related to on-site industrial uses (20.100(4)):			
	<b>(a)</b>	Accessory structures	<b>P</b>	<b>P</b>	<b>S</b>
	<b>(b)</b>	Administrative professional or business offices	<b>P</b>	<b>P</b>	<b>S</b>
	<b>(c)</b>	Blue printing Photostatting and photo developing	<b>P</b>	<b>P</b>	<b>S</b>
	<b>(d)</b>	Cafeteria (serving employees only)	<b>P</b>	<b>P</b>	<b>S</b>
	<b>(e)</b>	Day care facilities (primarily serving employees)	<b>P</b>	<b>P</b>	<b>S</b>
	<b>(f)</b>	Developed recreation area (serving the development area)	<b>P</b>	<b>P</b>	<b>S</b>
	<b>(g)</b>	Financial institutions	<b>P</b>	<b>P</b>	<b>S</b>
	<b>(h)</b>	Heliports and helistops	<b>P</b>	<b>P</b>	<b>S</b>
	<b>(i)</b>	Manufactured unit used as a permanent office (36.190(1) and (3))	<b>P</b>	<b>P</b>	<b>S</b>
	<b>(j)</b>	Manufactured home used as a night watch person's quarters (36.190(2))	<b>P</b>	<b>P</b>	<b>S</b>
	<b>(k)</b>	Outdoor storage of materials directly related to a permitted use	<b>S</b>	<b>S</b>	<b>S</b>

<b>(8)</b>	Service and repair			
	<b>(a)</b> Uses listed under 18.020(10) of this Code	<b>P</b>	<b>P</b>	<b>S</b>
<b>(9)</b>	Warehouse commercial, wholesale trade, storage and distribution (20.100):			
	<b>(a)</b> Regional distribution headquarters, including indoor storage	<b>P</b>	<b>P</b>	<b>S</b>
	<b>(b)</b> Warehouse / commercial uses engaged primarily in the wholesaling of materials to the construction industry	<b>S</b>	<b>S</b>	<b>S</b>
	<b>(c)</b> Wholesale trade, warehousing, distribution and storage (to include mini-storage)	<b>P</b>	<b>P</b>	<b>S</b>
	<b>(d)</b> Uses listed under (18.020(13) of this Code, excluding (m)	<b>P</b>	<b>P</b>	<b>S</b>
<b>(10)</b>	Business, labor, scientific and professional organizations and headquarters and recreational uses (20.100)			
	<b>(a)</b> Uses listed under 18.020(6) of this Code	<b>P</b>	<b>P</b>	<b>S</b>
<b>(1)</b>	Other uses (20.100(5)):			
	<b>(a)</b> Agricultural cultivation of undeveloped land	<b>P</b>	<b>P</b>	<b>P</b>
	<b>(b)</b> Business, labor, scientific and professional organizations and headquarters	<b>P</b>	<b>P</b>	<b>S</b>
	<b>(c)</b> Public utility facilities			
	<b>1.</b> High impact facilities	<b>S</b>	<b>S</b>	<b>S</b>
	<b>2.</b> Low impact facilities	<b>P</b>	<b>P</b>	<b>S</b>
	<b>(d)</b> Private / Public Elementary and Middle Schools	<b>D*</b>	<b>-</b>	<b>-</b>

Certain Wireless Telecommunications Systems Facilities (Article 32). Refer to Section 32.130 for siting standards and review process in all industrial zoning districts



**20.030 LOT SIZE STANDARDS.**

- (1) In all industrial districts, the minimum lot size shall be 10,000 square feet with a minimum of 75 feet of street frontage.
- (2) Exceptions to these standards may be allowed for the following:
  - (a) Lots created prior to the adoption of the Comprehensive Zoning Code, 1982.
  - (b) Panhandle lots may have a reduced street frontage of 40 feet for both single and double panhandles.
  - (c) Until annexed to the City, the minimum lot size in the SHI District shall be 40 acres.
  - (d) The Director may waive the requirement that buildable City lots have frontage on a public street when all of the following apply:
    - 1. The lot or lots have been approved as part of a Development Area Plan, Site Plan, Subdivision or Partition application; and
    - 2. Access has been guaranteed via a private street or driveway by an irrevocable joint use/access agreement.

**20.040 LOT COVERAGE STANDARDS.**

Lot coverage standards are limited only by standards specified in other sections of this Code.

**20.050 SETBACK STANDARDS.**

In the LMI, HI and SHI Districts, each lot shall have planted setbacks of not less than the following sizes unless otherwise provided for in this Code.

- (1) Front Yard, Street Side Yard and Through Lot Rear Yard Setback:
  - (a) Building setback 10 feet
  - (b) Parking, driveway and outdoor storage setback 5 feet
- (2) Interior Side Yard and Rear Yard Setback When Abutting Residential Districts or the CI District
  - (a) Building setback 10 feet
  - (b) Parking, driveway and outdoor storage setback 5 feet

- (3) Where an easement is larger than the required setback standard, no building or above grade structure, except for a fence, shall be built upon or over that easement.
- (4) When additional right of way is required, whether by City Engineering standards or the Metro Plan, setbacks shall be based on future right of way locations. Right of way shall be dedicated prior to the issuance of any building permit that increases required parking.

**20.060 HEIGHT STANDARDS.**

- (1) There shall be no building height standards in the industrial districts unless abutting an LDR or MDR District. In this case, one of the following building height limitations shall apply:
  - (a) When an industrial district abuts an LDR or MDR District to the north, the maximum building height shall be defined by the Maximum Shade Point Height requirement of Section 16.050(5)(a) 2, or up to 50 feet south of a northern lot line a plane extending south with an angle of 23 degrees and originating from the top of a 16 foot hypothetical fence located on the northern lot line.
  - (b) When an industrial district abuts an LDR or MDR District to the east, west and south, the building height limitation shall be no greater than that permitted in the LDR, MDR or NC District for a distance of 50 feet.
- (2) Incidental equipment may exceed the height standards specified in Subsection (1) of this Section.

**20.070 OFF-STREET PARKING STANDARDS.**

Bicycle parking standards and requirements are found in Section 31.210 and 31.220 of this Code. The following off-street motor vehicle parking standards have been established for Industrial Districts.

<b>USE CATEGORIES</b>	<b>NUMBER OF SPACES</b>
(1) Accessory structures and other structures not occupied by humans	No parking requirements
(2) Manufacture and assembly	1 for each 500 square feet industrial of gross floor area (manufacture and assembly) for each 1000 square feet of gross floor area (warehousing)
(3) Other primary industrial uses, except accessory structures	1 for each 500 square feet industrial of gross floor area (manufacture and assembly) for each 1000 square feet of gross floor area (warehousing)

- |     |   |  |
|-----|---|--|
| (4) | Transportation related, non-manufacturing   | 1 for each 300 square feet of gross floor area, where applicable             |
| (5) | Secondary uses serving standards for similar uses in other districts  | Shall be determined by parking standards for similar uses in other districts |
| (6) | Other uses  | 1 for each 300 square feet of gross floor area, where applicable             |
| (7) | Exception: Parking spaces may be reduced on a one for one basis when the number of spaces required is more than the number of employees working on the busiest shift, provided that a landscaped area equal to the total number of spaces reduced shall be held in reserve for future use |  |

**20.080 RESERVED FOR FUTURE USE.**

**20.090 FENCE STANDARDS.**

- (1) General.
  - (a) Except as specified elsewhere in this Code, fences shall not exceed the height standards listed below and shall be located as follows:
    - 1. Eight feet provided that the fence is located behind the required front yard and street side yard planting areas and outside of the vision clearance area.
    - 2. Barbed wire, razor wire or electrified fencing shall be permitted atop a six-foot fence. The total height of the fence with these materials affixed shall not exceed 8 feet. These materials shall not extend into the vertical plane of adjoining public sidewalks. Barbed wire or razor wire only fences are prohibited. Electrified fencing must be posted with warning signs every 24 feet.
    - 3. Two and one-half feet in the vision clearance area in accordance with Section 32.070 of this Code.
  - (b) Fences shall comply with the screening standards of Section 31.160 of this Code
  - (c) Outdoor storage of materials shall be screened by a sight obscuring fence where abutting residential properties along common property lines. Partial screening along rights-of-way and non-residential zoning districts may be permitted when necessary for security reasons.

- (2) Review Procedure.
  - (a) A construction permit shall be required for all fences over six feet in height.
  - (b) Fences within the Willamette Greenway be reviewed under Type III procedure.

**20.100 SPECIAL USE STANDARDS.**

- (1) Industrial Parks.
  - (a) Subdivisions in the LMI District shall conform to Industrial Park standards
  - (b) Development plans submitted as part of an Industrial Park Site Plan Review application shall be prepared by a design team comprised of a project architect, engineer, and landscape architect, one of whom shall serve as coordinator. The design team shall certify that building, site, and landscape plans submitted in connection with the Site Plan Review and Building Permit applications comply with applicable SDC provisions and conditions of approval.
  - (c) Buildings and uses within an Industrial Park shall be approved in accordance with the criteria set forth below:
    - 1. The proposed development is of general design character, (including but not limited to anticipated building design, type, location, setback, bulk, height, signage, and distribution of landscaped area, parking, roads and access) which will not create problems for the appropriate development of neighboring properties.
    - 2. The proposed development will create an attractive, safe, efficient, and stable internal environment.
    - 3. Proposed buildings, roads and other uses will be designed and sited to ensure preservation of significant on-site vegetation, topographic features, and other unique or worthwhile natural features, and to prevent soil erosion or flood hazard.
- (2) Light-Medium Industrial and Warehousing. For Warehouse-Commercial use, at least 50 percent of the structure shall be used for storage of materials and 50 percent or less may be used for combined retail and office floor space.
- (3) Heavy and Special Heavy Industrial.
  - (a) In the SHI District, the minimum development area shall be 10 acres.
  - (b) In the SHI District, the future development potential for the remainder of the site shall be protected as shown on the required Site Plan.

- (4)** Secondary Uses - Day Care Centers.
  - (a)** Day Care Centers primarily serving employees shall meet Children's Services Division (CSD) regulations.
  - (b)** Public sidewalks shall be installed in all cases where there are curb and gutter streets.
  - (c)** If possible, each Day Care Center site shall have a circular drive for drop-offs. L-shaped drives or street side drop-offs may also be approved.
  
- (5)** Other Uses - High Impact Public Utility Facilities and Private/Public Elementary and Middle Schools.
  - (a)** The facility shall be designated on a Public Facilities Plan or be approved in accordance with Type III procedure (Discretionary Use).
  - (b)** A Planting Plan in accordance with Article 31 of this Code shall be effective in screening the facility from affected uses.
  - (c)** Private/Public Elementary and Middle Schools may be allowed through discretionary approval if the site abuts residentially zoned property and the special use standards of Section 23.100(7) are satisfied.

- (Ord. 5358 11/17/86):** Section 20.020.
- (Ord. 5407 10/19/87):** Section 20.090.
- (Ord. 5466 03/06/89):** Sections 20.020; 20.080; 20.090.
- (Ord. 5551 02/04/91):** Sections 20.010; 20.020; 20.030; 20.070.
- (Ord. 5561 04/15/91):** Section 20.060.
- (Ord. 5591 10/21/91):** Section 20.020.
- (Ord. 5633 05/04/92):** Section 20.080.
- (Ord. 5701 06/21/93):** Section 20.020.
- (Ord. 5972 02/05/2001):** Section 20.070.
- (Ord. 5753 08/15/94):** Section 20.010; 20.020; 20.050.
- (Ord. 5804 12/18/95):** Section 20.020; 20.100.
- (Ord. 5849 3/17/97):** Section 20.020.
- (Ord. 5864 11/03/97):** Section 20.090.
- (Ord. 5871 01/20/98):** Section 20.090.
- (Ord. 5972 02/05/2001):** Section 20.070.

## **ARTICLE 21**

### **CI CAMPUS INDUSTRIAL DISTRICT**

21.010 ESTABLISHMENT OF THE CI INDUSTRIAL DISTRICT

21.015 OPERATIONAL PERFORMANCE STANDARDS

21.020 CONCEPTUAL DEVELOPMENT PLANS AND MASTER PLANS

21.030 PROHIBITED USES

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## ARTICLE 21

### CI CAMPUS INDUSTRIAL DISTRICT

#### 21.010 ESTABLISHMENT OF THE CI CAMPUS INDUSTRIAL DISTRICT.

- (1) The CI District is intended to fully implement the Metro Plan Campus Industrial designation and any applicable refinement plans. The CI District provides opportunities for diversification of the local economy by offering prime sites in a campus environment for large-scale light manufacturing firms and research and development complexes emphasizing modern technology and employing skilled workers in family wage jobs. The term “campus” includes innovative building designs, enhanced landscapes, large open spaces, and substantial pedestrian amenities. Generally, small- and medium-scale light manufacturing may and supporting commercial/office uses shall be located within a business park, provided that combined business parks and/or permitted stand alone office/commercial uses do not exceed 40 percent of the gross acreage of a CI District. Business parks may include several buildings with multiple stories and a mix of uses. Warehousing and distribution are permitted as an accessory to a permitted use. Supporting retail uses such as banks, restaurants, and day care facilities shall be permitted if these uses do not primarily serve the public. All uses in the CI District shall meet siting and operational performance standards to minimize impacts within the CI District and surrounding areas. Permitted uses, including the storage of raw materials and/or finished products, shall occur entirely within enclosed buildings.
- (2) Applicability. The CI District shall apply to all property within the city limits and its urbanizing area that is designated Campus Industrial on the Metro Plan Diagram and on applicable refinement plan diagrams. CI District properties that are outside of the City limits shall be annexed to the City prior to the submittal of a development application.

#### 21.015 OPERATIONAL PERFORMANCE STANDARDS.

The following operational performance standards apply to all uses permitted within the CI District. In the case of permitted light industrial manufacturing uses, compliance with these operational performance standards shall be the determining factor. In all other cases, the use lists in Sections 21.040, 21.050 and 21.060 of this Article shall be the determining factor.

- (1) All manufacturing operations shall be entirely enclosed within a building;  
**Exception:** The Director may allow an outdoor utility yard to store tanks containing gases and/or fluids that are essential to the operation of the permitted use that cannot otherwise be contained in an enclosed building for fire and life safety reasons, as determined by the Fire Marshall. The utility yard shall be screened from public view by masonry, or decorative concrete wall at least 8 feet in height that is an extension of the building, complements the façade of the building and meets the setback requirements specified in Section 21.070 of this Article.
- (2) All applicable on-site design standards specified ion Section 21.120 of this Article shall be met;
- (3) The storage of raw materials and/or finished products shall occur entirely within enclosed buildings. The parking of trucks necessary for the operation of the facility shall also occur within enclosed buildings, unless permitted in accordance with Sections 21.090(3) and 21.120(3) of this Article;
- (4) Office and commercial uses shall not primarily serve the public;
- (5) The movement of heavy equipment on or off the site shall not be permitted, except for truck deliveries and shipments;
- (6) Proposed uses shall not be a prohibited use listed in Section 21.030 of this Article; and



(7) Proposed uses shall also comply with the additional operational performance standards listed below. The intent is not to specifically deny a use, but ensure compliance with applicable local, state, and Federal regulations. Compliance with these operational performance standards shall be continuing obligation of the approved use. Failure to comply with these operational performance standards shall be a violation of this Code and/or Chapter 5 of the Springfield Municipal Code, 1997.

(a) Air pollution. Air pollution includes, but is not limited to, emission of smoke, dust, fumes, vapors, odors, and gases. Air pollution shall not be discernable at the property line by a human observer relying on a person's senses without the aid of a device. The applicant shall obtain and maintain all applicable licenses and permits from the appropriate local, state, and Federal agencies.

**Exception:** Water vapor or other benign plumes from processes or pollution control equipment shall not be considered air pollution.

(b) Fire and explosive hazards. All activities involving the use, storage and/or disposal of flammable or explosive materials shall comply with the Uniform Fire Code as most recently adopted by the City.

(c) Glare.

1. Glare resulting from exterior lighting, except for low-intensity; pedestrian-level lighting shall be controlled by deflecting light away from abutting uses and from public rights-of-way in accordance with Section 31.160 of this Code.

2. Glare resulting from an industrial operation such as welding or laser cutting shall not be visible from the outside of the building.

(d) Groundwater Protection. Proposed development utilizing hazardous materials that may impact groundwater quality shall demonstrate compliance with the provisions of Article 17 of this Code, Drinking Water Protection (DWP) Overlay District.

(e) Hazardous Waste. Proposed development shall not utilize or produce hazardous waste unless permitted in accordance with Oregon Administrative Rule 340-102-0010 through 340-102-0065 or any applicable Federal regulation.

(f) Noise. These standards apply to noise generated by any machinery or equipment on the development site. The maximum permitted noise levels in decibels across lot lines and district boundaries shall be in accordance with OAR 340-035-0035, Noise Control Standards for Industry and Commerce.

**Exception:** Excluded from these noise standards are background traffic on state highways and public streets and occasional sounds generated by temporary construction activities, truck deliveries, warning devices, or other similar temporary situations.

(g) Radiation. There are various sources of radiation, including, but not limited to ionizing radiation, electromagnetic radiation, and radiation from sonic, ultrasonic, or infrasonic waves. Uses that involve radiation shall comply with the regulations in Oregon Administrative Rule 333-100-0001 through 333-100-0080 and any applicable Federal regulation.

(h) Vibration. No use, other than a temporary construction operation, shall be operated in a manner that causes ground vibration that can be measured at the property line. Ground-transmitted vibration shall be measured with a seismograph or a complement of

instruments capable of recording vibration displacement, particle velocity, or acceleration and frequency simultaneously in three mutually perpendicular directions.

#### **21.020 CONCEPTUAL DEVELOPMENT PLANS AND MASTER PLANS**

A Conceptual Development Plan shall be required for all new CI Districts over 50 acres in size approved after July 6, 2004, unless a Site Plan or Master Plan is proposed for the entire CI District. A Master Plan shall be required when phased developments exceeding 2 years in duration are proposed. A Master Plan shall comply with any applicable approved Conceptual Development Plan or upon approval of a Master Plan or Site Plan for the entire CI District, the Master Plan or Site Plan may supplant and take precedence over an approved Conceptual Development Plan. Master Plan approval for a CI District site shall be in accordance with Article 37 of this Code.

#### **21.030 PROHIBITED USES.**

In order to protect the light industrial manufacturing campus environment of the CI District, the following uses shall be prohibited in the CI District.

- (1) Heavy industrial uses that involve the primary manufacturing of large volumes of raw materials into refined materials including, but not limited to processing from trees to lumber, wood products or paper; from ores to primary metals; and animal or fish processing in packing plants.
- (2) Any use that cannot meet the operational performance standards specified in Section 21.015 of this Article.
- (3) Any retail uses, unless permitted as a secondary use as specified in Section 21.050(1) of this Article.
- (4) Stand-alone industrial/commercial warehousing, unless permitted as a secondary use as specified in Section 21.050(4) of this Article.
- (5) Mini-warehouse storage facilities.
- (6) Drive-through facilities.
- (7) Medical and dental practitioner offices.
- (8) Motor freight terminals.
- (9) Moving and storage facilities.
- (10) Truck and auto repair and painting facilities
- (11) Truck and car washes.
- (12) Gas stations.
- (13) Motels.

#### **21.040 PRIMARY USES.**

The following primary uses are permitted subject to Site Plan Review approval in accordance with Section 31.020 of this Code. The development standards of this Article and any additional provisions, restrictions or exceptions set forth in this Code shall also apply.

- (1) Light industrial manufacturing involving the secondary processing of previously prepared materials into components or the assembly of components into finished products. There is no use list for this category of uses. Proposed light industrial manufacturing uses shall comply

with the operational performance standards specified in Section 21.015 of this Article in order for to be considered a permitted use. Large- and medium-scale light industrial manufacturing uses may stand alone. Small-scale light industrial manufacturing uses shall be located within a business park.

- (2)** No more than 40 percent of the gross acres of a CI District shall be developed as business parks. Business parks shall be 5 acres or more in size. Except as specified in Section 21.150 of this Article, business parks may contain permitted small- and medium-scale light industrial manufacturing uses as well as any permitted primary or secondary uses. Multiple story buildings are encouraged; office/commercial uses may be located above industrial uses. Development standards for business parks shall be in accordance with Sections 21.120 and 21.130 of this Article.
- (3)** Other commercial and office uses that do not primarily serve the public. The following commercial and office uses shall be permitted within a business park. Uses similar to those specifically listed may be permitted, if the Director determines the proposed use is similar to a permitted use. If the Director cannot make a determination that the proposed use is similar to a permitted use, the applicant may apply for a Formal interpretation in accordance with Article 4 of this Code.

  - (a)** Advertising, marketing, and public relations.
  - (b)** Blueprinting and photocopying.
  - (c)** Call centers that process predominantly inbound telephone calls.
  - (d)** Computer facilities management services
  - (e)** Computer systems design services.
  - (f)** Data processing and related services.
  - (g)** E (electronic)-commerce including mail order houses.
  - (h)** Educational facilities in business parks including, but not limited to, professional, vocational and business schools; and job training and vocational rehabilitation services.
  - (i)** Graphic art services.
  - (j)** Internet and web site and web search portal (includes services and technical support center).
  - (k)** Internet publishing and broadcasting.
  - (l)** Laboratories, including medical, dental and x-ray.
  - (m)** Management, consulting, and public relations offices.
  - (n)** Media productions including but not limited to TV and radio broadcasting studios as well as cable and other program distribution and motion picture production.
  - (o)** Non-profit organization office.
  - (p)** Printing and publishing.
  - (q)** Professional membership and union offices.
  - (r)** Satellite telecommunications.

- (s) Software development (includes services and technical support center) and publishing.
- (t) Wired or wireless telecommunications carrier offices.
- (4) Corporate headquarters, regional headquarters, and administrative offices may be permitted as part of a large-scale light-manufacturing use or located within a business park. Corporate and regional headquarters may also stand alone. The acreage comprising stand alone corporate or regional headquarters site shall be applied to the 40 percent gross acre standard for business parks specified in Subsection (2) of this Section. Corporate and regional headquarters shall have at least 20 or more employees at the time of occupancy.
- (5) Mail distribution facilities. The acreage comprising a stand alone mail distribution site shall be applied to the 40 percent gross acre standard for business parks specified in Subsection (2) of this Section.
- (6) Large- and medium-scale research and development complexes may stand alone. Stand alone large- and medium-scale research and development complexes shall be considered an industrial component of the CI District. Small-scale research and development complexes shall be located within a business park.
- (7) Certain Wireless Telecommunications Systems Facilities as specified in Section 32.130(1)(a) and (b) of this Code.
- (8) Agricultural cultivation shall be permitted as an interim use on undeveloped land, provided that spraying, dust, odors, and other side effects of the use do not interfere with the operation of permitted uses in the CI District.

#### **21.050 SECONDARY USES.**

The following secondary uses shall be permitted in the CI District. In no case shall a secondary use stand alone or be permitted in the absence of a primary use. Uses similar to those specifically listed may be permitted, if the Director determines the proposed use is similar to a permitted use. If the Director cannot make a determination that the proposed use is similar to a permitted use, the applicant may apply for a Formal Interpretation in accordance with Article 4 of this Code.

- (1) The following retail, wholesale and service uses, either alone or in combination, shall not exceed 20 percent of the gross floor area of a building. These uses shall exclude any drive-through facility and shall not primarily serve the public. Except for ATMs, each use shall be limited to 2,500 square feet of gross floor area. Retail, wholesale and service uses include, but are not limited to:
  - (a) ATM's; banks, savings and loans, and credit unions.
  - (b) Barber, beauty, nail and tanning shops; and
  - (c) Building maintenance services.
  - (d) Day care facilities that meet Children's Services Division (CSD) regulations.
 

**Exception:** Day care facilities may exceed the 2,500 square foot standard in order to comply with size requirements specified in ORS 667A.
  - (e) Eating and drinking establishments including, but not limited to: delicatessens, restaurants, and coffee/espresso shops.
  - (f) Industrial and professional equipment and supply stores.

- (g) Product showrooms, limited to wholesale sales.
- (2) Other permitted secondary uses.
  - (a) Parking lots and parking structures.
  - (b) Transit stations and stops, exclusive of terminals or transit storage areas.
  - (c) Outdoor recreation uses and pedestrian amenities including, but not limited to facilities that are provided in association with a primary use within the same development area:
    1. Swimming pools.
    2. Playgrounds
    3. Tennis and other sport courts.
    4. Bike paths and pedestrian trails.
    5. Pedestrian plazas and similar public spaces.
  - (d) Low impact public utility facilities.
- (3) The following uses are considered accessory components of a permitted primary use.
  - (a) Employee lounges and dining rooms.
  - (b) Conference rooms for tenant use.
  - (c) Central mail room.
  - (d) Indoor recreation areas including, but not limited to game and craft rooms and exercise and dance studios.
- (4) Warehousing shall be permitted only in the following circumstances:
  - (a) For the storage and regional wholesale distribution of products manufactured in the CI District;
  - (b) For products used in testing, design, technical training or experimental product research and development in the CI District; and/or
  - (c) In conjunction with permitted office-commercial uses in the CI District.

**Exception:** The secondary use status of warehousing is typically determined by a square footage standard which is less than 50 percent of the gross floor area of the primary use, in the CI District, the number of employees at the time of occupancy may also be used to determine secondary use standards status. In this case, the primary use shall have 20 or more employees and the warehousing use shall have fewer employees than the primary use. If the employee standard is met, the warehousing use may have more square footage than the primary use.

#### 21.060 DISCRETIONARY USES.

The following uses shall be permitted subject to Discretionary Use approval, Site Plan Review approval, and other applicable provisions of this Code.

- (1) High Impact public facilities.

**Exception:** If approved in a Conceptual Development Plan, or a Master Plan for the subject CI site, or included in an adopted Public Facilities Plan, high impact public facilities shall be subject only to Site Plan Review approval.

- (2) Certain Wireless Telecommunications Systems Facilities as specified in Section 32.130(1)(a) of this Code.

#### **21.070 LOT SIZE AND SETBACK STANDARDS.**

- (1) The minimum lot size in the CI District shall be 10,000 square feet, with 75 feet of frontage. Panhandle lots shall be prohibited.

**Exception:**

The Director may waive the requirement that buildable City lots have frontage on a public street when all of the following apply:

- (a) The lot or lots have been approved as part of a Development Area Plan, Site Plan, Subdivision or Partition; and
  - (b) Access has been guaranteed via a private street or driveway by an irrevocable joint use/access agreement.
- (2) Except as modified by solar access standards, planted setbacks from the exterior boundaries of the CI District shall be 50 feet where abutting residential districts and 20 feet where, abutting other districts. Building separation shall be 20 feet. Zero lot line structures shall be permitted.
  - (3) There shall be planted setbacks from property lines of 20 feet in front, street-side, and through-lot rear yards where adjacent to local streets, and 30 feet where adjacent to arterial or collector streets.
  - (4) The following setback standards also apply:
    - (a) Where an easement is larger than the required setback standard, no building or above grade structure, except for a fence, shall be built upon or over that easement.
    - (b) When additional right of way is required, whether by City Engineering standards on file with the City Engineer or the Metro Plan, setbacks shall be based on future right of way locations. Right of way shall be dedicated prior to the issuance of any building permit that increases required parking.
  - (5) Building Setback Exceptions. Building setbacks and separations shall be in accordance with Subsections (2), (3) and (4) of this Section. However, the Director may reduce building setbacks without a variance when:
    - (a) The building design incorporates landscaped stormwater quality facilities within the setback area that also enhances pedestrian amenities and the campus environment;
    - (b) Necessary to protect natural assets identified in the Gateway Refinement Plan or elsewhere in this Code;
    - (c) Necessary to preserve existing healthy mature trees;
    - (d) Necessary to accommodate handicapped access requirements; or
    - (e) Legally created lots do not meet the minimum lot size.

**21.080 HEIGHT STANDARDS.**

- (1) The maximum height for buildings shall be 45 feet, unless abutting an LDR or MDR District. In this case, one of the following building height limitations shall apply:
  - (a) When the CI District abuts an LDR or MDR District to the north, the maximum building height shall be defined by the Maximum Shade Point Height requirement of Section 16.050 (5)(a) 2, or up to 50 feet south of a northern lot line plane extending south with an angle of 23 degrees and originating from the top of a 16 foot hypothetical fence located on the northern lot line.
  - (b) When the CI District abuts an LDR or MDR District to the east, west, or south, the building height limitation shall be no greater than that permitted in the LDR, MDR, or NC District for a distance of 50 feet.
- (2) Incidental equipment may exceed the height standards specified in Subsection (1) of this Section if no additional floor space exceeding that necessary for the equipment is provided.

**21.090 OFF STREET PARKING STANDARDS.**

- (1) To the greatest practicable, parking shall be located behind buildings, internal to development or to the side of a building. The following specific off-street parking standards shall apply:

USE CATEGORY	NUMBER OF SPACES
Manufacturing / assembly	1 space for each 500 square feet of gross floor area
Warehousing	1 for each 1000 square feet of gross floor area
Office	1 for each 300 square feet of gross floor area

**Exception:**

- (a) The number of required parking spaces for uses not shown in the table above shall be determined based upon standards for similar uses in other districts.
  - (b) Parking spaces may be reduced on a one for one basis when the number of spaces required is more than the shift with the largest number of employees, provided that a landscaped area equal to the total number of spaces reduced shall be held in reserve for future use.
- (2) An additional 5% of impermeable surface may be allowed in cases where all parking on a lot is screened by earthen berms with an average height of 3 feet (measured from the finished grade of the edge of the parking lot), sunken below grade an average depth of 3 feet (measured from the finished grade of the edge of the parking lot to the finished grade of the adjacent berm or landscaped area), or both.

- (3)** Truck parking for vehicles necessary for the operation of the facility may be located either:
  - (a)** Within an enclosed building; or
  - (b)** Outside of a building if the following standards are met. Truck parking shall:
    - 1. Be prohibited in all front and street-side yards;
    - 2. Meet the building setback standards specified in Section 21.070 of this Article; and
    - 3. Be screened in accordance with Section 21.120(3) of this Article.

**21.100 RESERVED FOR FUTURE USE.**

**21.110 FENCE STANDARDS.**

- (1)** General.
  - (a)** Except as specified elsewhere in this Code, fences shall not exceed the height standards listed below and shall be located as follows:
    - 1. Six feet, provided that the fence is located behind the required front yard and street side yard planted areas and outside the vision clearance area.
    - 2. Two and one-half feet in the vision clearance area in accordance with Section 32.070 of this Code.
  - (b)** No fencing shall be permitted within 35' of a CI District perimeter or 20 feet of any development area perimeter. In addition, fences shall be prohibited within interior lots of development areas. Exception: low (3 feet maximum height) decorative fencing or masonry walls may be permitted as screening devices around parking lots.
  - (c)** Chain link fences shall be permitted only when combined with plantings of evergreen shrubs or climbing vines that will completely cover the fence(s) within 5 years of installation (as certified by a landscape architect or licensed nursery operator).
  - (d)** Painted fences shall match the building color scheme of the development area.
- (2)** Review Procedure.
  - (a)** A construction permit shall be required for all fences over six feet in height.
  - (b)** Fences within the Willamette Greenway to be reviewed under Type III procedure.

**21.120 ON-SITE DESIGN STANDARDS.**

In the CI District, new buildings; expansions of, or additions to existing buildings; or improvements to existing facades that require a building permit shall provide architectural designs that encourage flexibility and innovation in site planning by complying with the following on-site design standards:

- (1)** Building Exteriors. In order to break up vast expansions of single element building elevations applicable to both length and height, building design shall include a combination of architectural elements and features, including but not limited to offsets, windows, entrances, and roof treatments.



- (a) Offsets. Offsets shall occur at a minimum of every 100 feet of lineal building wall by providing recesses or extensions with a minimum depth of 4 feet.

**Exception:**

Variations in building wall materials, including but not limited to wood siding, brick, stucco, textured concrete block, tile, glass, stone, or other suitable materials may be used instead of offsets.

The Director, in consultation with the Building Official, may approve other suitable materials without the need for a variance. Smooth-faced concrete panels or prefabricated steel panels may also be used as accents, but shall not dominate the building exterior. Exterior colors for buildings and fences shall be subdued or earth tones.

- (b) Windows. Ground floor windows shall be required for all office and commercial uses, including those office and commercial uses that are contained within light industrial manufacturing uses. Ground floor windows for the remainder of a light industrial building are optional. All elevations of office and commercial buildings abutting any street shall provide at least 50 percent of their length (e.g. a 100-foot-wide building façade shall have a total of at least 50 linear ft. of windows) and at least 25 percent of the ground floor wall area as windows and/or doors that allow views into lobbies, merchandise displays, or working areas. On corner lots this provision shall apply to both elevations. Where upper story windows are proposed, either awnings, canopies, or other similar treatments shall be required for ground floor windows or variations in window materials, trim, paint or ornamentation may be used.

**Exception:**

1. A mural, that does not include any advertising, may be used to meet 50 percent of the ground floor window standard specified in Subsection (a), above. Murals are regulated under Chapter 8.234 of the Springfield Municipal Code, 1997.
2. Building elevations adjacent to alleys or vehicle accessways used primarily for servicing and deliveries shall be exempt from this standard

- (c) Entrances. To the greatest extent practicable, all new buildings in the CI District shall be oriented toward both exterior and internal streets.

1. The primary entrance to all buildings in the CI District shall be visible from the street; and
2. A weather-protected area, including but not limited to awnings or canopies, at least 6 feet wide, shall be provided at all public entrances.

- (d) Roof Treatments. The following roof treatments shall be required.

1. Sloped roofs and multiple roof elements shall be the primary methods for roof treatment. Variations within one architectural style; visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground and architectural methods used to conceal flat roof tops may also be used. Mansard style roofs shall not be permitted. If building wall offsets are used, offsets or breaks in roof elevation with a minimum of 3 feet or more in height may be used for every 100 feet of lineal building wall.

2. The architectural design of the building roof shall also incorporate features which screen all heating, ventilation and air conditioning units from adjacent LDR and MDR properties and the street. Mechanical equipment shall also be buffered so that noise emissions do not exceed the standards specified in Section 21.015(7)(e) of this Article. The City may require a noise study certified by a licensed acoustical engineer for compliance verification.

(2) Landscaping. Landscaping shall be in accordance with Section 31.140 of this Code. The following landscaping standards shall be in addition to standards specified in Section 31.140 of this Code:

- (a) A minimum of 35 percent of each development area shall be landscaped open space.
- (b) Plants shall be sized to attain 90% coverage of required landscape areas (excluding tree canopies), within 3 years of installation. Plantings of native species and plant communities shall achieve 90% coverage within 5 years of installation.
- (c) At least 10 percent of the interior of a parking lot having 20 or more parking spaces shall be landscaped. This standard is in addition to any landscaping setbacks required in Section 21.070 of this Code.
- (d) Natural assets identified in the Gateway Refinement Plan, any other applicable refinement plan or elsewhere in this Code shall be included in the site design and protected. Where protection of these natural assets prevents the development of the site consistent with this Code, the functional equivalent of the natural assets may be substituted as may be allowed by the City.

(3) Screening. Screening shall be in accordance with Section 31.160 of this Code. In addition, truck parking for vehicles necessary for the operation of the facility shall be screened by a masonry or concrete wall that is an extension of the building and complements the façade of the building. The wall shall have a minimum height of 8 feet. The wall shall totally conceal trucks from public view. The wall shall meet the setback requirement specified in Section 21.070 of this Article.

**Exception:**

The Director may consider proposed truck parking that is enclosed by buildings and complies with Section 21.090(3) of this Article.

(4) Pedestrian Walkways and River Access

- (a) Walkways from a sidewalk to building entrances. A continuous pedestrian walkway shall be provided from the primary frontage sidewalk for pedestrians to access building entrances.
- (b) Walkways from parking lots to building entrances. Internal pedestrian walkways shall be developed for persons who need access to the buildings from the parking lots. The walkways shall be located within the parking lots and shall be designed to provide access from the parking lots to the entrances of the buildings. The walkways shall be distinguished from the parking and driving areas by use of any of the following material: special pavers, brick, raised elevation, scored concrete or other materials as approved by the Director.
- (c) In the Gateway CI District, access to the McKenzie River, both for pedestrians and bicycles, shall be addressed in the site design, where specified in the applicable refinement plan or TransPlan.

- (5) Transit Stations and Stops. When required, transit stations and stops shall conform to the standards of the Lane Transit District.

#### **21.130 BUSINESS PARK DESIGN TEAM.**

Development plans submitted as part of a business park Site Plan Review application shall be prepared by a design team comprised of a project architect, engineer, and landscape architect, one of whom shall serve as the project coordinator. The design team shall certify that building, elevation, site, and landscape plans submitted in connection with the Site Plan Review application comply with the on-site design standards specified in Section 21.120 of this Article and any other applicable CI District provisions.

#### **21.140 MONITORING USES IN THE CI DISTRICT.**

CI District uses shall be monitored by implementing a Pre-certification process. The purpose of Pre-certification is to determine that a proposed use is, in fact, a permitted use within the CI District. Pre-certification shall apply to all new uses and any change of use in the CI District.

The Director shall review the proposed use prior to the submittal of a development application or in some cases, a building permit. The Director shall consider both the permitted uses specified in Sections 21.040, 21.050 and 21.060 and the operational performance standards specified in Section 21.015 of this Article. If the Director does not approve the Pre-certification, the applicant may submit a request in writing to the Director to make a determination that the proposed use is similar to a permitted use. If the Director cannot make a determination that the proposed use is similar to a permitted use, the applicant may apply for a Formal Interpretation in accordance with Article 4 of this Code. After Pre-certification by the Director, the form will be kept on file in the Development Services Department to be used for continued compliance with the Sections cited above.

#### **21.150 STATUS OF EXISTING USES IN THE CI DISTRICT.**

Unless existing uses are on the prohibited use list specified in Section 21.030 of this Article after July 6, 2004, existing uses have status as specified below. The intent is that the existing uses do not become non-conforming uses.

- (1) Corporate headquarters that are located outside of a business park including, Pacific Source, Symantec, and Holt International are permitted primary uses. If these uses own or have options on adjacent property for future expansion, they may expand without the need to be located within a business park.
- (2) Large-scale light industrial manufacturing buildings may be reused for permitted office/commercial uses as long as these uses do not exceed 50 percent of the gross floor area of the building. In addition, warehousing may occur in accordance with Section 21.050(4) of this Article.

**Exception:** In the case of SONY, reuse may include any permitted use in the CI District. If no large- or medium-scale light industrial manufacturing use is proposed, conversion to a business park shall be permitted. However, the acreage comprising a conversion to a business park shall be applied to the 40 percent gross acre standard for business parks specified in Section 21.040(2) of this Section. The SONY site may also use the excess facility capacity as a private utility to serve other properties in the vicinity.

- (3) Stand-alone day care centers that primarily serve CI District businesses are a permitted secondary use.
- (4) Permitted stand alone office/commercial uses outside of business parks are a permitted primary use.

- (5) Significant Goal 5 historic resources, including the Brabham farm, the Koppe farm, and the Rice farm, may continue as a residential use or as any permitted commercial use. Any external modifications to these structures shall comply with the applicable standards specified in Article 30, H Historic Overlay District.

(Ord. 5342 7/21/86): Sections 21.070; 21.090.

(Ord. 5407 10/19/87): Sections 21.040; 21.060; 21.120.

(Ord. 5466 03/06/89): Sections 21.040; 21.110.

(Ord. 5522 08/06/90): Sections 21.020; 21.030.

(Ord. 5551 02/04/91): Sections 21.010; 21.070.

(Ord. 5561 04/15/91): Section 21.080.

(Ord. 5566 05/20/91): Sections 21.070; 21.080; 21.090; 21.100; 21.110; 21.120.

(Ord. 5633 05/04/92): Section 21.100.

(Ord. 5753 08/15/94): Title Page; Sections 21.010; 21.020; 21.030; 21.040; 21.060; 21.070; 21.080; 21.100; 21.110; 21.120; 21.130.

(Ord 5804 12/18/95): Section 21.040.

(Ord 5849 3/17/97): Section 21.060.

(Ord. 5864 11/03/97): Section 21.110.

(Ord. 5972 02/05/2001): Section 21.090.

(Ord. 6092 7/6/2004): Title Page; Sections 21.010; 21.015; 21.020; 21.030; 21.040; 21.050; 21.060; 21.090; 21.120; 21.130; 21.140 and; 21.150.

**ARTICLE 22**

**MS MEDICAL SERVICES DISTRICT**

22.010 ESTABLISHMENT OF THE MS MEDICAL SERVICES DISTRICT

22.020 PRIMARY USES

22.030 SECONDARY USES

22.040 SITING STANDARDS

22.050 SETBACK STANDARDS

22.060 HEIGHT STANDARDS

22.070 OFF-STREET PARKING STANDARDS

22.080 RESERVED FOR FUTURE USE

22.090 FENCE STANDARDS

## ARTICLE 22

### MS MEDICAL SERVICES DISTRICT

#### 22.010 ESTABLISHMENT OF THE MS MEDICAL SERVICES DISTRICT.

- (1) In order to implement the policies of the Metro Plan, regulate the use of land, structures and buildings, and protect the public health, safety and welfare, the MS District is established in this Article.
- (2) The MS District is designed to provide for hospital expansion and for suitable, geographically dispersed areas for the development of hospitals and associated medical residential facilities. These facilities shall be developed comprehensively and shall be designed to ensure compatibility with the surrounding neighborhood.
- (3) The provisions of this Article may apply:
  - (a) In the vicinity of the McKenzie-Willamette Hospital, as delineated in the Centennial-Mohawk Refinement Plan;
  - (b) On arterial streets where Community Commercial, Major Retail Commercial, Medium Density Residential or High Density Residential Metro Plan designations exist.

#### 22.020 PRIMARY USES.

The following uses are permitted subject to Site Plan Review approval. The development standards of this Article and any other additional provisions, restrictions or exceptions set forth in this Code shall apply. **USES SIMILAR TO THOSE SPECIFICALLY LISTED MAY BE PERMITTED AT THE DISCRETION OF THE DIRECTOR IN ACCORDANCE WITH SECTION 4.010, INTERPRETATION.**

- (1) Hospital services
- (2) Medical clinics
- (3) Physicians services
- (4) Medical laboratory services
- (5) Dental services
- (6) Dental laboratories
- (7) Wellness, fitness and nutrition services

- (8) Physical rehabilitation centers
- (9) Housing for the elderly and handicapped, independent of care facilities.
- (10) Residential care facilities
- (11) Day care facilities that meet Children’s Services Division (CSD) regulations.
- (12) Adult day care facilities subject to any applicable State regulations.
- (13) Certain Wireless Telecommunications Systems Facilities (Article 32). Refer to Section 32.130 for siting standards and review process in the MS MEDICAL SERVICES DISTRICT.

**22.030 SECONDARY USES.**

In addition to primary uses, the following secondary retail uses shall be permitted subject to Site Plan Review approval. Secondary retail uses shall be limited to 20 percent of the total gross floor area of all buildings on the site. The development standards of this Article and any other additional provisions, restrictions or exceptions set forth in this Code shall apply. USES SIMILAR TO THOSE SPECIFICALLY LISTED MAY BE PERMITTED AT THE DISCRETION OF THE DIRECTOR IN ACCORDANCE WITH SECTION 4.010, INTERPRETATION.

- (1) Dispensing pharmacies
- (2) Prosthesis, hearing and speech aids sales and service
- (3) Home medical equipment rental and sales
- (4) Cafeterias, medical related recreational facilities, low impact public utility facilities, and heliports and helistops serving and constructed in conjunction with on-site development.
- (5) In addition to meeting the standards of this Code, at the time of Zone Change approval, the Planning Commission may attach specific conditions to mitigate identified neighborhood impacts including but not limited to building height, appearance, height and setbacks.

**22.040 SITING STANDARDS.**

- (1) The MS District shall be applied to contiguous sites of three or more acres.
- (2) Except where the use is limited to the conversion of a single-family residence to a medically related use, the minimum development area shall be at least one acre. This means that phasing of developments shall occur in increments of not less than 1 acre.

- (3) Lot coverage standards are limited only by standards specified in other Sections of this Code.
- (4) A Traffic Impact Study shall be required prior to the application of the MS District and prior to Site Plan approval.

**22.050 SETBACK STANDARDS.**

In the MS District, each lot shall have planted setbacks of not less than the following sizes:

- (1) Front, Street Side Yard and Through Lot Rear Yard.
  - (a) Building setback 10 feet
  - (b) Parking, driveway and outdoor storage setback 5 feet
- (2) Interior Side Yard and Rear Yard Setbacks When Abutting Residential Districts:
  - (a) Building setback 10 feet
  - (b) Parking, driveway and outdoor storage setback 5 feet
- (3) Where an easement is larger than the required setback standard, no building or above grade structure, except for a fence, shall be built on or over that easement.
- (4) When additional right of way is required, whether by City Engineering standards or the Metro Plan (including the TransPlan), setbacks shall be based on future right of way locations. Right of way shall be dedicated prior to the issuance of any building permit that increases required parking.
- (5) Architectural extensions may protrude into any 5 foot or larger setback area by not more than 2 feet.

**22.060 HEIGHT STANDARDS.**

There are no building height limitations in the MS District unless abutting an LDR or MDR District. In this case, one of the following shall apply:

- (1) When the MS District abuts a residential district to the north, the maximum building height shall be defined by the Maximum Shade Point Height requirement of Section 16.050 (a) 2 up to 50 feet south of a northern lot line a plane extending south with an angle of 23 degrees and originating from the top of a 16 foot hypothetical fence located on the northern lot line.



- (2) When the MS District abuts a residential district to the east, west or south, the building height limitation shall be no greater than that permitted in the residential districts for a distance of 50 feet.
- (3) Incidental equipment may exceed the height standards specified in Subsections (1) and (2) of this Section.

**22.070 OFF-STREET PARKING STANDARDS.**

Parking requirements shall be determined based upon standards for similar uses in other districts and upon the required Traffic Impact Study.

**22.080 RESERVED FOR FUTURE USE.**

**22.090 FENCE STANDARDS.**

- (1) General.
  - (a) Fences shall be allowed for security purposes only. Except as specified elsewhere in this Code, fences shall not exceed the height standards listed below and shall be located as follows:
    - 1. Six-feet provided that the fence is located behind the required front yard and street side yard planted areas and outside of the vision clearance area.
    - 2. Two and one-half feet in the vision clearance area in accordance with Section 32.070 of this Code.
  - (b) Fences shall comply with the screening standards of Section 31.160 of this Code.
- (2) Review Procedure. A construction permit shall be required for all fences over six feet in height.

**(Ord. 5491 9/18/89):** Article 22 added.

**(Ord. 5561 4/15/91):** Section 22.060.

**(Ord. 5633 5/4/92):** Section 22.080.

**(Ord. 5849 3/17/97):** Section 22.020.

**(Ord. 5864 11/03/97):** Section 22.090.

**ARTICLE 23**

**PLO PUBLIC LAND AND OPEN SPACE DISTRICT**

23.010 ESTABLISHMENT OF THE PLO PUBLIC LAND AND OPEN SPACE DISTRICT

23.020 SCHEDULE OF USE CATEGORIES

23.030 LOT SIZE STANDARDS

23.040 LOT COVERAGE STANDARDS

23.050 SETBACK STANDARDS

23.060 HEIGHT STANDARDS

23.070 OFF-STREET PARKING STANDARDS

23.080 RESERVED FOR FUTURE USE

23.090 FENCE STANDARDS

23.100 SPECIAL USE STANDARDS

**ARTICLE 23**

**PLO PUBLIC LAND AND OPEN SPACE DISTRICT**

**23.010 ESTABLISHMENT OF THE PLO PUBLIC LAND AND OPEN SPACE DISTRICT.**

In order to implement the policies of the Metro Plan, regulate the use of land and buildings, and promote the public health and safety, the Public Land and Open Space District is established in this Article. The PLO District is intended to implement the Metro Plan Public and Semi-Public designation, which includes Government, Education and Parks and Open Space designations, by providing a zoning designation for:

- (1) Public and private educational facilities, parks, cemeteries and golf courses, and
- (2) Public offices, libraries, other government or publicly-owned facilities and similar uses located in areas designated Residential on the Metro Plan Diagram, regardless of size.

**23.020 SCHEDULE OF USE CATEGORIES.**

The following specific buildings and uses are permitted in this district as indicated subject to the provisions, additional restrictions and exceptions set forth in this Code.

**"P" = PERMITTED USE**, subject to the standards of this Code; may be processed under Type I, II or III procedures.

**"S" = SPECIAL USE**, subject to special locational and siting standards to be met prior to being deemed a permitted use; may be processed under Type I, II or III procedures.

**"D" = DISCRETIONARY USE**, may or may not be permitted, based upon the application of general criteria; may be subject to certain locational and siting standards to be met prior to being deemed a permitted use processed under Type III procedures.

**SITE PLAN REVIEW SHALL BE REQUIRED**, unless specifically exempted elsewhere in this code.

**USE CATEGORIES / USES**

**PLO DISTRICT**

- |     |  |    |
|-----|--|----|
| (1) | Education (23.100)                                       |    |
| (a) | Colleges   | S  |
| (b) | High Schools   | S  |
| (c) | Private/Public Elementary and Middle Schools (23.100(7)) | S* |

- (2) Government
  - (a) Libraries D
  - (b) Public Office Buildings D
  - (c) Senior Centers D
  - (d) Sports complexes / stadiums D
  
- (3) Parks and open spaces (23.100)
  - (a) Public and private parks and recreational facilities.
    - 1. Neighborhood Parks P
    - 2. Community Parks S
    - 3. Regional Parks S
    - 4. Private areas of greater than one acre reserved for open space as part of a cluster or hillside development. P
  - (b) Publicly and privately owned golf courses and cemeteries. D
  - (c) R.V. parks and campgrounds within a regional park. S
  - (d) R.V. parks and campgrounds outside of a regional park and without sanitary sewer service as a temporary use subject to termination when within 1,000 feet of sanitary sewer. D
  
- (4) Secondary uses – public land and open space.
  - (a) Agricultural cultivation of undeveloped land. P
  - (b) Cafeteria and restaurants primarily serving the patrons of the development. P
  - (c) Day care facilities. P
  - (d) Heliports and helistops. D

- |     |   |   |
|-----|---|---|
| (e) | Office and storage yards that are incidental to a primary use.  | P |
| (f) | Mortuaries and chapels associated with cemeteries.  | D |
| (g) | Maintenance and security residences, excluding mobile homes.  | D |
| (h) | Low impact public facilities.   | P |
| (i) | High impact public facilities.  | D |
| (j) | Certain Wireless Telecommunications Systems Facilities (article 32). Refer to Section 32.130 for siting standards and review process in the PLO PUBLIC LANDS AND OPEN SPACE District. |   |
| (k) | Wellness center   | S |

**23.030 LOT SIZE STANDARDS.**

There are no minimum lot size standards in the PLO District.

**23.040 LOT COVERAGE AND PLANTING STANDARDS.**

Parking, driveways and structures shall not exceed 65 percent of the development area. At least 25 percent of the development area shall be planted.

**23.050 SETBACK STANDARDS.**

In the PLO District each development area shall have planted setbacks of not less than the following unless otherwise provided for in this Code.

- |     |  |         |
|-----|--|---------|
| (1) | Street setbacks  | 15 feet |
| (2) | (2) Residential property line setbacks   | 20 feet |
| (3) | (3) Parking and driveway setbacks  | 5 feet  |
| (4) | Where an easement is larger than the required setback standard, no building or above grade structure, except for a fence, shall be built upon or over that easement. |         |

- (5) When additional right of way is required, whether by City Engineering standards or the Metro Plan, setbacks shall be based on future right of way locations. Dedication of needed right of way shall be required prior to the issuance of any building permit that increases parking or gross floor area.
- (6) Structural extensions may extend into any 5 foot or larger setback area by not more than 2 feet.

### **23.060 HEIGHT STANDARDS.**

- (1) There are no building height standards in the PLO District unless abutting a residential district. In this case, the following height limitations shall apply:
  - (a) When a PLO District abuts a residential district to the north, the maximum building height shall be defined by the Maximum Shade Point Height requirement of Section 16.050 (a) 2 up to 50 feet south of a northern lot line a plane extending south with an angle of 23 degrees and originating from the top of a 16 foot hypothetical fence located on the northern lot line.
  - (b) When a PLO District abuts a residential district to the east, west or south, the building height limitation shall be no greater than 30 feet for a distance of 50 feet.
- (2) Incidental equipment may exceed the height standards specified in Subsection (1) of this Section.

### **23.070 PARKING STANDARDS.**

Except for special uses, motor vehicle parking standards shall be determined based upon standards for similar uses in other districts, unless they are not directly covered, in which case a Traffic Study shall be required. Bicycle parking standards and requirements are found in Section 31.210 and 31.220 of this Code.

### **23.080 RESERVED FOR FUTURE USE.**

### **23.090 FENCE STANDARDS.**

- (1) General.
  - (a) In the PLO District, fences shall not exceed 2 1/2 feet in height in the vision clearance area in accordance with Section 32.070 of this Code.
  - (b) In the PLO District, fences shall not exceed 6 feet in height, except as specified in Subsection (1)(c) of this Section. No fence shall be placed in a street-side yard setback, except in the Public Land and Open Space District.

- (c) For public utility facilities, schoolyards and playgrounds, fences shall not exceed 8 feet in height.
  - (d) In the PLO District, fences shall comply with the screening standards of Section 31.160 of this Code.
- (2) Review Procedure.
- (a) Unless reviewed as part of Site Plan Review, security fences shall be reviewed under Type I procedure.
  - (b) Fences within the Willamette Greenway shall be reviewed under Type III procedure.
- (3) Barbed Wire Fence Standards. In the PLO District, barbed wire shall be permitted only atop a chain link fence 6 feet in height, provided that, when abutting a public right of way:
- (a) The fence is not located in any required setback area (5 feet for parking and 15 feet for buildings);
  - (b) The setback area between the fence and property line shall be planted in accordance with Section 31.150, Planting Installation Standards, if Site Plan Review Standards apply.

**23.100 SPECIAL USE STANDARDS.**

- (1) Primary access shall be on arterial or collector streets except as provided or exempted elsewhere in this Article.
- (2) Stadiums, swimming pools and other major noise generators shall be located a minimum of 30 feet from residential property lines and shall be screened by a noise attenuating barrier.
- (3) Community and regional parks and public schools shall be designated on a Park or Public Facilities Plan adopted by the City, or be approved in accordance with Type III review procedure (Discretionary Use). Private/public elementary and middle schools are subject only to Type II review and the special use standards of Section 23.100(7) of this Article when located on land zoned PLO.
- (4) For all special uses, a traffic impact and parking study shall be prepared by a Traffic Engineer and approved by the City Engineer.
- (5) For R.V. parks and campgrounds within regional parks inside the city limits the following criteria apply:
  - (a) The site must be served by sanitary sewer.



- (b) The R.V. park/campground shall be consistent with the standards, criteria and guidelines adopted by the Willamalane Park and Recreation District.
- (6) For R.V. parks and campgrounds within regional parks outside the city limits the following criteria apply:
- (a) The site shall be more than 5 acres but less than 100 acres.
  - (b) The site shall be more than 1,000 feet from a public sanitary sewer line as measured in a direct line from the sewer line to the property line.
  - (c) The R.V. park/campground shall be consistent with the standards, criteria and guidelines adopted by the Willamalane Park and Recreation District.
  - (d) The R.V. park/campground shall be screened from adjacent uses.
  - (e) Approval shall be in accordance with Type III Review, discretionary Use.
  - (f) The R.V. park or campground use may be terminated within 120 days by the City when a public sanitary sewer line is within 1,000 feet from the subject property line. All improvements related to the R.V. park or campground shall be removed and the site restored to its pre-development condition. The termination clause shall appear as a provision in a deed restriction for the property and will be a required condition of Site Plan Approval.
- (7) Private/Public Elementary and Middle Schools

A unique relationship exists between schools and the community which requires special consideration when applying screening standards. Maintaining clear sight lines for the security and safety of children is desirable and may be achieved through the use of non-opaque fencing and/or landscaping. The standards in Article 31 shall be applied only when required to screen playground structures, spectator seating facilities, parking, storage yards and trash receptacles or where significant conflicts are found.

- (a) All new facilities and additions over 10,000 square feet or those additions exceeding 50% of the size of the existing building shall be approved in accordance with the following standards:
  1. A maximum of 65% of the site may be covered in impervious surface. The remainder of the site shall comply with the planting standards in Article 31.
  2. Schools shall have a planted front yard setback of 20 feet and planted side and rear yards of 30 feet. Athletic spectator facilities adjoining residential uses shall meet a 75-foot minimum setback unless the Director determines that adequate buffering can be provided with a reduced setback, but in no instance shall this

setback (from spectator facilities) be less than 30 feet. Parking areas shall maintain a landscaped buffer of 15 feet when adjoining a residential use.

3. Light shall be directed away from adjoining less intensive uses.
  4. Other uses permitted within school facilities include day care facilities, social service offices and other after school program activities approved by the School District and which otherwise do not require discretionary approval.
  5. All plants used for "landscaped buffering" shall be a minimum of 5-gallon size and shall reach a height of at least 36 inches within one year of planting.
  6. Paved playground areas may be used as overflow parking for special events.
  7. Parking shall be limited to two spaces for each teaching station in the school plus one parking space for each 100 feet of public indoor assembly area. All parking lots and driveways will be designated to separate bus and passenger vehicle traffic. All parking lots shall have sidewalks raised a minimum of 6 inches above grade where pedestrians must cross parking lots to enter or leave the school grounds.
  8. Any jointly shared recreational facilities, playgrounds or athletic fields shall require a joint use agreement that will provide for public use and continued maintenance.
  9. The maximum building height for elementary schools shall be 35 feet. The maximum building height for middle schools shall be 45 feet.
  10. A Traffic Impact Study and Parking Study, prepared by a Transportation Engineer, shall be approved by the City Engineer.
- (8) For Wellness centers the following criteria shall apply:
- (a) The building shall be owned by a public agency.
  - (b) The center shall be secondary to a primary public community recreation center on the same development site. The square footage that is dedicated to non-public, wellness-related uses shall not exceed 50% of the combined total area (within the center and within the primary recreation facility) that is dedicated to public, recreation-related uses.

**(Ord. 5342 7/21/86):** Sections 23.040; 23.050; 23.070.

**(Ord. 5407 10/19/87):** Sections 23.0209 23.090.

**(Ord. 5551 2/4/91):** Section 23.020.

**(Ord. 5561 4/15/91):** Section 23.060.

**(Ord. 5633 5/4/92):** Section 23.080.

**(Ord. 5660 10/5/92):** Sections 23.020; 23.100.

**(Ord. 5804 12/18/95):** Sections 23.010; 23.020; 23.100.

**(Ord. 5849 3/17/97):** Section 23.020.

**(Ord. 5864 11/05/97):** Section 23.090

**(Ord. 5972 02/05/2001):** Section 23.070

**(Ord. 6009 04/01/2002):** Section 23.020 and 23.100

**ARTICLE 24**

**QMO QUARRY AND MINE OPERATIONS DISTRICT**

24.010 ESTABLISHMENT OF THE QMO QUARRY AND MINE OPERATIONS DISTRICT

24.020 REVIEW

24.030 SCHEDULE OF USE CATEGORIES

24.040 PERMITS FOR QUARRY AND MINE EXTRACTION

24.050 OPERATION AND RECLAMATION STANDARDS

24.060 BLASTING STANDARDS

## **ARTICLE 24**

### **QMO QUARRY AND MINING OPERATIONS DISTRICT**

#### **24.010 ESTABLISHMENT OF THE QMO QUARRY AND MINE OPERATIONS DISTRICT.**

- (1) The QMO District is intended to:
  - (a) Recognize that minerals and materials within the Springfield Urban Growth Boundary are a non-renewable resource, and that extraction and processing are beneficial to the local economy.
  - (b) Protect major deposits of minerals, rock and related material resources with appropriate zoning.
  - (c) Establish procedures for the protection of public health and safety on and adjacent to land where quarry and mining blasting operations are occurring.
  - (d) Establish standards to be used in reviewing referrals from State and Federal agencies of Operation and Reclamation Plans, pollution control and similar permits.
  - (e) Provide for cooperation between private and governmental entities in carrying out the purposes of this Article.
  - (f) Implement the policies of the Metro Plan in particular, the Environmental Resources Element of the Metro Plan as it applies to inventoried natural resources.
  - (g) Establish review criteria and procedures where necessary to protect scenic resources identified in the Metro Plan.
- (2) The QMO District shall be applied to areas with a Sand and Gravel designation on the Metro Plan Diagram.

#### **24.020 REVIEW.**

- (1) To establish a new quarry or mining operation within the Springfield Urban Growth Boundary, the following shall be required:
  - (a) A Metro Plan amendment (Type IV review).
  - (b) A zone change to QMO Quarry and Mining Operations District (Type III review). The ordinance rezoning properties to the QMO District shall specify the precise

location of any scenic areas listed on Metro Plan inventories that require protection under Section 24.020(2)(a) of this Code.

- (c) Site Plan Review (For the purpose of this Article, all permitted uses are considered industrial uses, and as such are subject to the pertinent provisions of Article 31 of this Code).
  - (d) A copy of the application for a Reclamation Permit in accordance with Section 24.040 of this Code shall be referred to the Director for review.
- (2) To expand an existing quarry or mining operation, which is zoned QMO District, within the Springfield Urban Growth Boundary, the following shall be required:
- (a) Type III procedure (Discretionary Use) shall be used to determine whether, where and under what conditions quarry and mining operations may occur in identified scenic areas within the QMO District.
  - (b) A copy of the application for a Reclamation Permit in accordance with Section 24.040 of this Code shall be referred to the Director for review.
- (3) A complete application together with all required materials shall be accepted by the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

#### **24.030 SCHEDULE OF USE CATEGORIES.**

The following uses are permitted in the QMO District subject to the provisions of the Reclamation Permit required by ORS 517.790, issued by the Oregon Department of Geology and Mineral Industries and subject to the provisions, and additional restrictions and exceptions set forth in this Code. Uses similar to those specifically listed may be permitted at the discretion of the Director in accordance with Article 4, Interpretation.

- (1) Extracting and storing of rocks and minerals, including equipment and materials necessary to carry out these functions.
- (2) Plants for the processing of minerals from quarry and mining extraction operations.
- (3) Sale of products generated from the quarrying and mining operation.
- (4) Activities permitted as part of the reclamation process.
- (5) Structures and buildings used in conjunction with the extracting and storing of minerals.

- (6) Parking facilities for employees and customers in conjunction with subsections (1) through (5) of this Section.
- (7) Tree felling necessary to prepare a site for mining or as a quarry activity in accordance with Article 38, Tree Felling Standards.
- (8) Low impact public facilities.
- (9) High impact public facilities when approved in accordance with Discretionary Use (Type III) procedures.
- (10) Certain Wireless Telecommunications Systems Facilities (Article 32). Refer to Section 32.130 for siting standards and review process in the QMO QUARRY AND MINE OPERATIONS DISTRICT.
- (11) Night watchperson's quarters.

#### **24.040 PERMITS FOR QUARRY AND MINE EXTRACTION.**

No quarry or mining extraction or related operations may be initiated in the QMO District until a Reclamation Permit required by ORS 517.790 has been issued by the Oregon Department of Geology and Mineral Industries. Standards established under ORS 517 for quarry and mine extraction are considered minimum standards to be observed during extraction, processing and reclamation activities to assure that the operation takes into consideration the health, safety and welfare of people on and off the site who may be affected by the operation, and that the site shall be clean, orderly and left in a condition conducive to appropriate uses after extraction has been completed and that conflicts between other identified environmental resources are resolved consistent with the Policies of the Metro Plan.

#### **24.050 OPERATION AND RECLAMATION STANDARDS.**

- (1) Information submitted as part of the Reclamation Permit process required in Section 24.040 of this Article shall be evaluated against the following standards by the Director:
  - (a) In lieu of uniform setbacks for all quarry and mine extraction operations:
    - 1. Setbacks from adjacent properties shall be sufficient to protect the normal activities of residences, businesses, industries recreation and other uses permitted under this Code.
    - 2. Setbacks from adjacent properties shall be a distance sufficient to minimize hazards to persons and property resulting from blasting, slides, slippage, subsidence, ground and surface water contamination and depletion and other hazards.

- (b) Any night lighting shall be arranged and controlled so as not to illuminate adjacent properties and uses permitted under this code.
  - (c) The hours of operation shall be determined by what is necessary to protect the surrounding activities from disturbance caused by quarry and mining extraction operations.
  - (d) Fencing around the quarry and mining operation shall be required when it has been determined that the location, type and nature of the operation poses hazards to the safety of the surrounding residents and public and private property.
  - (e) When expansion of an existing operation is in close proximity to existing or planned uses potentially incompatible with QMO District uses, or where there is a conflict with any other resource that appears on an adopted environmental resource inventory, the application of the QMO District or the expansion of an existing operation may be limited to a specific portion of a property in order to encourage the compatibility and proper management of land uses.
  - (f) All mining spoils shall be disposed of in such a manner that they will not create a geological hazard or contribute to water pollution through leaking, leaching or erosion. Management of mining spoils shall be in a manner which is consistent with the standards of the local soil and water conservation district.
  - (g) Overburden and topsoil not removed from the property shall be placed and stabilized in a manner that does not create safety hazards or nuisances for adjacent properties.
  - (h) Screening shall be required where it is determined necessary to minimize the visual impact of the quarry and mining extraction operation on neighboring properties, residences, commercial, industrial, park and recreational or other land use activities.
  - (i) Wherever possible, existing trees, shrubs, and other types of vegetation along road frontages shall be preserved, maintained and supplemented.
  - (j) When the quarry and mine operation includes the use of open shafts or tunnels, the entrance to all shafts and tunnels shall be covered, closed off or otherwise protected against entry during non-working hours.
- (2) Reclamation of land subjected to quarry and mining extraction operations is an ongoing process, which shall occur as phases of the quarry and mine extraction operation are completed. The application for the Reclamation Permit specified in Section 24.040 of this Article shall comply with the following standards:



- (a) General Provisions and Timing.

  - 1. A schedule for reclamation shall define areas covered by each phase and the probable timing.
  - 2. Reclamation operations shall be consistent with the Metro Plan.
  - 3. All structures and buildings used in conjunction with the extraction and storing of minerals shall be removed following completion of the operation, unless such structures or buildings are suitable for other permitted uses or as determined by the Director.
  
- (b) Topsoil and Fill Material.

  - 1. Material used in refilling holes, pits and excavations shall be of a quality that will not decompose, contaminate or pollute the groundwater or surface, or cause subsidence either during the operation of the excavation or upon termination of the quarry and mine operations.
  - 2. All graded or back-filled areas, or banks shall be covered with topsoil to a depth sufficient to support vegetation and/or other approved cover adequate to control soil erosion.
  
- (c) Slopes and Grading. Excavations made to any setback lines shall meet the following requirements:\

  - 1. Where excavations have not been made to water-producing depth;
    - a. Slopes that are steeper than that of the immediately surrounding area shall be acceptable if they are designed by an engineer with expertise in the field of rock and soils mechanics and acceptable to the State Department of Geology and Mineral Industries. If the slopes are steeper than 1 vertical to 1 1/2 horizontal, provisions should be made so that people and wildlife can find safe egress from the excavation area.
    - b. The bottom of any excavation shall be graded so that drainage flows into one low area of the excavation. If drainage from this site is practical, the site shall be graded to discharge water to existing natural channels.
  - 2. Where excavations have been made to water-bearing strata;

- a. Excavations made to a water-producing depth creating lakes and ponds shall be deep enough to prevent stagnation and development of an insect-breeding area or back-filled with material that will not impair the groundwater quality.
  - b. All banks shall be sloped at a ratio no steeper than 1 vertical to 2 horizontal to a water depth of 3 feet, measured from the low water mark, and to 3 feet above the high water mark.
  - c. All grading shall be done to establish safe access to and egress from water for persons and wildlife.
3. Except as provided above, upon completion of operations, the condition of the land shall allow sufficient drainage to prevent water pockets or significant erosion. Natural drainage should be maintained so as to prevent harmful effects on neighboring property. The rate of drainage shall not be increased over what it would have been if the site had remained in its original use.
4. All quarry faces, which exceed 45 degrees should be benched. The bench face ratio shall not exceed 1 1/2 vertical to 1 horizontal. Benches shall be at least 10-feet wide.

#### **24.060 BLASTING STANDARDS.**

Operators using explosives for quarry and mine extraction shall follow explosive regulations and use engineering standards acceptable to the Public Works Director, based on physical conditions and atmospheric conditions of the site so as to prevent injury to persons and damage to public and private property.

- (1) When blasting is to be done within 500 feet of an occupied building, the operator, or an authorized agent, shall notify all occupants that a blast is to be initiated. Notice shall be given not more than six hours nor less than 30 minutes prior to detonation and shall include the approximate time of the blast.
- (2) Each operator shall maintain a record of each blast for at least two years. These records shall be available to the City, the State Department of Geology and Mineral Industries and other governmental agencies with appropriate jurisdiction upon request. The records shall show the following for each blast:
  - (a) Name of quarry or mine.
  - (b) Date, time and location of blast.
  - (c) Description of type of explosives and accessories used.

- (d) Time interval of delay in milliseconds.
- (e) Number of different delays.
- (f) Number of holes per delay.
- (g) Nominal explosive weight per hole.
- (h) Total explosive weight per delay.
- (i) Total weight of explosives per blast.
- (j) Blast hole diameter, depth, spacing and stemming height.

**(Ord. 5354 10/6/86):** Sections 24.010; 24.020; 24.030; 24.040; 24.050; 24.060.

**(Ord. 5551 2/4/91):** Section 24.030.

**(Ord. 5849 3/17/97):** Section 24.030.

**ARTICLE 25**

**WG WILLAMETTE GREENWAY OVERLAY DISTRICT**

25.010 GENERAL

25.020 DESCRIPTION

25.030 APPLICABILITY

25.040 REVIEW

25.050 PERMITTED AND DISCRETIONARY USES

25.060 GREENWAY SETBACK

25.070 DEVELOPMENT STANDARDS

## **ARTICLE 25**

### **WG WILLAMETTE GREENWAY OVERLAY DISTRICT**

#### **25.010 GENERAL.**

The regulations of WG Overlay District shall supplement the regulations of the underlying district. Where the regulations and permitted uses of an underlying district conflict with those of an Overlay District, the more restrictive standards shall apply.

#### **25.020 DESCRIPTION.**

It is the purpose of the WG Overlay District to protect and preserve natural scenic, historic and recreational qualities of lands along the Willamette River. This overlay district delineates the Willamette Greenway area for the City and establishes standards for the delineation of the Greenway Setback Area.

#### **25.030 APPLICABILITY.**

The WG Overlay District applies to all lands which are within 150 feet of the ordinary low water line on the channel of the Willamette River, or are adjacent to the river and are publicly owned for park and recreation purposes.

#### **25.040 REVIEW.**

- (1) Development proposals shall be reviewed under Type III procedure (Discretionary Use) and shall be in accordance with Article 31, Site Plan Review Standards and the standards of this Article.
- (2) A complete application together with all required materials shall be accepted by the Director prior to the review of the request in accordance with Section 3.050, Application Submittal.
- (3) Notice shall be given to the Oregon Department of Transportation by immediately forwarding a copy of the application by certified mail, return receipt requested. Notice of final City action shall also be provided to the Oregon Department of Transportation.

#### **25.050 PERMITTED AND DISCRETIONARY USES.**

Except for uses within the Greenway Setback Area, uses allowed in the WG Overlay District are the same as those in the underlying districts (refer to Section 32.130 for siting standards and review process for certain wireless telecommunications systems facilities). Any change or intensification of use, or construction that has a significant visual impact requires Discretionary Use Approval.

## **25.060 GREENWAY SETBACK.**

A Greenway Setback Line shall be established to protect, maintain, preserve and enhance the natural, scenic, historic and recreational qualities of the Willamette Greenway. Only water-dependent or water-related uses shall be permitted between the Willamette River and the Greenway Setback Line. The Greenway Overlay District shall substitute temporarily as the Greenway Setback Line for all properties within this Overlay District that do not have an established Setback Line. Establishment of this Setback Line may occur with or without a request for development approval, but any request for development approval on land without an established Setback Line must be accompanied by an application for establishment of the Greenway Setback Line. The location of the Greenway Setback Line shall be determined consistent with the following standards derived from Section C.3 of the Willamette River Greenway Goal 15:

- (1) Local, regional and State recreational needs shall be provided for consistent with the carrying capacity of the land. The possibility that public recreation use might disturb adjacent property shall be considered and minimized to the greatest extent possible.
- (2) Adequate public access to the river shall be provided.
- (3) Significant fish and wildlife habitats shall be protected.
- (4) Identified scenic qualities and view-points shall be preserved.
- (5) The maintenance of public safety and protection of public and private property, especially from vandalism and trespass shall be provided for to the maximum extent practicable.
- (6) The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable.
- (7) The location of known aggregate deposits shall be considered. Aggregate extraction may be permitted outside the Greenway Setback Area subject to compliance with State law, the underlying district and conditions of approval designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, quiet and safety and to guarantee reclamation.
- (8) Developments shall be directed away from the river to the greatest possible degree; provided, however, lands committed to urban uses shall be permitted to continue as urban uses, including port, public, industrial, commercial and residential uses, uses pertaining to navigational requirements, water and land access needs and related facilities.

## **25.070 DEVELOPMENT STANDARDS.**

In addition to Discretionary Use criteria specified in Section 10.030 of this Code, applications in the

WG Overlay District shall also meet the standards specified in Section 25.060 of this Article.

**(Ord. 5466 3/6/89):** Section 25.050.

**(Ord. 5804 12/18/95):** Section 25.040; 25.060.

**(Ord. 5849 3/17/97):** Section 25.050.

**ARTICLE 26**

**HD HILLSIDE DEVELOPMENT OVERLAY DISTRICT**

26.010 PURPOSE

26.020 RESERVED FOR FUTURE USE

26.030 APPLICABILITY

26.040 REVIEW

26.050 DEVELOPMENT DENSITY OPTIONS

26.060 STREET GRADE STANDARDS

26.070 REPORTS REQUIRED

26.080 MODIFICATION OF STANDARDS

26.090 FIRE PROTECTION REQUIREMENTS



**ARTICLE 26**

**HD HILLSIDE DEVELOPMENT OVERLAY DISTRICT**

**26.010 PURPOSE.**

The HD Overlay District ensures that development in hillside areas: Minimizes the potential for earth movement and resultant hazards to life and property; protects water quality by minimizing soil erosion and siltation; retains and protects natural vegetation, natural water features and drainageways, scenic quality and open space by minimizing vegetation removal in sloped areas; assures the compatibility of new development with surrounding areas; encourages site and building design that is consistent with the natural topography in order to minimize the cost of providing public infrastructure; provides for adequate access for emergency services; and otherwise protects the public health and safety.

**26.020 RESERVED FOR FUTURE USE.**

**26.030 APPLICABILITY.**

The HD Overlay District shall apply in residential zoning districts within the city limits and the City's urbanizable to areas above 670 feet elevation or where the percent of slope is 15 percent or greater.

**26.040 REVIEW.**

- (1) Development within the HD Overlay District shall be reviewed under Type II procedure, submitted concurrently with the applicable application for a: Site Plan Review, Property Line Adjustment, or a Partition or Subdivision Tentative Plan.
- (2) A complete application together with all required materials shall be submitted to the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

**26.050 DEVELOPMENT DENSITY OPTIONS.**

The developer has two options for the development of steeply sloped land. The first option, Option "A", is designed to correlate minimum lot sizes to the average slope of the development area. The second option, Option "B", is designed to allow for a density transfer bonus to stimulate development on those portions of the development area where the slope of the land is less than 15 percent. A combination of Options "A" and "B" may be used.

- (1) **OPTION "A" - AVERAGE SLOPE - MINIMUM LOT SIZE.** The site development requirements of the LDR District shall apply, with the exception of the minimum lot size and duplex standards. Determination of minimum lot size where the slope is 15 percent or greater is a 3 step process.
  - (a) Step 'A-1' Determine the area of the parcel where the slope of the land is:
    - 1. Less than 15 percent.

2. From 15 percent to 35 percent.
3. Greater than 35 percent.

Use the following formula to determine the % of slope:

$$\frac{\text{Vertical distance between contours}}{\text{Horizontal distance between contours}} = \frac{V}{H} \times 100 = \% \text{ slope}$$

Indicate the portions of the development area that are less than 15 percent; from 15 percent to 35 percent; and greater than 35 percent then use a planimeter to determine the land area of each category.

- (b) Step 'A-2' Determine the average slope of the portion of the development area where the slope of land is from 15 percent to 35 percent by using the following formula:

$$S = \frac{0.00229 \text{ I L}}{A}$$

Where:

S = Average % of slope for the area where the slope ranges from 15 percent to 35 percent.

I = Contour interval. (Not greater than 10 feet).

L = Summation of length of the contour lines within the area where the slope is from 15 percent to 35 percent.

A = Area in acres of the portion of the parcel where the slope is from 15 percent to 35 percent.

- (c) Step 'A-3' Determine the minimum lot size for the portion of the development area where the slope of the land is greater than 15% by using the following Table:

**TABLE 26-1**

AVERAGE SLOPE FRONTAGE	MINIMUM LOT SIZE PER DWELLING UNIT	MINIMUM PER LOT
Less than 15% **	10,000 sq. ft.	60 ft.
15% - 25%	10,000 Sq. Ft.	90 ft.
25% - 35%	20,000 sq. ft.	150 ft.
Over 35%	40,000 sq. ft.	200 ft.

\* Panhandles are permitted only when requirements of this Section pertaining to fire protection and lot size are met and the lot cannot be served with a public street. Minimum frontage standards for all other lots may be amended by the Director when it is found that the topography or location of natural features prevent achieving the standard. Cul de sac frontages are as specified in Section 16.030.

\*\* Wooded lots only

- (1) OPTION "B" DENSITY TRANSFER BONUS. In order to promote the preservation of natural slopes greater than 15 percent, and encourage solar access, development density transfer is encouraged when dividing land. The density transfer is only feasible where there are sizable portions of the development area which have slopes less than 15 percent, or which have a south-facing slopes of less than 25 percent. Determination of the density transfer bonus is a 4 step process:
  - (a) Step 'B-1' Determine the area of the parcel where the average slope of the land is:
    1. Less than 15 percent.
    2. From 15 percent to 35 percent.
    3. Greater than 35 percent.
    4. South-facing slopes 15 to 25 percent.
  - (b) Step 'B-2' Determine the average slope of the area of the parcel where the average slope of the land is from 15 percent to 35 percent by using the formula identified in Option A, Step 'A-2'.
  - (c) Step 'B-3' Determine the number of potential lots for the total development area which could have been permitted, for the portion of the parcel where the average slope is greater than 15 percent, if the average slope option had been considered by using Table 26-1 in Option "A", Step 'A-3'.
  - (d) Step 'B-4' Multiply the number of potential lots by 1.2 to determine the density that may be transferred to those sections of the development area where the slopes are less than 15 percent, or when the average south-facing slope is between 15 and 25 percent. In no case shall the density of the developed portion of the site exceed 8 dwelling units per developable acre, (i.e., excluding streets and open space). Land of greater than 15 percent average slope subject to density transfer provisions shall be maintained as permanent open space or dedicated for park use. Modification of standards as stated in Section 26.070 of this Article may be applied to the entire development area.

## **26.060 STREET GRADE STANDARDS.**

- (1) Streets shall be contoured in hillside areas to minimize environmental and scenic disruption.

- (2) Street grades may exceed the 12 percent local street standard specified in Section 32.020, Street Standards - Public only where topographical conditions make it impractical to meet the 12 percent standard, subject to the following conditions:
  - (a) Except for lots created prior to the adoption of the Comprehensive Zoning Code, 1982, no driveways or intersections shall be permitted where street grades exceed 12 percent.
  - (b) No street with a grade of 15 percent or greater shall be permitted for a distance of more than 200 feet.
  - (c) In no case shall a street grade exceed 18 percent for any distance.

### **26.070 REPORTS REQUIRED.**

Where the buildable portion of the land to be developed exceeds 15 percent average slope, the following reports shall be required and their conclusions applied in order to prevent or mitigate possible hazards to life and property and adverse impacts on the natural environment, consistent with the purpose of this Article.

- (1) Geotechnical Report. This report shall include data regarding the geology of the site, the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, and options and recommendations to maintain soil and slope stability and minimize erosion of the site to be developed in a manner imposing the minimum variance from the natural conditions. The investigation and report shall be prepared by a civil engineer/geologist or a geotechnical engineer.
- (2) Grading Plan Report. This plan shall include the following information:
  - (a) Existing and proposed details and contours (five-foot intervals) of property;
  - (b) Details of terrain and area drainage;
  - (c) Location of any existing buildings or structures on the property where the work is to be performed, the location of any existing buildings or structures on land of adjacent owners which are within 100 feet of the property or which may be affected by the proposed grading operations, and proposed or approximate locations of structures relative to adjacent topography;
  - (d) The direction of drainage flow and the approximate grade of all streets with the final determination to be made in accordance with Section 26.070(4) of this Article;
  - (e) Limiting dimensions, elevations, or finished contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels, and related construction;
  - (f) Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing drainage areas, the

complete drainage network, including outfall lines and natural drainageways which may be affected by the proposed development, and the estimated run-off of the area served by the drains;

- (g) A schedule showing when each stage of the project will be completed, including the total area of soil surface which is to be disturbed during each stage, and estimated starting and completion dates; the schedule shall be drawn up to limit to the shortest possible period the time that soil is exposed and unprotected. In no event shall the existing "natural" vegetative ground cover be destroyed, removed, or disturbed more than 15 days prior to grading or construction of required improvements. Within 15 days of grading or other pre-development activity that removes or significantly disturbs ground cover vegetation, exposed soil shall either be built upon (i.e., covered with gravel, a slab foundation or other construction), landscaped (i.e., seeded or planted with ground cover) or otherwise protected; and
  - (h) The Grading Plan shall be prepared by a civil engineer.
- (3) Vegetation and Re-vegetation Report. This report shall be in accordance with Section 38.030(2) of this Code if tree felling is proposed.
  - (4) Verification of Slope and Grade Percentages. Prior to acceptance of the Final Plat, all streets shall be cross-sectioned and their center-lines staked in the field, to determine the accuracy of preliminary slope and grade percentages. If there are significant differences between preliminary and final grade and slope determinations, i.e., density or street gradients exceed the limits set forth in this Article, the Tentative Plan shall be modified to reflect the revised information and resubmitted.
  - (5) Development Plan Report. A proposed development plan shall be submitted, depicting building envelopes for each lot, including driveway approaches and all other associated impervious surface areas. The applicant shall specify whether trees will be felled under one Tree Felling Permit, in accordance with Article 38 of this Code, as part of the subdivision construction process or by separate Tree Felling Permit for each individual lot prior to the issuance of a Building Permit. The plan shall be based upon the findings of the required reports in this Section and the lot coverage standards of Section 16.040. Building envelopes shall be specified in Covenants, Conditions, and Restrictions recorded with the Subdivision Plat.

#### **26.080 MODIFICATION OF STANDARDS.**

The Director may modify the standards of this Code, as they apply to the entire development area, within the following prescribed limits:

- (1) Front, side and rear yard setbacks may be reduced to zero (when in conformance with the Building Safety Codes); provided, however, where attached dwellings are proposed there shall not be more than 5 dwelling units in any group.

- (2) The reduction of public right of way, pavement width, and/or requirements for the installation of sidewalks as specified in Table 32-1 of this Code, may be allowed if provisions are made to provide off-street parking in addition to that required in Article 16, Residential Districts. The Director may require combinations of collective private driveways, shared parking areas and on-street parallel parking bays where topography, special traffic, building, grading, or other circumstances necessitate additional regulation to minimize land and soil disturbance and minimize impervious surface areas.
- (3) Height limitations may be removed, provided such additional height does not exceed 45 feet and that solar access standards are met.

## **26.090 FIRE PROTECTION REQUIREMENTS**

Additional fire protection requirements may be required in hillside development areas which are considered vegetated areas subject to wildfires as determined by the Fire Marshal.

- (1) All buildings with a gross area in excess of 1,500 square feet shall be constructed within 50 feet of an approved fire lane or public street. Fire apparatus access shall be provided to within 50 feet of the building (This may mean modifying the driveway designs for width, grade and construction material in order to meet fire lane requirements). Installation of a residential fire sprinkler system will be considered as an alternative to the requirement to be within 50 feet of a fire lane or street.
- (2) The developer shall specify in the recorded Covenants, Conditions and Restrictions that a wildfire defense plan for each lot, approved by the Fire Marshal, will be required prior to the issuance of a building permit.
- (3) All buildings located in or adjacent to vegetated areas subject to wildfires shall have a Class A or B roofing in accordance with the Oregon State Structural Specialty Code.

**(Ord. 5764 11/06/94):** Sections 26.030; 26.050; 26.070; 26.090.

**(Ord. 5804 12/18/95):** Section 26.050.

**(Ord. 5849 3/17/97):** Section 26.010.

**(Ord. 6133 07/18/05):** Sections 26.010, 26.020, 26.040, 26.070, and 26.080.



**ARTICLE 27**

**FP FLOODPLAIN OVERLAY DISTRICT**

27.010 GENERAL

27.020 DESCRIPTION

27.030 REVIEW

27.040 DEVELOPMENT STANDARDS

27.050 EMERGENCY APPROVAL

27.060 VARIANCE PROCEDURES

27.070 POST-FLOOD SUBSTANTIAL DAMAGE PROCEDURES

27.080 PERIODIC FLOODPLAIN INSPECTIONS AND ENFORCEMENT ACTIONS

27.090 LAND AND DRAINAGE ALTERATION PERMITS - ENFORCEMENT OF  
REGULATIONS AND PENALTIES

27.100 LAND DRAINAGE ALTERATION PERMITS - FEES



## **ARTICLE 27**

### **FP FLOODPLAIN OVERLAY DISTRICT**

#### **27.010 GENERAL.**

- (1) This Article shall apply to all areas of special flood hazard within the City and its urbanizable areas. These regulations shall supplement the regulations of the underlying District. Where the regulations and permitted uses of an underlying district conflict with those of an overlay district, the more restrictive standards shall apply.
- (2) The areas of special flood hazard for the City and its urbanizable areas under the jurisdiction of this Code are identified as follows:
  - (a) Those areas identified by the Federal Insurance Administration in scientific and engineering reports entitled "THE FLOOD INSURANCE STUDY FOR THE CITY OF SPRINGFIELD, LANE COUNTY, OREGON", dated June 2, 1999 and any revision thereto, and "THE FLOOD INSURANCE STUDY FOR LANE COUNTY, OREGON, UNINCORPORATED AREAS," dated June 2, 1999 and any revisions thereto, with accompanying Flood Insurance Maps;
  - (b) Areas of special flood hazard designated by the City Engineer as susceptible to inundation of water from any source where the above-referenced maps have not identified any special flood areas.
- (3) The flood insurance studies set forth above are hereby adopted by City Ordinance and filed with the City Engineer. These studies shall form the basis for the administration and implementation of this Article.
- (4) Warning and Disclaimer of Liability. The degree of flood protection required by this Article in the areas designated in Subsection (2) of this Section is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This Article does not imply that land outside the areas of special flood hazards or uses permitted within these areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City, or any officer or employee of the City, for any flood damage that may result from reliance on this Article or any administrative decision lawfully made under this Article.

#### **27.020 DESCRIPTION.**

- (1) It is the purpose of this Article to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. The provisions of this Article are designed to:

- (a) Protect human life and health.
  - (b) Minimize expenditure of public money on costly flood control projects.
  - (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
  - (d) Minimize prolonged business interruptions.
  - (e) 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 hazards.
  - (f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard to minimize future flood blight areas.
  - (g) Provide information to potential buyers of property in areas of special flood hazard.
  - (h) Minimize the threat to persons, property and urban water quality from flooding and inadequate or improper drainage resulting from uncontrolled development or redevelopment of land to include filling, grading, excavation, removal; earthwork construction including berms and dikes; stockpiling of materials; or other Land and Drainage Alterations.
- (2) In order to accomplish its purpose, this Article 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 which serve these uses, be protected against flood damage at the time of initial construction.
  - (c) Controlling the alteration of natural flood plains, stream channels and protective barriers, which help accommodate or channel flood waters.
  - (d) Controlling filling, grading, dredging and other development, which may increase flood damage.
  - (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters, or which may increase special flood hazards in other areas.

- (f) Issuing a Land and Drainage Alteration Permit.

**27.030 REVIEW.**

- (1) Development proposals within the FP Overlay District shall be reviewed under Type I procedure (refer to Section 32.130 for siting standards and review process for certain wireless telecommunications systems facilities). Development approval within the FP Overlay District, including a Land and Drainage Alteration Permit, shall be obtained before construction or development begins within any area of special flood hazard established in Section 27.010(2) of this Article. Approval shall be required for all structures, manufactured homes and development as defined in this Code.
  - (a) Special Review Procedures. The Director shall administer this Article in consultation with the Building Official and the City Engineer. They shall:
    1. Review all development applications to determine that the application requirements of this Article have been satisfied;
    2. Review all development applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies for which prior approval is required;
    3. Review all development applications to determine if the proposal is located in the floodway. If the proposal is located in the floodway, assure that the encroachment provisions of Section 27.040(3) of this Article are met.
    4. When base flood elevation data has not been provided by "THE FLOOD INSURANCE STUDY FOR THE CITY OF SPRINGFIELD, LANE COUNTY, OREGON," dated June 2, 1999 and any revisions thereto, or "THE FLOOD INSURANCE STUDY FOR LANE COUNTY, OREGON, UNINCORPORATED AREAS," dated June 2, 1999 and any revisions thereto, the City Engineer shall obtain, review and utilize any base flood elevation data and floodway data available from a Federal, State or other source in order to administer this Section.
    5. Where base flood elevation data is provided through the Flood Insurance Study or as specified in Subsection (l)(a).4 of this Section, 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;
    6. For all new or substantially improved flood-proofed structures:

- a. Verify and record the actual elevation (in relation to mean sea level); and
    - b. Maintain the flood-proofing certifications required in Section 27.040(2)(b)1.c. of this Article;
  - 7. Maintain for public inspection all records pertaining to the provisions of this Section;
  - 8. Notify adjacent communities and the Division of State Lands prior to any alteration or relocation of a watercourse, and submit evidence of this notification to the Federal Insurance Administration;
  - 9. Require that a program of periodic inspection and maintenance be provided with the altered or relocated portion of a watercourse so that the flood carrying capacity of the watercourse is not diminished; and
  - 10. Make interpretation, where needed, as to exact location of the boundaries of areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). A person contesting the location of the boundary may appeal the interpretation as specified in Article 15, Appeals.
- (2) A complete application together with all required materials shall be accepted by the Director prior to the review of the request as specified in Section 3.050, Application Submittal.
- (3) Applications shall also include the following information:
- (a) A Plot Plan drawn to scale showing the nature, location and dimensions and elevation referenced to mean sea level of the area in question, including existing and proposed structures, fill, storage of materials and drainage facilities. The Plot Plan shall also include all items required for a complete Land and Drainage Permit application.
  - (b) The elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
  - (c) The elevation in relation to mean sea level to which any structure has been flood-proofed;
  - (d) Certification by an engineer or architect that flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in Section 27.040(2)(b) of this Article:

- (e) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

**27.040 DEVELOPMENT STANDARDS.**

- (1) General Standards. In all areas of special flood hazard within the City and its urbanizable area, the following standards shall apply:
  - (a) Anchoring. All new construction, manufactured homes and substantial improvements subject to less than 18 inches of flood water during a 100 year flood shall be anchored to prevent flotation, collapse or lateral movement of the structure and shall be installed using methods and practices that minimize flood damage. Anchoring methods for manufactured homes 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). If subject to 18 inches or more of flood water, or located in the floodway, manufactured homes, except manufactured homes in Mobile Home Parks and Subdivisions, shall be anchored to prevent flotation or lateral movement and the design shall be certified by an engineer or architect. Manufactured homes in an existing Mobile Home Park or Subdivision may use the ties to ground anchors and additional techniques specified above.
  - (b) Construction Materials and Methods.
    - 1. All new construction and substantial improvements shall be constructed with approved materials and utility equipment resistant to flood damage.
    - 2. All new construction and substantial improvements shall be constructed using approved 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 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, constructed and maintained to minimize flood damage;
3. All subdivision proposals shall have adequate drainage to reduce exposure to flood damage; and
4. 100-year flood elevation data shall be provided and shown on final and subdivision plats. The boundaries of the 100-year flood and floodway shall be shown on the final subdivision plat.
5. A permanent monument shall be established and maintained on land subdivided, showing the elevation in feet above mean sea level. The location of the monument shall be shown on the final partition map or subdivision plat.
6. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be prepared by the applicant's engineer for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

**(e)** Review of Building Permits. Where base flood elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for Building Permits including those for manufactured home placement shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall include but not be limited to the use of historical data, high water marks, photographs of past flooding, where available. Failure to elevate at least two feet above (the exterior) grade in these zones may result in higher insurance rates. This requirement does not apply to manufactured homes in existing Mobile Home Parks and Subdivisions.

**(2)** Specific Standards. In all areas of special flood hazard within the City and its urbanizable area where base flood elevation data has been provided as specified in Sections 27.010(1) and (2) or 27.030(1)(a)4., 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 foot above the 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 flood-waters. Designs for meeting this requirement shall either be certified by an engineer or architect or shall meet or exceed the following minimum criteria:
  - a.** A minimum of two openings of equal size having a total net area of not less than one 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 foot above grade.
  - c.** Openings shall be located to allow unrestricted cross-flow of flood-waters through the enclosed area from one side to the other.
  - d.** Openings may be equipped with screens, louvers, or other coverings or devices if certified by an engineer or architect, provided that they permit the automatic entry and exit of flood-waters.

**(b)** Nonresidential Construction.

- 1.** New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have either the lowest floor, including basement, elevated to a level at least one foot above the base flood elevation; or together with utility and sanitary facilities shall:
  - a.** Be flood-proofed to one foot above the base flood level, so that the structure is watertight with walls substantially impermeable to the passage of water;
  - b.** Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

- c. Be certified by an 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. The certifications shall be provided to the Building Official as set forth in Section 27.030(1)(a)6.b. of this Article.
  - 2. Nonresidential structures that are elevated, not flood-proofed, shall meet the same standards for space below the lowest floor as specified in Subsection (2)(a)2. of this Section.
  - 3. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
- (c) **Manufactured Homes.**
- 1. All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE
    - a. on sites outside of a manufactured home park or subdivision,
    - b. ‘on sites in a new manufactured home park or subdivision,
    - c. on sites in an expansion to an existing manufactured home park or subdivision,
    - d. on sites within an existing manufactured home park or subdivision and upon which manufactured homes have incurred substantial damage as the result of flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to a height of one foot above the base flood elevation.
  - 2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH or AE that are not subject to the provisions of Subsection 1 above shall be elevated so that:
    - a. the lowest floor of the manufactured home is at or above the base flood elevation, or





- (a) Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited unless certification by an engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

**EXCEPTION:** Manufactured homes as well as other structures already in the floodway may be replaced if they are located in the same site and are the same size without such certification.

- (b) If the requirements of Subsection (3)(a) of this Section are satisfied, all new construction and substantial improvements shall comply with all applicable special flood hazard reduction provisions of Subsection (2) of this Section.
  - (c) Subdivision and partitioning of land for residential purposes is prohibited if land is located entirely within the floodway.
- (4) Encroachment. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

#### **27.050 EMERGENCY APPROVAL.**

In the case of an emergency, the Director may issue development approval, including a Land and Drainage Alteration Permit either orally or in writing:

- (1) If issued orally, written approval shall follow within 5 days setting forth the conditions of operation.
- (2) Emergency approval may be issued to protect existing shorelines or structures under immediate threat by flood or storm waters or for the prevention of channel changes that threaten immediate and significant loss of property.
- (3) A representative of the City may inspect the project site to verify that an emergency condition exists and that the emergency action will not adversely impact water resources.
- (4) Emergency approval shall be in effect for the time required to complete the authorized emergency action and shall not exceed 60 days.
- (5) Any emergency approval shall be circulated for public information within 10 days of issuance.

#### **27.060 VARIANCE PROCEDURES.**

- (1) A Variance from the provisions of this Article, with respect to the provisions for special flood hazard reduction, shall be processed in accordance with the procedures specified in Article 11, Variances.
- (2) The Approval Authority shall consider all technical evaluations, all relevant factors and standards specified elsewhere in this Article. A Variance shall be granted if the proposal is determined by the Approval Authority to meet each of the following criteria:

  - (a) There is no potential danger that materials may be swept onto other lands to the injury of others;
  - (b) There is no potential danger to life and property due to flooding, debris or erosion damage;
  - (c) There is no significant susceptibility of the proposed facility and its contents to flood damage and the effect of that damage on the individual owner;
  - (d) The facility necessitates a waterfront location, where applicable;
  - (e) There are no other alternative locations for the proposed use, which are not subject to flooding or erosion damage;
  - (f) The proposed use is compatible with existing and anticipated development;
  - (g) The proposed use is consistent with the Metro Plan and Flood plain management program for that area;
  - (h) There is adequate and safe access to the property in times of flood for ordinary and emergency vehicles;
  - (i) There has been adequate consideration of expected heights, velocity, duration, rate of rise, sediment, debris transported by the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (j) There are no substantial costs of providing governmental services during or after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (3) Reasonable conditions may be established in connection with a Variance if necessary to comply with the purpose and requirements of this Article. In cases where a Variance is granted to allow residential construction with a lowest floor elevation below the required minimum elevation, or nonresidential flood-proofing below the required minimum elevation, the applicant shall record a deed covenant, that the cost of flood insurance will be

commensurable with the increased risk resulting from the reduced floor elevation flood-proofing.

- (4) Variances may be issued for the reconsideration, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to procedures set forth in the remainder of this Section.
- (5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (6) Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the special flood hazard, to afford relief.

#### **27.070 POST-FLOOD SUBSTANTIAL DAMAGE PROCEDURES.**

- (1) Building inspectors from the Development Services Department shall make post-flood inspections immediately after a flood event to determine damage to structures by the flooding.
- (2) A list of damaged structures, which are not in compliance with the provisions of this Article, shall be reported to FEMA.
- (3) The City shall notify affected property owners prior to submitting the damage report to FEMA.

#### **27.080 PERIODIC FLOODPLAIN INSPECTIONS AND ENFORCEMENT ACTIONS**

Field staff from the Development Services Department and/or the Public Works Department shall make periodic inspections of floodplain areas both within the city limits and outside the city limits, but within the City's urban services area to establish that any activity involving the fill and/or removal of materials within the floodplain is being performed in compliance with an approved Land and Drainage Alteration Permit. The staff shall prepare a field report listing non-complying conditions to be delivered to the Director. Upon receipt of the report, the Director shall proceed with enforcement actions including, but not limited to: the issuance of a Stop Work Order; the issuance of a citation; and the commencement of civil legal proceedings.

#### **27.090 LAND AND DRAINAGE ALTERATION PERMITS - ENFORCEMENT OF REQUIREMENTS AND PENALTIES**

- (1) Within Springfield's city limits:
  - (a) Enforcement of the provisions of this Article shall be through commencement of civil legal proceedings in the Springfield Municipal Court. Violation of the

provisions of this Article including the failure to obtain a Land and Drainage Alteration Permit and the failure to comply with the requirements of a Land and Drainage Alteration Permit shall be punished by a fine not exceeding \$250.00 or imprisonment, not exceeding 100 days, or both fine and imprisonment. Every day of the violation shall constitute a separate offense.

**(b)** Enforcement of the provisions of this Article may also be through commencement of legal proceedings in Lane County Circuit Court. Upon determination that a violation has occurred, the court may:

1. Require the person responsible and/or the property owner to cease the violation of the provisions of this Article and bring the property into conformance with this Article;
2. Require the person responsible and/or the property owner to take action to return the property to its original condition action before any work initiated without a Land and Drainage Alteration Permit;
3. If the person responsible and/or the property owner does not return the property to its original condition within the prescribed time period, authorize the City to take whatever action is necessary to return the property to its original condition prior to the initiation of any work without a Land and Drainage Alteration Permit, or otherwise bring the property into conformance with the provisions of this Article;
4. Authorize the City to charge the costs for restoring the property to its original condition or for bringing the property into conformance with the provisions of this Article either against the property itself, the person responsible, or the property owner; and/or
5. Order the person responsible and/or the property owner to pay to the City its attorney fees and costs incurred in pursuing its civil legal remedies.

**(c)** Enforcement of the provisions of this Article may also be through the use of nuisance abatement procedures of Sections 5-15-1 to 5-15-12 of Springfield Code, 1965.

**(2)** Beyond Springfield's city limits but within Springfield's urban services area.

**(a)** Enforcement of the provisions of this Article may also be through commencement of legal proceedings in Lane County Circuit Court. Upon determination that a violation has occurred, the court may:

1. Require the person responsible and/or the property owner to cease the violation of the provisions of this Article and bring the property into conformance with this Article;
2. Require the person responsible and/or the property owner to take action to return the property to its original condition before any work initiated without a Land and Drainage Alteration Permit;
3. If the person responsible and/or the property owner does not return the property to its original condition within the prescribed time period, authorize the City to take whatever action is necessary to return the property to its original condition prior to the initiation of any work without a Land and Drainage Alteration Permit, or otherwise bring the property into conformance with the provisions of this Article;
4. Authorize the City to charge the costs for restoring the property to its original condition or for bringing the property into conformance with the provisions of this Article either against the property itself, the person responsible, or the property owner; and/or
5. Order the person responsible and/or the property owner to pay to the City its attorney fees and costs incurred in pursuing its civil legal remedies.

#### **27.100 LAND AND DRAINAGE ALTERATION PERMITS - FEES**

Permit Fees shall be as specified on the current Land and Drainage Alteration Permit forms.

(Ord. 5366 3/16/87): Sections 27.010; 27.020; 27.030; 27.040; 27.050; 27.060.

(Ord. 5407 10/19/87): Section 27.040.

(Ord. 5491 9/18/89): Section 27.040.

(Ord. 5551 2/4/91): Section 27.040.

(Ord. 5840 2/3/97): Section 27.010; 27.030.

(Ord. 5849 3/17/97): Section 27.030.

(Ord. 5858 6/5/97): Section 27.020; 27.030; 27.050; 27.070; 27.080; 27.090; 27.100.

**(Ord. 5924 5/17/99):** Section 27.010; 27.030

**ARTICLE 28**

**HS HOSPITAL SUPPORT OVERLAY DISTRICT**

28.010 GENERAL

28.020 DESCRIPTION

28.030 APPLICABILITY

28.040 REVIEW

28.050 PERMITTED OR DISCRETIONARY USES

28.060 DEVELOPMENT STANDARDS



## **ARTICLE 28**

### **HS HOSPITAL SUPPORT OVERLAY District**

#### **28.010 GENERAL.**

The regulations of HS Overlay District shall supplement the regulations of the underlying district. Where the regulations and permitted uses of an underlying district conflict with those of an Overlying District, the more restrictive standards shall apply.

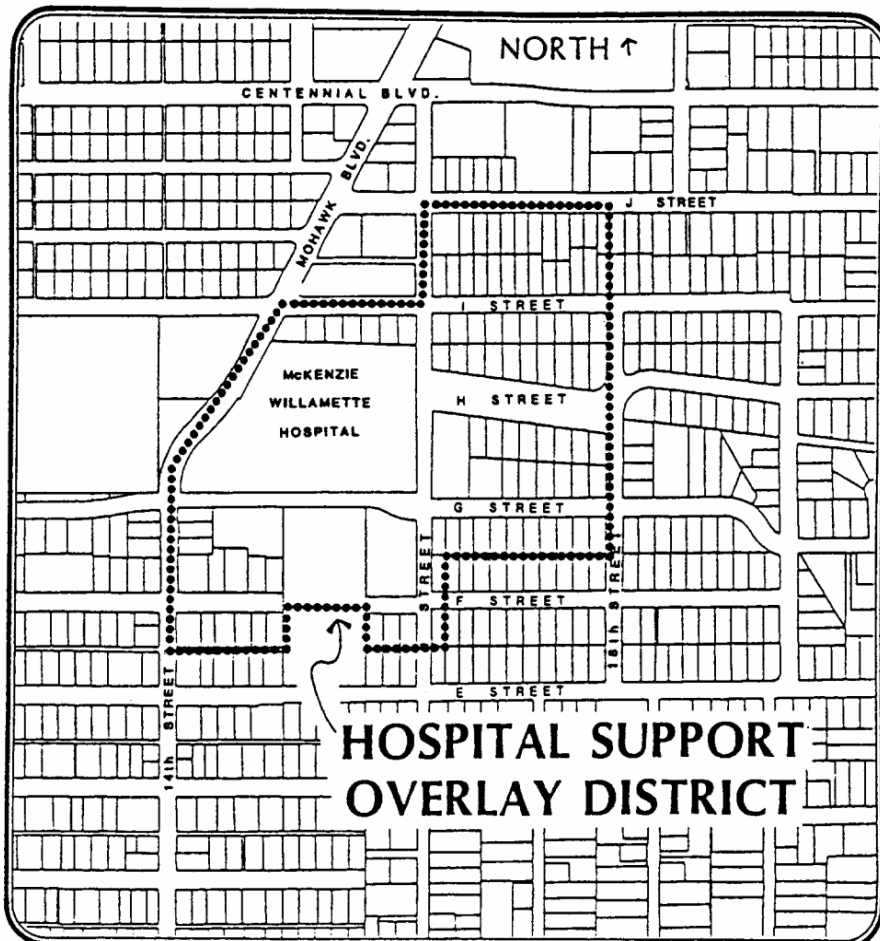
#### **28.020 DESCRIPTION.**

The HS Overlay District is designed to provide an area in the immediate vicinity of the McKenzie-Willamette Hospital for future hospital expansion and for hospital related support services.

#### **28.030 APPLICATION.**

The provisions of this Article apply only to the land within the boundaries of the HS Overlay District:

within the boundaries of the HO Overlay District.



Description: Beginning at the northeast corner of “G” Street and Mohawk Blvd. running northeast 700 feet more or less along Mohawk Blvd. to the southeast corner of “T” Street and Mohawk Blvd.; thence east 475 feet more or less along “T” Street to the southeast corner of “T” Street and North 16th Street; thence north 345 feet more or less along N. 16th Street to the southeast corner of “J” Street and North 16th Street; thence east 645 feet more or less along “J” Street to a point on the northerly extension of the west line of North 18th Street; thence south 1175 feet more or less to a point on the west side of North 18th Street midway between “G” Street and “F” Street; thence west 578 feet to a point 52.3 feet from the east side of North 16th Street; thence south 315 feet more or less to a point 128 feet north of the north side of “E” Street; thence west 291.6 feet; thence north 155 feet more or less to the center of “F” Street; thence west 295 feet more or less; thence south 160 feet to the center of an alley between “E” Street and “F” Street; thence west 385 feet more or less along the center of said alley to a point on the east side of North 14th Street; thence north 535 feet more or less along the east side of North 14th Street to the point of beginning.

**28.040 REVIEW.**

- (1) Development proposals shall be reviewed under Type II procedure (Site Plan Review).

- (2) A complete application together with all required materials shall be accepted by the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

**28.050 PERMITTED OR DISCRETIONARY USES.**

The following uses may be allowed in the HS Overlay District as indicated, subject to the provisions, additional restrictions and exceptions set forth in this Code.

- (1) Physicians services
- (2) Dental services
- (3) Hospital services, including medical heliport
- (4) Medical laboratory services
- (5) Dental laboratories
- (6) Group care homes
- (7) Medical clinic, out-patient service
- (8) Other medical and health services, including food service, cafeteria and laundry service
- (9) Certain Wireless Telecommunications Systems Facilities (Article 32). Refer to Section 32.130 for siting standards and review process in the HS HOSPITAL SUPPORT OVERLAY District
- (10) Residential or skilled care facilities
- (11) Secondary uses such as medical-related retail and service uses, restaurants, convenience stores and services, and day care facilities not to exceed 10% of the gross floor area of all the buildings in a development area.
- (12) Parking garages

**28.060 DEVELOPMENT STANDARDS.**

- (1) All yard, lot size, coverage, density, fencing, parking and sign standard shall be subject to the same standards as professional offices in residential districts, except hospital signs which may be internally illuminated.
- (2) A minimum of 25 percent of the lot shall be of planted material.

**(3)** Parking lots shall meet the planting standards applicable to commercial development.

**(Ord. 5407 10/19/87):** Section 28.060

**(Ord. 5849 3/17/97):** Section 28.050

**(Ord. 5988 7/16/2001):** Section 28.040; 28.050; and 28.060

**ARTICLE 29**

**UF-10 URBANIZABLE FRINGE OVERLAY DISTRICT.**

29.010 PURPOSE

29.020 RESERVED FOR FUTURE USE

29.030 APPLICABILITY

29.040 REVIEW

29.050 SCHEDULE OF USE CATEGORIES WHEN THERE IS AN UNDERLYING  
RESIDENTIAL DISTRICT

29.060 SCHEDULE OF USE CATEGORIES WHEN THERE IS AN UNDERLYING  
COMMERCIAL OR INDUSTRIAL DISTRICT

29.070 SPECIAL USE STANDARDS

## **ARTICLE 29**

### **UF-10 URBANIZABLE FRINGE OVERLAY DISTRICT**

#### **29.010 PURPOSE.**

To effectively control the potential for urban sprawl and scattered urbanization, compact growth and the urban service area concepts are, and will remain, the primary growth management techniques for directing geographic patterns of urbanization in the City. The UF-10 Overlay District implements the "Growth Management and the Urban Service Area" policies of the Metro Plan by limiting the interim parcelization and prohibiting urban development of unincorporated urbanizable land. This land will eventually be annexed to the City, and provided with a minimal level of key urban services to allow development at urban levels. All interim development shall be designed and constructed to City standards. The regulations of UF-10 Overlay District supplement the regulations of the underlying City district. Where the regulations and permitted uses of an underlying district conflict with those of an Overlay District the more restrictive standards shall apply.

#### **29.020 RESERVED FOR FUTURE USE.**

#### **29.030 APPLICABILITY.**

- (1) The provisions of the UF-10 Overlay District shall apply to all of the City's urbanizable properties.

**EXCEPTION:** The provisions of the UF-10 Overlay District shall not apply to land designated Government and Education on the Metro Plan Diagram.

- (2) The UF-10 Overlay District shall cease to apply upon annexation to the City.

#### **29.040 REVIEW.**

- (1) The siting of single-family residences in the UF-10 Overlay District that require a Future Development Plan shall be reviewed under Type I procedure.
- (2) Partitions shall be reviewed under Type II procedure.
- (3) All other requests shall be reviewed in accordance with the procedures applicable in the underlying district (refer to Section 32.130 for siting standards and review process for certain wireless telecommunications systems facilities).
- (4) The Hearings Official shall hear all Type III land use requests.
- (5) A complete application together with all required materials shall be submitted to the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

**29.050 SCHEDULE OF USE CATEGORIES WHEN THERE IS AN UNDERLYING RESIDENTIAL DISTRICT.**

The following uses may be permitted in the underlying residential district subject to the provisions, additional restrictions and exceptions set forth in this Code. **EXCEPT AS SPECIFIED IN SECTION 29.030 (2), URBAN USES (e.g., multiple-family or churches) NOT LISTED IN THE UF-10 OVERLAY DISTRICT ARE NOT PERMITTED.**

**"P"** = **PERMITTED USE**, subject to the standards of this Code; may be processed under Type I, II or III procedures.

**"S"** = **SPECIAL USE**, subject to special locational and siting standards to be met prior to being deemed a permitted use; may be processed under Type I, II or III procedures.

\* =

**SITE PLAN REVIEW REQUIRED**

- |       |   |    |
|-------|---|----|
| (1)   | Agricultural uses and structures                                  | P  |
| (2)   | Day Care  |    |
| (a)   | Day Care Homes  | P  |
| (b)   | Day Care Group Homes  | P  |
| (3)   | Detached single-family dwellings and manufactured homes           | S  |
| (4)   | Home Occupations (29.070(7))                                      | S  |
| (5)   | Neighborhood parks that do not require urban services (29.070(4)) | S* |
| (6)   | Partitions (29.070(5))  | P  |
| (6.5) | Property Line Adjustments   | P  |
| (7)   | Public Utility Facilities   |    |
| (a)   | High Impact Facilities (29.070(6))                                | S* |

(b)	Low Impact Facilities	P
(8)	Temporary sales/display of produce, the majority of which is grown on the premises.	P
(9)	Tree felling (Article 38)	S
(10)	R.V. parks and campgrounds (29.070(9))	S*

**29.060 SCHEDULE OF USE CATEGORIES WHEN THERE IS AN UNDERLYING COMMERCIAL OR INDUSTRIAL DISTRICT.**

Only the following urban uses specifically listed may be permitted when the UF-10 District overlays a commercial or industrial zone, subject to the provisions, additional restrictions and exceptions set forth in this Code.

**EXCEPT AS SPECIFIED IN SECTION 29.030 (2), URBAN USES NOT LISTED IN THE UF-10 OVERLAY DISTRICT ARE NOT PERMITTED.**

**"P" = PERMITTED USE**, subject to the standards of this Code; may be processed under Type I, II or III procedures.

**"S" = SPECIAL USE**, subject to special locational and siting standards to be met prior to being deemed a permitted use; may be processed under Type I, II or III procedures.

**"D" = DISCRETIONARY USE**, may or may not be permitted, based upon the application of general criteria; may be subject to special locational and siting standards to be met prior to being deemed a permitted use; processed under Type III procedures.

\* = **SITE PLAN REVIEW REQUIRED**

(1)	Agricultural uses and structures	P
(2)	Expansion of non-conforming uses existing on the effective date of Lane County's application (on either the /ICU or I/U District to the property.	D*
(3)	Expansion or replacement of lawful uses permitted in the underlying commercial or industrial District (29.070(8))	S*
(4)	Expansion or replacement of lawful Discretionary Uses in the underlying District.	D*



- (5) Home occupations (29.070(7)) S
- (6) New Permitted and Special Uses in the underlying District within existing structures (29.070(8)) S\*
- (7) Manufactured home (night watch person) or manufactured unit (office) in an industrial District (36.190) S\*
- (8) Public Utility Facilities
  - (a) High Impact Facilities (29.070(6)) S\*
  - (b) Low Impact Facilities P
- (9) RV parks and campgrounds that do not require urban services D\*
- (10) Temporary sales/display or produce, the majority if which is grown on the premises. P
- (11) Tree felling (Article 38) S
- (12) Certain Wireless Telecommunications Systems Facilities (Article 32). Refer to Section 32.130 for siting standards and review process in all commercial and industrial zoning districts.

**29.070 SPECIAL USE STANDARDS.**

- (1) General.
  - (a) The City shall not extend water or sanitary sewer service outside the city limits, unless the property owner obtains annexation approval from the LCLGBC.
  - (b) The Lane County Sanitarian shall certify that the proposed individual waste water disposal system meets D.E.Q. standards prior to Development Approval.
  - (c) Future Development Plans, where required, shall comply with the following standards:
    - 1. Location of future right-of-way dedications based on TransPlan, the adopted Local Street Plan or block length and lot size standards of the SDC;

2. Redivision plan at minimum urban density for any lot that is large enough to further divide or a plot plan showing building foot prints for MDR and HDR minimum densities; and
  3. Location of natural resources, regulated wetlands, natural drainage/stormwater management areas and wooded areas showing how future development will address preservation, protection or removal.
- (d) Special and Discretionary uses shall meet the standard of Subsection (8) of this Section, and shall also meet applicable Special Use Standards and/or Discretionary Use criteria.
  - (e) Lane County shall be considered an affected party and notified of all development applications.
- (2) Reserved for Future Use.
  - (3) Siting of Residential Uses.
    - (a) Detached single family dwellings shall be sited so as to allow the future division and/or more intensive use of the property consistent with the Metro Plan. Siting of single family homes on any lot or parcel designated MDR or HDR, or any lot or parcel 5 acres or more in size and designated LDR, shall require approval of a Future Development Plan prepared in compliance with Subsection (1)(c)(1-3) of this Section.
    - (b) The applicable on-site sewage disposal facility or Building Permit shall be conditional, and made a part of such permit as necessary to achieve the standards of this Overlay District. Additional development restrictions that limit the location of buildings and on-site sewage disposal facilities shall be applied where necessary to reserve land for future urban development.
      1. Approval of a Future Development Plan for the property to achieve ultimate densities provided in the Metro Plan.
      2. Additional development restrictions that limit the location of buildings and on-site sewage disposal facilities shall be applied where necessary to reserve land for future urban development.
  - (4) Neighborhood Parks shall be shown on the Metro Plan or an adopted refinement plan, or shall be reviewed under Type III Discretionary Use procedures.
  - (5) Partitions. Proposed Partitions in the City's urbanizable area shall meet the standards and approval criteria of Article 34 of this Code. Any property to be partitioned that is within the distances specified

in OAR 340-071-0160(4) shall require annexation to the City, unless the Director determines that a topographic or man-made feature makes the connection physically impractical.

- (6) High Impact Public Utility Facilities.
  - (a) The facility shall be designated on a public facilities plan or be approved in accordance with a Type III procedure (Discretionary Use).
  - (b) A Planting Plan in accordance with Article 31 of this Code shall be effective in screening the facility from affected uses.
- (7) Home occupations shall meet the standards of Section 16.100(6) of this Code.
- (8) New permitted uses and expansion of permitted uses in commercial and industrial districts shall demonstrate that the use will not generate singly or in the aggregate additional need for key urban services.
- (9) R.V. parks and campgrounds shall be located on land classified Public Land and Open Space (PLO) and be subject to the standards specified in this Subsection and standards and criteria specified ; n Section 23.100 of this Code.
- (10) Certain wireless telecommunications systems facilities attempting to site in an underlying district not identified in Sections 29.050 and 29.060 shall be subject to the siting standards and review process in Section 32.130 for the respective underlying zoning district.

**(Ord. 5358 11/17/86):** Sections 29.040; 29.050; 29.060; 29.070.

**(Ord. 5407 10/19/87):** Sections 29.030; 29.040; 29.050; 29.060; 29.070.

**(Ord. 5466 3/6/89):** Sections 29.050; 29.070.

**(Ord. 5551 2/4/91):** Section 29.040.

**(Ord. 5591 10/21/91):** Section 29.020.

**(Ord. 5601 12/2/91):** Section 29.050.

**(Ord. 5660 10/5/92):** Sections 29.050; 29.070.

**(Ord. 5704 7/6/93):** Section 29.070.

**(Ord. 5804 12/18/95):** Section 29.050; 29.060; 29.070.

**(Ord. 5849 3/17/97):** Section 29.040; 29.050; 29.060; 29.070.

**(Ord. 5867 12/1/97):** Section 29.040.

**(Ord. 6096 7/26/2004):** Section 29.030(1) amended (2) removed.

**(Ord. 6133 07/18/05):** Title page; Sections 29.010, 29.020, 29.030, 29.040, 29.050, 29.060, and 29.070.

**ARTICLE 30**

**HISTORIC OVERLAY DISTRICT**

30.010 GENERAL

30.020 DESCRIPTION

30.030 APPLICABILITY

30.040 REVIEW

30.050 ESTABLISHMENT OF THE HISTORIC LANDMARK INVENTORY

30.060 REMOVAL OF INDIVIDUAL HISTORIC LANDMARK SITES AND STRUCTURES  
FROM THE HISTORIC LANDMARK INVENTORY

30.070 ESTABLISHMENT AND MODIFICATION OF HISTORIC LANDMARK  
DISTRICTS

30.080 SCHEDULE OF USE CATEGORIES

30.090 DEVELOPMENT STANDARDS

30.100 MAJOR AND MINOR ALTERATION STANDARDS

30.110 DEMOLITION STANDARDS

## ARTICLE 30

### H HISTORIC OVERLAY DISTRICT

#### 30.010 GENERAL.

The regulations of the H Overlay District shall supplement the regulations of the underlying district. In cases where the regulations conflict, the H Overlay District regulations shall supersede the underlying district regulations.

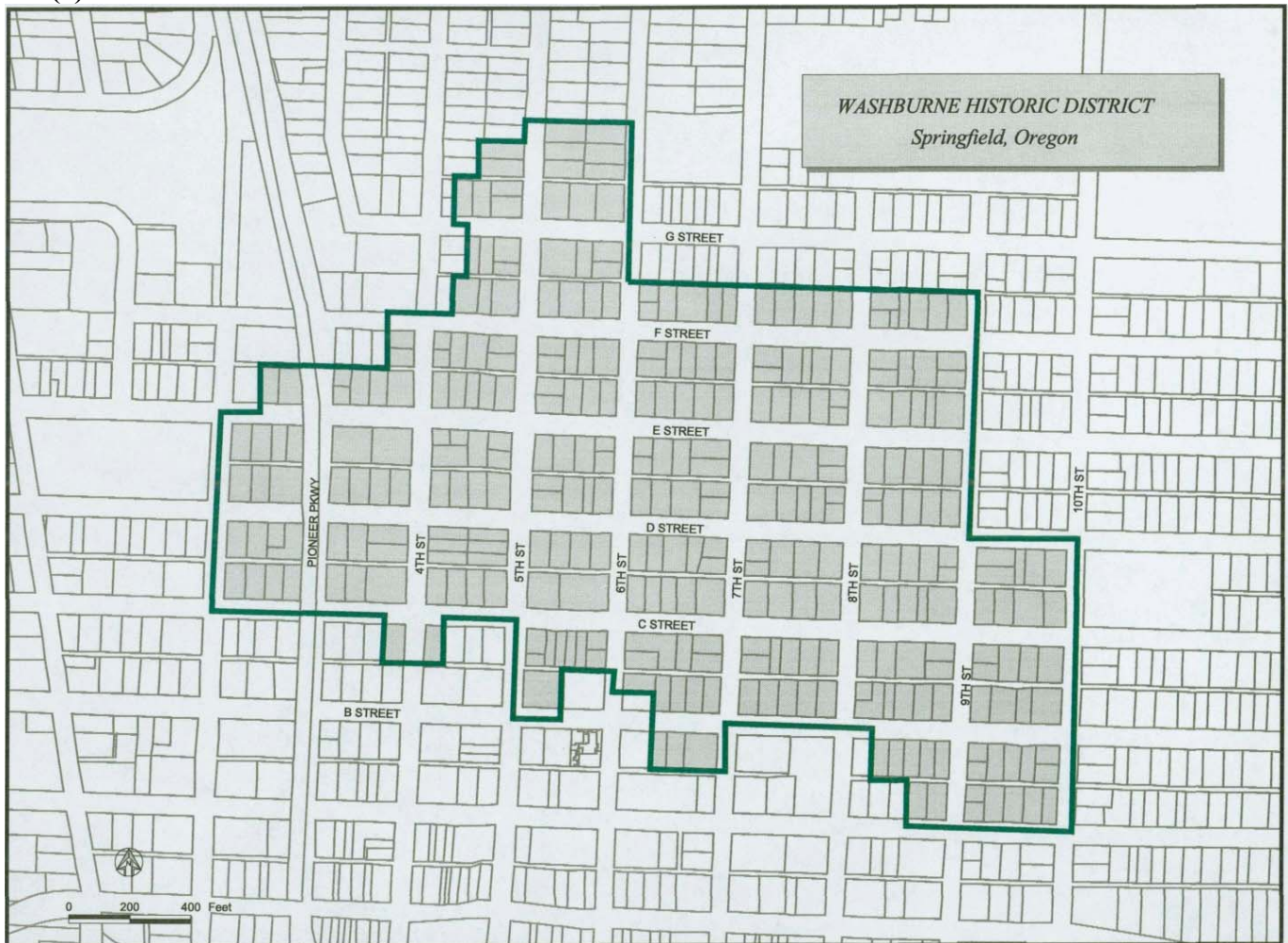
#### 30.020 DESCRIPTION.

The purpose of this Article is to encourage the restoration, preservation and adaptive use of identified Historic Landmark Structures and Sites. The H Overlay District implements the historic policies of the Metro Plan, the Washburne Historic Landmark District, Chapter 1 of the Springfield Code, 1965 and OAR Chapter 660.

#### 30.030 APPLICABILITY.

This Article shall apply in the following instances:

- (1) To all structures and sites within the Washburne Historic Landmark District:



- (2) To all structures and sites that appear on the adopted Historic Landmark Inventory within the City or its urbanizing areas, including individually designated Historic Landmarks:

Stevens and Perkins Building	330 Main Street
I.O.O.F. Building	346 Main Street
Pacific Power & Light Building	590 Main Street
Southern Pacific Railroad Depot	310 S. 7 <sup>th</sup> Street
Brattain / Hadley House	1260 Main Street
Stewart House	214 2 <sup>nd</sup> Street
Douglas House	961 S. 32 <sup>nd</sup> Street
Thurston Grange Hall	66 <sup>th</sup> Street & Thurston Road

**30.040 REVIEW.**

- (1) The Historical Commission shall make recommendations of the following to the Planning Commission or City Council:
- (a) The establishment or modification of a Historic Landmark District (e.g. the Washburne Historic Landmark District) shall be reviewed under Type IV procedure (see Section 30.070 of this Article.)
  - (b) The establishment of the Historic Landmark Inventory shall be reviewed under Type III procedure (see Section 30.050 of this Article).
  - (c) The removal of individual Historic Landmark Sites and Structures from the Historic Landmark Inventory shall be reviewed under Type III procedure (see Section 30.060 of this Article).
  - (d) Demolition of Historic Landmark Structures shall be reviewed under Type III procedure (see Section 30.110 of this Article).
  - (e) Any Discretionary Use listed in the underlying district shall be reviewed under Type III procedure (see the appropriate Article of this Code).
- (2) The following major alterations of Historic Landmark Sites or Structures shall be reviewed under Type II procedures (see Section 30.100 of this Article):
- (a) Additions, partial demolitions, or substantial alterations to a building facade;

- (b) Change to a more intensive use category as defined in the underlying District;
  - (c) Installation of four or more parking places;
  - (d) Removal or radical trimming of large established trees or vegetation, except where necessary for immediate public safety as determined by the City Engineer;
  - (e) Special uses in the Washburne Historic Landmark District listed in Section 30.080(2) of this Article;
  - (f) New construction of 1,000 square feet or more within the Washburne Historic Landmark District;
  - (g) Any other alteration or use that the Director determines may detract from the historic character of a Historic Landmark Site or Structure.
- (3) The following minor alterations of Historic Landmark Sites and Structures shall be reviewed under Type I procedures (See Section 30.100 of this Article):
- (a) Construction, modification or demolition of accessory structures;
  - (b) Additions, partial or total demolitions or substantial alterations to the building facades of non-contributing and intrusive structures within the Washburne Historic Landmark District;
  - (c) Replacement of damaged exterior features with virtually identical materials.
  - (d) Additions, partial demolitions or alterations to Historic Landmark Sites and Structures which fully conform to the standards of Section 30.100 of this Article and which are not visible from the street;
  - (e) Installation of fewer than four parking spaces;
  - (f) Installation of signs of less than four square feet;
  - (g) Any similar alteration or use which does not detract from the character of a Historic Landmark Site or Structure.
- (4) A complete application together with all required materials shall be accepted by the Director prior to the review of the request as specified in Section 3.050, Application Submittal. The application shall include a Plot Plan and exterior elevations of sufficient detail to determine compliance, as prescribed by the Director or Historical Commission.

### **30.050 ESTABLISHMENT OF THE HISTORIC LANDMARK INVENTORY.**

- (1) The following criteria shall be considered by the Historical Commission or Planning Commission in establishing sites or structures on the Historic Landmark Inventory. In



each case the approval authority shall determine whether the Historic Landmark Site or Structure is:

- (a) Associated with historic or famous events;
  - (b) Old (usually at least 50 years old);
  - (c) Representative of a period or style of architecture or method of construction;
  - (d) Recognized as having architectural merit, by reason of unusual or extraordinary design, detail, use of materials or craftsmanship;
  - (e) Identified as the work of an architect, designer, or master builder whose individual work has influenced development in the City, State or Nation;
  - (f) Included in the National Register of Historic Places;
  - (g) Related to the broad cultural history of the City, State or Nation;
  - (h) Identified with a person or persons, organizations or events that have contributed significantly to the history of the City, State or Nation;
  - (i) Identified as a unique aesthetic or educational feature of the City.
- (2) If at least two of the criteria specified in Subsection 30.050(1) of this Section apply, and the Historic Landmark Site or Structure is not in an advanced state of deterioration, the Planning Commission upon the recommendation of the Historical Commission may add the Historic Landmark Site or Structure to the Historic Landmark Inventory.
- (3) Once a Historic Landmark Site or Structure is included in the Historic Landmark Inventory, it is automatically subject to the provisions of the H Overlay District.

### **30.060 REMOVAL OF INDIVIDUAL HISTORIC LANDMARK SITES AND STRUCTURES FROM THE HISTORIC LANDMARK INVENTORY.**

In order to remove a Historic Landmark Site or Structure from the Historic Landmark Inventory, the Historical Commission shall determine that:

- (1) The original criteria used in determining historical significance specified in Section 30.050(1) of this Article were erroneously applied; or
- (2) That demolition has been approved in accordance with Section 30.110 of this Article.

### **30.070 ESTABLISHMENT AND MODIFICATION OF HISTORIC LANDMARK DISTRICTS.**

- (1) Historic Landmark District Preservation Plans shall be defined as Refinement Plans of the Metropolitan Area General Plan.

- (2) The provisions of Article 8, Adoption or Amendment of Refinement Plan Text or Refinement Plan Diagrams shall apply to the establishment and modification Of Historic Landmark Districts.
- (3) The applicant shall demonstrate that the establishment or modification of an Historic Landmark District is in conformance with the following additional criteria:
  - (a) The proposed are can be logically bounded and is distinguishable from the surrounding areas; and
  - (b) The area possesses a significant number of Historic Landmark Sites and/or Structures; or
  - (c) The area possesses a significant concentration, linkage or continuity of sites and/or structures that may individually lack distinction but are collectively important due to their visual or historic association.

**30.080 SCHEDULE OF USE CATEGORIES.**

- (1) Historic Landmark Sites and Structures. The categories of uses listed in the underlying district shall be permitted, provided that the integrity of the historic landmark site or structure can be maintained as specified in this Article (Refer to Section 32.130 for siting standards and review process for certain wireless telecommunications systems facilities for all underlying zoning districts in the Historic Overlay District.
- (2) The Washburne Historic Landmark District. To encourage investment in the historic restoration of existing homes, limited small-scale businesses shall be considered in residential districts. These businesses may operate out of a home, provided that the residential character of the neighborhood and the integrity of the Historic landmark Site or Structure is not substantially altered. Therefore, in addition to uses permitted in the underlying residential district, the following additional uses may be permitted subject to the special use standards of Subsection (3) of this Section and the provisions, additional restrictions and exceptions specified in this Article.
  - (a) Professional offices. Such as accountants, architects, attorneys, counselors, engineers, insurance agents, medical practitioners, planners, and real estate sales.
  - (b) Studios for artists, interior decorators or photographers.
  - (c) Retail sales of hand-crafted merchandise, original art or antiques, exclusive of mass-produced items, copies of original art objects, or second-hand goods with limited historical value as determined by the Historical Commission.
  - (d) Bed and Breakfast facilities.
- (3) Washburne Historic Landmark District Special Use Standards.

- (a) Both the business and the dwelling shall be owned and operated by the resident.
  - (b) Not more than 40% of the habitable floor area of the dwelling may be used for business purposes; i.e. at least 60% of the habitable floor area shall be used for residential purposes.
  - (c) The business may not employ more than two full-time support persons, exclusive of family members who reside on the premises. All professional practitioners shall reside on premises.
  - (d) In addition to the two required parking spaces for the dwelling, one off-street parking space shall be required for each full time employee.
    - 1. Access to employee parking shall be through an alley, and employee parking spaces shall not be located between the house and front or street side property line.
    - 2. In cases where the installation of employee parking would require the removal of a Historic Landmark Site or Structure, the Historical Commission may waive one or both of the required spaces if substantial traffic problems would not result. In making this determination, the Historical Commission shall consider the report of the Transportation Manager.
  - (e) No display of merchandise either from the windows of a structure or on the property itself shall be permitted.
  - (f) No commercial vehicle repair and/or sales shall be permitted.
  - (g) Home businesses shall not be open to the public on Sundays or holidays recognized by the City, except for activities sponsored by the City or the Washburne Neighborhood Association.
  - (h) Hours of operation shall be limited as follows:
    - 1. On local streets, from 9:00 a.m. to 8:00 p.m.
    - 2. On collector or arterial streets, from 7:00 a.m. to 10:00 p.m.
- (4) Commercial uses specified in Section 30.080(2)(a), (b) and (c) may be permitted on Assessor's Map 17-03-35-24 Tax Lots 10800, 10801, 10900, 12900, 13000 and 13100 when the integrity of the Historic Landmark Site or Structure is not substantially altered provided that:
- (a) The development meets the standards of Article 31, Site Plan Review.
  - (b) Parking areas shall have paved alley access, and shall not be located between the house and front or stressed property line.

- (c) In cases where the installation of parking would require the removal of a Historic Landmark Site or Structure, the Historical Commission may waive up to 50% of the required spaces if substantial traffic problems would not result. In making this determination, the Historical Commission shall consider the report of the City Engineer.
- (d) No display of merchandise for sale that is incompatible with the residential character of the neighborhood shall be permitted.
- (e) No commercial vehicle repair and/or sales shall be permitted.

### **30.090 DEVELOPMENT STANDARDS.**

The setback, lot size, lot coverage, density, building height, sign and parking standards of the underlying district shall apply, except that the following H Overlay District development standards shall supersede the standards of the underlying district.

- (1) In order to protect the historical character of an Historic Landmark District or an individual Historic Landmark Structure, residential garages may be permitted to abut an alley, provided that:
  - (a) Minimum fire separation as required by the Building Safety Codes is not exceeded; and
  - (b) Access is taken from the alley.

### **30.100 MAJOR AND MINOR ALTERATION STANDARDS.**

- (1) The following standards apply to major and minor alterations specified in Subsections 30.040(2) and (3) of this Article, within the H Overlay District.
  - (a) Any proposed use shall minimize exterior alteration of the Historic Landmark Site or Structure and its environment; uses that require substantial exterior alteration shall not be permitted.
  - (b) The distinguishing original qualities of the Historic Landmark Site or Structure and its environment shall not be substantially altered. The removal or alteration of any historic material or distinctive architectural features shall be prohibited except where an immediate hazard to public safety exists.
  - (c) All Historic Landmark Sites or Structures shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be prohibited.
  - (d) Changes that have taken place in the course of time are evidence of the history and development of an Historic Landmark Site or structure and its environment. Where changes have acquire significance in their own right, this significance shall be recognized.

- (e) Distinctive stylistic features and examples of local or period craftsmanship which characterize a Historic Landmark Site or Structure shall be retained.
- (f) Deteriorated architectural features shall be repaired rather than replaced. In the event replacement cannot be avoided, the new material shall match the material being replaced in composition, design, color, texture and visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplicate features, substantiated by historic, physical or pictorial evidence rather than on conjectural design, or the availability of different architectural elements from other buildings or structures.
- (g) New design for undeveloped Historic Landmark Sites in the Washburne Historic Landmark District and for alterations and additions to existing Historic Landmark Sites and Structures shall be permitted when they complement significant historic, architectural or cultural features and the design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (h) New additions or alterations to Historic Landmark Structures shall not impair the essential form and integrity of the structure.

### **30.110 DEMOLITION STANDARDS.**

Demolition of Historic Landmark Sites or Structures is an extreme measure that may be permitted only after all other reasonable alternatives for preservation have been thoroughly examined.

- (1) No demolition permit shall be granted for any Historic Landmark Site or Structure unless the owner has demonstrated to the satisfaction of the Historical Commission that one of the following criteria applies:
  - (a) The condition of the Historic Landmark Site or Structure constitutes a serious and immediate threat to the safety of the public or occupants that cannot be eliminated without repairs that would exceed 50% of the value of the structure itself.
    1. An MIA-certified appraisal shall be required to determine the value of the Historic Landmark Structure.
    2. At least two bids from qualified contractors shall be required to determine the cost of repairs to the Historic Landmark Structure.
  - (b) The property owner has demonstrated that there would be no reasonable, long-term economic benefit from preservation of the Historic Landmark Site or Structure. In making this determination, the owner must demonstrate that all potential uses or adaptive uses for the Historic Landmark Site or Structure have been thoroughly examined. For example:

1. The fact that a greater economic return would result from demolition than preservation is insufficient to meet this criteria.
  2. A lack of adequate funds to pursue potential uses or adaptive uses is insufficient to meet this criteria (i.e., selling the Historic Landmark Site or Structure is an option that shall be considered).
- (2) If an Historic Landmark Site or Structure is permitted to be demolished, the property owner shall provide the Historical Commission with:
- (a) Four sets of measured drawings prepared by a qualified draftsman showing the primary floor plans and the primary exterior elevations.
  - (b) A set of photographs that document the exterior and interior details, including significant architectural elements.
- (3) The property owner shall also supply the Historical Commission with any artifact or other architectural element as identified by the Historical Commission. The artifact or architectural element shall be carefully removed and delivered to the Historical Commission in good condition to be used in future conservation work.

**(Ord. 5405 10/19/87):** Sections 30.010; 30.020; 30.030; 30.040; 30.050; 30.060; 30.070; 30.080; 30.090; 30.100; 30.110.

**(Ord. 5417 12/21/87):** Section 30.080.

**(Ord. 5633 5/4/92):** Section 30.090.

**(Ord. 5804 12/18/95):** Section 30.040.

**(Ord. 5849 3/17/97):** Section 30.080.

**(Ord. 5867 12/1/97):** Sections 30.040; 30.050.

## **CHAPTER III DEVELOPMENT STANDARDS**

ARTICLE	31	MINIMUM DEVELOPMENT STANDARDS AND SITE PLAN REVIEW STANDARDS
ARTICLE	32	PUBLIC AND PRIVATE IMPROVEMENTS
ARTICLE	33	PROPERTY LINE ADJUSTMENT STANDARDS
ARTICLE	34	PARTITION STANDARDS
ARTICLE	35	SUBDIVISION STANDARDS
ARTICLE	36	MANUFACTURED DWELLING STANDARDS
ARTICLE	37	MASTER PLANS
ARTICLE	38	TREE FELLING STANDARDS
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ARTICLE	40	SPRINGFIELD MIXED-USE ZONING DISTRICT
ARTICLE	41	NODAL DEVELOPMENT OVERLAY District (/NDO)
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APPENDIX 1 DEVELOPMENT CODE FEE SCHEDULE

APPENDIX 2 RESERVED FOR FUTURE USE

APPENDIX 3 SOLAR ACCESS TABLES AND DIAGRAMS

## **ARTICLE 31**

### **MINIMUM DEVELOPMENT STANDARDS AND SITE PLAN REVIEW STANDARDS**

31.010 MINIMUM DEVELOPMENT STANDARDS

31.020 SITE PLAN REVIEW – PURPOSE AND APPLICABILITY

31.030 SITE PLAN REVIEW - REVIEW PROCESS

31.040 SITE PLAN REVIEW - PHASED DEVELOPMENT

31.050 SITE PLAN REVIEW - INFORMATION REQUIREMENTS

31.060 SITE PLAN REVIEW - CRITERIA

31.070 SITE PLAN REVIEW - CONDITIONS OF APPROVAL

31.080 SITE PLAN REVIEW - FINAL SITE PLAN/FINAL SITE PLAN EQUIVALENT MAP

31.090 SITE PLAN REVIEW - DEVELOPMENT AGREEMENT

31.100 SITE PLAN REVIEW - MODIFICATIONS

31.110 SITE PLAN REVIEW - SECURITY AND ASSURANCES

31.120 SITE PLAN REVIEW - MAINTAINING THE USE

31.130 SITE PLAN REVIEW - LANDSCAPING STANDARDS

31.140 SITE PLAN REVIEW - PLANTING STANDARDS

31.150 SITE PLAN REVIEW - PLANTING INSTALLATION STANDARDS

31.160 SITE PLAN REVIEW - SCREENING AND LIGHTING STANDARDS

31.170 SITE PLAN REVIEW - PARKING STANDARDS

31.180 SITE PLAN REVIEW - PARKING LOT DESIGN STANDARDS

31.190 SITE PLAN REVIEW - PARKING AREA IMPROVEMENT STANDARDS

31.200 SITE PLAN REVIEW - OFF-STREET LOADING STANDARDS

31.210 SITE PLAN REVIEW - BICYCLE PARKING STANDARDS

31.220 SITE PLAN REVIEW - MINIMUM REQUIRED BICYCLE PARKING SPACES

31.230 SITE PLAN REVIEW - BICYCLE COMMUTER FACILITIES

31.240 SITE PLAN REVIEW - WATER QUALITY PROTECTION



## 31.010 MINIMUM DEVELOPMENT STANDARDS

- (1) Purpose. Minimum Development Standards (MDS) are intended to support economic development by minimizing City review for minor additions or expansions or changes in use specified in this Section. MDS shall ensure compliance with specific appearance; transportation safety and efficiency; and stormwater management standards specified in this Code and otherwise protect the public health, safety and welfare.
- (2) Applicability.
  - (a) MDS shall apply:
    1. To developed properties that do not require either Site Plan Review as specified in Section 31.020 of this Code or Site Plan Modification as specified in Section 31.100 of this Code; and
    2. Within Springfield's city limits only; and
    3. Within commercial, industrial and public land zoning districts only, where there is:
      - a. An addition or expansion that is:
        - i. 50 percent or less than the existing building gross floor area and/or impervious surface area; or
        - ii. 5,000 square feet or less of additional building gross floor area and/or impervious surface area, whichever is less.
        - iii. Serial expansions shall be limited so that the standards specified in i. and ii. are not exceeded in a 3-year period.
    - b. A change in use of a building or property.
  - (b) Where there is an addition, expansion or change in use of a building or property containing multiple uses, the property owner shall bring the entire property into compliance with the standards specified in Subsection (4) of this Section. However, required improvements shall be installed under the rule of proportionality, based upon the number of businesses on the property. For example, if there are three businesses on the property and there is only one change of use, then only one-third of the improvements necessary for the entire property area shall be required to be completed for that use. If the property contains more than three uses, the Director and property owner may enter into an agreement so that as a use changes or expands, a percentage of

the property shall comply with MDS requirements with the intent that the total property will meet MDS requirements over time. This agreement shall not affect the MDS timelines specified in Subsection (5) of this Subsection.

**EXCEPTION:** In cases where the proposed addition, expansion or change in use is an espresso stand, the Director may waive the MDS requirement on properties containing existing multiple uses.

- (c) Where the property is currently in compliance with all of the standards specified in Subsection (4) of this Section, MDS shall not apply.

**(3) MDS Review Process.**

- (a) MDS shall be reviewed under the Type I review process, unless the Director finds that the proposed use should be reviewed under the Type II review process.
- (b) A complete application together with all required materials shall be accepted by the Director prior to staff review of the application as specified in Section 3.050, Application Submittal.
- (c) Where applicable, a copy of any required ODOT Right-of-Way Approach Permit application shall be submitted concurrently with the MDS application.

**(4) SDC Standards Applicable to MDS Approval.** In order to grant MDS approval, the Director shall determine compliance with all applicable standards specified below. Final occupancy shall be contingent upon the completion of required site improvements.

- (a) A five-foot wide landscaped planter strip, including street trees, with approved irrigation or approved drought resistant plants as specified in Sections 31.130, 31.140 and 32.050 of this Code shall be installed between the sidewalk and parking areas or buildings.

**EXCEPTIONS:**

1. Where there is an unimproved street, a four foot wide landscaped planter strip shall be required to be set back one foot from the property line.
2. Where there is insufficient space for the landscaped strip required in Subsections (4)(a) and (4)(a)1. of this Section due to existing buildings, street width, paved parking, changes of elevation or location of utilities including catch basins, the Director may approve:
  - a. Decorative fencing located immediately behind the property line. This fencing may be wrought iron or masonry and shall be subject to the height standards of the applicable zoning district and the vision clearance setbacks of Section 32.070 of this Code; and/or

- b. Landscaping equivalent to the amount required in Subsection (4)(a) of this Section may be placed at the property corners or other areas of the property that are visible from the street.
- (b) Trash receptacles and outdoor storage areas shall be screened by a structure or enclosure permanently affixed to the ground as specified in Section 31.160 of this Article.
- (c) Bicycle parking spaces shall be added to meet the numerical standards for the appropriate use or upgraded to meet the standards set in Sections 31.210 and 31.220 of this Article.

**EXCEPTION:** In cases where the number of bicycle parking spaces cannot be met due to lot size or physical constraint, the Director, in consultation with the Transportation Planning Engineer, may reduce the standard without a Variance if a finding is made that the reduction will not have an adverse impact on public safety.

- (d) Parking and circulation areas shall be paved and striped and wheel stops installed as specified in Sections 31.170 and 31.190 of this Article. Required paving and other impervious surfaces on the site shall comply with on-site stormwater management standards as specified in Section 32.110 of this Code for required parking, circulation area and storage area impervious surfaces only.

**EXCEPTION:** In cases where the number of vehicular parking spaces cannot be met due to lot size or physical constraint, the Director, in consultation with the Transportation Planning Engineer, may reduce the standard without a Minor Variance if a finding is made that the reduction will not have an adverse impact on public safety.

- (e) Access onto the public right-of-way shall comply with Section 32.080 of this Code.
  - 1. Where the property abuts an improved street, any non-conforming or unsafe curb cuts, as determined by the Transportation Manager, shall be removed and replaced with curb, gutter and sidewalk.
  - 2. Where the property abuts an unimproved street, any non-conforming or unsafe access points, as determined by the Transportation Manager, shall be:
    - a. Removed by the use of fencing, extruded curbs or other method of approved barricade; and
    - b. The property owner shall sign an Improvement Agreement guaranteeing future participation in a Local Improvement District.
  - 3. If an existing curb cut or access point is closed, the Director may require a joint use access agreement with a neighboring property as specified in Section 32.080(1)(b) of this Code.
- (f) Concrete sidewalks shall be installed where the site abuts a curb and gutter street as specified in Section 32.040 of this Code.

- (g) Streetlights shall be installed as specified in Section 32.060 of this Code.
  - (h) The development shall connect to public utilities as specified in Sections 32.100 through 32.120 of this Code and comply with the Springfield Building Safety Codes, where applicable. Easements may be required as specified in Subsection 32.120(5) of this Code.
- (5) Timelines and Conditions of Approval.
- (a) The property owner and/or applicant shall comply with the standards specified in Subsection (4) of this Section within 90 days of the Director’s approval as follows:
    - 1. Submittal of a Final Plot Plan within 30 days of the Director’s approval that states the starting date of all required improvements and that demonstrates compliance with all conditions of approval required to meet the standards specified in Subsection (4) of this Section. Submittal of a Final Plot Plan shall include the following additional material, where applicable:
      - a. The original recorded Improvement Agreement.
      - b. Any required ODOT Right-of-Way Approach Permit.

**EXCEPTION:** If the ODOT Right-of-Way Approach Permit cannot be obtained by the time line specified in Subsection (5)(a)1. of this Section, the Director may defer the submittal of this document until the start of construction date specified in Subsection (5)(a)3. of this Section.

      - c. A copy of a recorded joint use access/parking agreement.
      - d. A copy of a recorded private easement or the original public utility easement.
    - 2. The signing of a Development Agreement by the property owner within 45 days of the Director’s approval of the Final Plot Plan.
    - 3. The construction of the required improvements shall begin within 90 days of the MDS decision. If this time line cannot be met, the applicant may submit a written request for a time line extension as specified in Subsection (5)(b) of this Section.
  - (b) The Director may allow a one-time extension of the 90-day start of construction time line specified in Subsection (5)(a)3. of this Section due to situations including but not limited to, required permits from the City or other agencies, weather conditions, the unavailability of asphalt or the unavailability of street trees. If the time extension is allowed, security shall be provided as specified in Section 31.110 of this Article. The time line extension shall not exceed 90 days.

- (c) If the time line established in Subsection (5)(a)3. of this Section is not met and the applicant has not requested an extension as specified in Subsection (5)(b), then the Director shall declare the application null and void if the property is occupied and the property owner shall be considered in violation of this Code.
- (d) If the time line established in Subsection (5)(a)3. of this Section is not met and the applicant has requested an extension as specified in Subsection (5)(b) and that time line as not been met, then the Director may require that the improvements be installed as specified in Subsection 31.110(4) of this Article.

**31.020 SITE PLAN REVIEW – DESCRIPTION AND APPLICABILITY.**

- (1) Purpose. The purpose of Site Plan Review is to: Facilitate and enhance the value of development; Regulate the manner in which land is used and developed; Ensure the provision of public facilities and services; Maintain the integrity of the City’s watercourses by promoting bank stability, assisting in flood protection and flow control, protecting riparian functions, minimizing erosion, and preserving water quality and significant fish and wildlife areas; Provide for connectivity between different uses; Utilize alternative transportation modes including and walking, bicycling and mass transit facilities; Implement the Metro Plan, applicable refinement plans and specific area plans and specific development plans; Minimize adverse effects on surrounding property owners and the general public through specific conditions of approval; and Otherwise protect the public health and safety.
- (2) Applicability. Within the city limits and the City’s urbanizable area, Site Plan Review shall be required for:
  - (a) Single family and duplex dwellings on properties zoned Medium Density Residential and High Density Residential in order to meet the minimum density requirements of these zones;

**EXCEPTION:** Site Plan Review does not apply to certain single-family and duplex dwellings on properties zoned Medium Density Residential and High Density Residential subject to building permit approval when:

- 1. The lot size allows only one such dwelling, or
  - 2. There is an addition, remodel or replacement of an existing single-family dwelling or duplex/or an accessory structure is proposed.
- (b) Multi-family residential, commercial, public and semi-public, and industrial development or uses, including construction of impervious surfaces for parking lots and storage areas, including:
    - 1. New development on vacant sites and redevelopment as a result of demolition and removal of existing buildings and impervious surfaces on a formerly occupied site.

2. Additions or expansions that exceed either 50 percent of the existing building gross floor area or 5,000 square feet or more of new building gross floor area and/or impervious surface area.
3. Additions, expansions and changes of use, regardless of size or intervening use, that:
  - a. Contain or are within 150 feet of the top of bank (as measured from the property line of the subject property) of any Water Quality Limited Watercourses (WQLW) identified on the WQLW Map on file in the Development Services Department;
  - b. Contain or are within 100 feet of the top of bank (as measured from the property line of the subject property) of any direct tributaries of WQLW identified on the WQLW Map on file in the Development Services Department;
  - c. Are located within the City's urbanizable area, outside of the city limits; or
  - d. Are located within 50 feet of residentially zoned or designated land (as measured from the property line of the subject property).
  - e. **EXCEPTIONS:**
    - i. The Director may determine that a Type II Site Plan Review does not apply to certain changes of use required under Subsections 1. through 4. if a finding is made that the change of use will not have an adverse impact on water quality and/or residential uses. In this case, the change of use may be reviewed under Minimum Development Standards procedures specified in Section 31.010(2) of this Article or a Minor Site Plan Modification in accordance with Section 31.100(3) of this Article.
    - ii. Developed or partially developed industrial properties 5 acres or greater in size that have never obtained Final Site Plan Review approval prior to the adoption of this Code may obtain Final Site Plan Equivalent Map approval as specified in Section 31.080 of this Article. This approval is necessary to allow the property owner to use the Site Plan Modification process specified in Section 31.100 of this Article for future additions or expansions.
4. Discretionary Uses, where applicable.
5. Development within the area of adopted Development Area Plans and Conceptual Development Plans.

- 6. Any uses listed in the applicable zoning, overlay or plan district, which specifically require Site Plan Review.
  - 7. Certain wireless telecommunications systems facilities (Article 32). Refer to Section 32.130 for siting standards and review process for applicable underlying zoning district.
- (3) No development permit will be issued by the City prior to approval of the Preliminary Site Plan application.

**EXCEPTION:** As may be permitted in the Springfield Municipal Code, 1997 and/or by Resolution No. 03-40, the Director may issue a Land and Drainage Alteration Permit prior to approval of the Preliminary Site Plan.

**31.030 SITE PLAN REVIEW - REVIEW PROCESS.**

- (1) Pre-Application Options. Although voluntary, prospective applicants are generally encouraged to request a Pre-Submittal Meeting (informal process) or Pre-Application Report (formal process) as specified in Section 3.040 of this Code.
- (2) Site Plans shall be reviewed under Type II procedure, unless otherwise specified elsewhere in this Code. A complete application, together with all required materials, shall be submitted to the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

**31.040 SITE PLAN REVIEW - PHASED DEVELOPMENT.**

The Director may approve phasing of development with the Site Plan Review application, subject to the following standards and procedures:

- (1) A Phased Development Plan shall be submitted with the Site Plan Review application as specified in Section 31.050(7) of this Article.
- (2) The Director shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 2 years, with a possible one-time one year extension as specified in Section 31.080(1) of this Article.

**EXCEPTIONS:**

- (a) If a longer phasing time line is desired, the applicant may submit a Master Plan in accordance with the provisions of Article 37 of this Code.
  - (b) Multiple Type II Site Plan Modification applications shall not be permitted to circumvent the Master Plan process (See also Section 31.100(1) of this Article.
- (3) Approval of a phased Site Plan Review application shall require satisfaction of the following approval criteria:

- (a) The public facilities required to serve each phase shall be constructed in conjunction with or prior to each phase, unless during the Site Plan Review process the Director finds that a public facility necessary for a subsequent phase is necessary as part of an earlier phase; and
- (b) The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal.

### **31.050 SITE PLAN REVIEW - INFORMATION REQUIREMENTS.**

All Site Plan applications that contain structures over 4,000 square feet of gross floor area shall be prepared by an Oregon licensed Architect or Engineer. The services of an Oregon registered Engineer may also be required by the City in order to resolve utility issues, especially stormwater management, street design and transportation issues, site constraint and/or water quality. A Site Plan shall contain all the elements necessary to demonstrate that requirements of this Code are being fulfilled and shall include but not be limited to the following:

- (1) General requirements. A Site Plan shall be drawn in ink on quality paper no smaller than 8 1/2" x 14" and shall contain the following information:
  - (a) The scale (appropriate to the area involved and sufficient to show detail of the plan and related data, such as 1" = 30', 1" = 50' or 1" = 100'), north arrow, and date of preparation.
  - (b) The street address and assessor's map and tax lot number.
  - (c) The dimensions (in feet) and size (either square feet or acres) of the development area.
  - (d) Proposed and existing buildings: location, dimensions, size (gross floor area), conceptual floor plan, setbacks from property lines, distance between buildings, and height.
  - (e) The location and height of proposed or existing fences, walls, outdoor equipment and storage, trash receptacles, and signs.
  - (f) Proposed number of employees and future expansion plans.
  - (g) Area and percentage of the site proposed for buildings, structures, driveways, sidewalks, patios and other impervious surfaces. This information is necessary to allow staff to determine the Site Plan Review fee.
  - (h) Observance of solar access requirements as specified in the appropriate zoning district.
  - (i) Exterior elevations of all buildings and structures proposed for the development site.
  - (j) Area and dimensions of all property to be conveyed, dedicated or reserved for common open spaces, recreational areas and other similar public and semi-public uses.



- (2) A Site Assessment of the entire development area. The Site Assessment shall be prepared by an Oregon licensed Landscape Architect or Engineer and drawn to scale with existing contours at 1-foot intervals and percent of slope that precisely maps and delineates the areas described below. Proposed modifications to physical features shall be clearly indicated. The Director may waive portions of this requirement if there is a finding that the proposed development will not have an adverse impact on physical features or water quality, either on the site or adjacent to the site. Adjacent properties include those within the distances specified in Section 31.020(2)(c) of this Article. Information required for adjacent properties may be generalized to show the connections to physical features. A Site Assessment shall contain the following information:
- (a) The name, location, dimensions, direction of flow and top of bank of all watercourses that are shown on the Water Quality Limited Watercourse Map on file in the Development Services Department.
  - (b) The 100-year floodplain and floodway boundaries on the site, as specified in the latest adopted FEMA Flood Insurance Rate Maps or FEMA approved Letter of Map Amendment or Letter of Map Revision;
  - (c) The Time of Travel Zones, as specified in Article 17 of this Code and delineated on the Wellhead Protection Areas Map on file in the Development Services Department;
  - (d) Physical features including, but not limited to significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse Map and their riparian areas, wetlands and rock outcroppings; and
  - (e) Soil types and water table information as mapped and specified in the *Soils Survey of Lane County*.
- (3) An Access, Circulation and Parking Plan complying with the standards of this Code;
- (a) Location, dimensions and number of typical, compact and disabled parking spaces; including aisles, landscaped areas, wheel bumpers, directional signs and striping;
  - (b) On-site vehicular and pedestrian circulation;
  - (c) Access to streets, alleys and properties to be served, including the location and dimensions of existing and proposed curb cuts and curb cuts proposed to be closed;
  - (d) Exterior lighting: including the type, height and area of illumination;
  - (e) Location, type and number of bicycle spaces;
  - (f) Amount of gross floor area applicable to the parking requirement for the proposed use;
  - (g) Location of off-street loading areas;
  - (h) Existing and proposed transit facilities;

- (i) A copy of a Right-of-Way Approach Permit application where the property has frontage on an Oregon Department of Transportation (ODOT) facility; and
  - (j) A Traffic Impact Study prepared by a Traffic Engineer where the proposed development will produce more than 250 vehicle trips per day.
- (4) A Landscape Plan, drawn by a Landscape Architect or other professional approved by the Director, complying with the standards of this Code.
- (a) Screening in accordance with Section 31.160 of this Article;
  - (b) Use of plantings in erosion control and stormwater treatment facilities, if any;
  - (c) Permanent irrigation system, unless specifically exempted in accordance with Section 31.140(4) of this Article;
  - (d) Street trees in accordance with Section 32.050 of this Code;
  - (e) A specifications list for all materials to be used shall accompany the Planting Plan. Plant sizes shall be listed at the time of installation, and shown on the Planting Plan at mature size; and
  - (f) Description of planting methods in accordance with Section 31.150 of this Article.
- (5) An Improvements Plan complying with the standards of Article 32 of this Code.
- (a) Name and location of all existing and proposed public and private streets within or on the boundary of the proposed development site including the right-of-way and paving dimensions, and the ownership and maintenance status, if applicable;
  - (b) Location of existing and required traffic control devices, fire hydrants, streetlights, power poles, transformers, neighborhood mailbox units and similar public facilities;
  - (c) Location, width and construction material of all existing and proposed sidewalks, sidewalk ramps, pedestrian access ways and trails; and
  - (d) Location and size of existing and proposed utilities and necessary easements and dedications on and adjacent to the site including sanitary sewer mains, stormwater management systems, water mains, power, gas, telephone, and cable TV. Indicate the proposed connection points.
- (6) A Grading, Paving and Stormwater Management Plan drawn to scale with existing contours at 1-foot intervals and percent of slope that precisely maps and addresses the information described below. In areas where the percent of slope is 10 percent or more, contours may be shown at 5-foot intervals. This plan shall show the stormwater management system for the entire development area. For Site Plans with more than 5,000 square feet of new paving area, an Oregon licensed Civil Engineer shall prepare the plan. Where plants are proposed as part of

the stormwater management system, an Oregon licensed Landscape Architect may be required. The plan shall include the following components:

- (a) Roof drainage patterns and discharge locations;
  - (b) Pervious and impervious area drainage patterns;
  - (c) The size and location of stormwater management systems components, including but not limited to: drain lines, catch basins, dry wells and/or detention ponds; stormwater quality measures; and natural drainageways to be retained;
  - (d) Existing and proposed elevations, site grades and contours; and
  - (e) A stormwater management system plan with supporting calculations and documentation as required in Section 32.110 of this Code shall be submitted supporting the proposed system. The plan, calculations and documentation shall be consistent with the *Engineering Design Standards and Procedures Manual* to allow staff to determine that the proposed stormwater management system will accomplish its purposes.
- (7) A Phased Development Plan. Where applicable, the Site Plan application shall include a phasing plan that indicates any proposed phases for development, including the boundaries and sequencing of each phase as may be permitted in Section 3.040 of this Article. Phasing shall progress in a sequence that promotes street connectivity between the various phases of the development and accommodates other required public improvements, including but not limited to, sanitary sewer, stormwater management, water and electricity.
- (8) On-site Lighting Plan. The lighting plan shall show the location, orientation, and maximum height of all proposed exterior light fixtures, both free standing and attached. The lighting plan shall also detail the type and extent of shielding, including cut-off angles and the type of illumination, the wattage, luminous area, and a photometric test report for each light source.
- (9) Additional information and/or applications required at the time of Site Plan Review applications submittal shall include the following items, where applicable:
- (a) A brief narrative explaining the purpose of the proposed development and the existing use of the property.
  - (b) If the applicant is not the property owner, written permission from the property owner shall be required.
  - (c) A Vicinity Map drawn to scale showing bus stops, streets, curb cuts, pedestrian connections, fire hydrants and other transportation/fire access issues within 200 feet of the proposed development area.
  - (d) How the proposal addresses the standards of the applicable overlay district where the development area is within an overlay district.
  - (e) How the proposal addresses Discretionary Use criteria.

- (f) A Tree Felling Permit as specified in Article 38 of this Code.
- (g) An Annexation application as specified in Article 6 of this Code where a development is proposed outside of the city limits but within the City's urban services area and can be serviced by sanitary sewer.
- (h) A wetland delineation approved by the Division of State Lands shall be submitted concurrently where there is a wetland on the property.
- (i) Evidence that any required federal or state permit has been applied for or approved shall be submitted concurrently.
- (j) A Geotechnical Report prepared by an Engineer shall be submitted concurrently if the required Site Assessment specified in Section 31.050(2)(e) of this Article indicates the proposed development area has unstable soils and/or a high water table as specified in the *Soils Survey of Lane County*.

### **31.060 SITE PLAN REVIEW - CRITERIA.**

The Director shall approve or approve with conditions: a Type II Site Plan Review application upon determining that approval criteria (1) through (5) of this Section have been satisfied. If conditions cannot be attached to satisfy the approval criteria, the Director shall deny the application.

- (1) The zoning is consistent with the Metro Plan diagram, and/or the applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan.
- (2) Capacity requirements of public improvements, including but not limited to, water and electricity; sanitary sewer and stormwater management facilities; and streets and traffic safety controls shall not be exceeded and the public improvements shall be available to serve the site at the time of development, unless otherwise provided for by this Code and other applicable regulations. The Public Works Director or a utility provider shall determine capacity issues.
- (3) The proposed development shall comply with all applicable public and private design and construction standards contained in this Code and other applicable regulations.
- (4) Parking areas and ingress-egress points have been designed to: facilitate vehicular traffic, bicycle and pedestrian safety to avoid congestion; provide connectivity within the development area and to adjacent residential areas, transit stops, neighborhood activity centers, and commercial, industrial and public areas; minimize curb cuts on arterial and collector streets as specified in this Code or other applicable regulations and comply with the ODOT access management standards for state highways.
- (5) Physical features, including but not limited to, significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse Map and their associated riparian areas, wetlands, rock outcroppings and historic features have been evaluated and protected as specified in this Code or other applicable regulations.

### **31.070 SITE PLAN REVIEW - CONDITIONS OF APPROVAL.**

To the extent necessary to satisfy the approval criteria of Section 31.060 of this Article, comply with all applicable standards of this Code and to mitigate identified negative impacts to surrounding properties, the Director may impose conditions of approval. Conditions imposed to satisfy the Site Plan application approval criteria shall not be used to exclude "needed housing" as defined in OAR 660-08-015. All conditions shall be satisfied prior to Final Site Plan approval. Conditions of approval may include, but are not limited to:

- (1) Dedication of right of way when shown in TransPlan, transportation elements of refinement plans or on the most recent Conceptual Local Street Plan Map and as specified in Table 32-1 of this Code and/or easements as specified in Section 32.120(5) when necessary to provide services, including but not limited to sanitary sewers, stormwater management, water and electricity, to the site and neighboring properties. The dedication of easements shall also include any easements required to access and maintain watercourses or wetlands that are part of the City's Stormwater Management System.
- (2) Installation of a sight obscuring fence, and/or vegetative screen whenever a party of record or the Director identifies a land use conflict.
- (3) Installation of medians, traffic signals and signs; restricting access to and from arterial or collector streets; requiring a frontage road; restricting and strategically locating driveways; and/or requiring the joint use of driveways to serve 2 or more lots through a Joint Use/Access Agreement when transportation safety issues are identified by the Transportation Planning Engineer and/or a Transportation Impact Study.
- (4) Modification of the layout of structures caused by the location of streets, required stormwater management systems, including but not limited to swales and detention basins or when required by the Geotechnical report specified in Section 31.050(8)(j) of this Article.
- (5) Installation of a noise attenuating barrier, acoustical building construction and/or site modifications as specified in Section 31.160 of this Article, or similar measures approved by an acoustical engineer registered in the State of Oregon, to minimize negative affects on noise sensitive property from noise found to exceed acceptable noise levels prescribed in the Oregon Administrative Rules or the Federal Highway Administration Noise Abatement Criteria.
- (6) Limiting the hours of operation whenever a land use conflict is identified by the Director or a party of record, including but not limited to noise and traffic generation.
- (7) Phasing of development to match the availability of public facilities and services, including but not limited to, water and electricity; sanitary sewer and stormwater management facilities; and streets and traffic safety controls when these facilities and services are near capacity, as determined by the Public Works Director or the utility provider.
- (8) Submittal of a Land and Drainage Alteration Permit.

- (9) Retention and protection of existing physical features and their functions, including but not limited to: significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse Map and their riparian areas and wetlands by:
- (a) Planting replacement trees where encroachment is allowed into riparian areas shown on the WQLW Map on file in the Development Services Department;
  - (b) Re-vegetation, including but not limited to trees and native plants, of slopes, ridgelines, and stream corridors;
  - (c) Restoration of native vegetation;
  - (d) Removal of invasive plant species, based upon the Invasive Plants List on file in the Development Services Department;
  - (e) Relocating the proposed development on another portion of the site;
  - (f) Reducing the size of the proposed development; and/or
  - (g) Mitigation of the loss of physical features caused by the proposed development with an equivalent replacement either on site or on an approved site elsewhere within the City's jurisdiction, as approved by the Director.
- (10) Installation of lighting for outdoor circulation, parking and safety, including approval of the type and placement of the outdoor lighting as specified in Section 31.160(3) of this Article.
- (11) The Director may waive the requirement that buildable City lots have frontage on a public street when all of the following apply:
- (a) The lot or lots have been approved as part of a Subdivision or Partition application; and
  - (b) Access has been guaranteed via a private street to a public street or driveway by an irrevocable joint use/access agreement.
- (12) The applicant shall submit copies of required permits to demonstrate compliance with applicable: federal programs, regulations and statutes; state programs, regulations and statutes; and/or local programs, regulations and statutes prior to the approval of the Final Site Plan. When a federal or state agency issues a permit that substantially alters an approved Preliminary Site Plan, the Director shall require the applicant to submit a Site Plan Modification as specified in Section 31.100(2) of this Article.
- (13) Approval of a Stormwater Management Plan for the development demonstrating compliance with the applicable provisions of Section 32.110 of this Code and the *Engineering Design Standards and Procedures Manual*.

**31.080 SITE PLAN REVIEW - FINAL SITE PLAN/FINAL SITE PLAN EQUIVALENT MAP.**

- (1)** Final Site Plan, Generally. Within 90 days of an affirmative decision by the Approval Authority, a complete Final Site Plan shall be submitted to the Development Services Department. The Final Site Plan submittal shall incorporate all conditions of approval listed in the staff report. The Final Site Plan shall become null and void if construction has not begun within two years of the signing of the Development Agreement required in Section 31.090 of this Article.
- (2)** Final Site Plan Equivalent Map. In the case of developed or partially developed industrial properties of more than 5 acres in size that did not receive Final Site Plan approval prior to the adoption of this Code, the Director may approve a Final Site Plan Equivalent Map to allow the property owner to use the Site Plan Modification process specified in Section 31.100 of this Article for future additions or expansions.

  - (a)** Final Site Plan Equivalent Map - Review.

    - 1.** Final Site Plan Equivalent Map applications shall be reviewed under Type I Procedure.
    - 2.** The approval criteria shall be compliance with the submittal requirements of Subsection (2)(b) of this Section.
    - 3.** In the staff report, the Director shall condition the approved Final Site Plan Equivalent Map to require its submittal with any future Site Plan Modification application.
  - (b)** Final Site Plan Equivalent Map - Submittal requirements. The Final Site Plan Equivalent Map application may be submitted concurrently with a Site Plan Review Modification application. The applicant shall submit a map based on City Government Information System maps at a scale not less than 1" = 100' that contains the following information:

    - 1.** The property lines;
    - 2.** The location of all existing buildings to include their use and dimensions;
    - 3.** Paved parking areas to include the number of parking spaces;
    - 4.** The location of public utilities on the property, specifically stormwater, sanitary sewer, electricity and water;
    - 5.** The location and identification of all outfalls, if there are waterways that abut the property. For properties that abut Water Quality Limited Watercourses the approximate location of top of bank, and the 150 foot required setback from top of bank;
    - 6.** Existing landscaping along the frontage of abutting public rights-of-way; and

7. Any additional information required by the Director that may be specific to a particular property.
- (c) Final Site Plan Equivalent Map - Applications for proposed additions or expansions
1. The Director shall determine whether a Major or Minor Site Plan Modification application is required. The applicable development standards and approval criteria for the proposed addition or expansion shall be addressed as part of the Site Plan Modification application.
  2. The applicant shall update the Final Site Plan Equivalent Map as a condition of Site Plan Modification preliminary approval.
  3. The applicant shall submit the revised Final Site Plan Equivalent Map with the Final Site Plan for the Site Plan Modification.
  4. No formal amendment of the original Site Plan Equivalent Map application shall be required in order to update the map. The intent is to have an up to date record of development on the industrial property on file in the last Site Plan Modification application.

### **31.090 SITE PLAN REVIEW - DEVELOPMENT AGREEMENT.**

- (1) To complete the Site Plan Review Process, a Development Agreement shall be prepared by the Director to be signed by the applicant. The purpose of the Development Agreement is to ensure that the terms and conditions of Site Plan Review approval are understood and binding upon both the applicant and the City. The Development Agreement and the Final Site Plan approval shall be valid for two years from the date the document is signed. If construction does not begin within this timeline, both the Final Site Plan and the Development Agreement shall become null and void. However, one extension, not to exceed one year may be granted by the Director upon receipt of a written request by the applicant, including an explanation of the delay. Work under progress shall not be subject to Final Site Plan or Development Agreement expiration.

#### **EXCEPTION:**

No Development Agreement shall be required for a Final Site Plan Equivalent Map application that is approved as specified in Section 31.080(2) of this Code.

- (2) A Building Permit may be issued by the Building Official only after the Development Agreement has been signed by the applicant.
- (3) No building or structure shall be occupied until all improvements are made in accordance with this Article, unless otherwise permitted in Section 31.110, Security and Assurances.
- (4) Upon satisfactory completion of site development, as determined by a Final Site Inspection (prior to the final building inspection), the City shall authorize the provision of public facilities and services and issue a Certificate of Occupancy.



### **31.100 SITE PLAN REVIEW - MODIFICATIONS.**

- (1)** Purpose. The Site Plan Modification process establishes procedures to allow certain adjustments to an approved Site Plan, either after Preliminary Approval or after Final Approval. This process shall assure that any proposed Major Site Plan Modification continues to comply with the approval criteria specified in Section 31.060 of this Article.
- (2)** Applicability. The Site Plan Modification process shall only apply to Site Plan applications approved after June 5, 1986.

  - (a)** The Site Plan Modification process shall not apply to any proposed development that qualifies as an MDS application.
  - (b)** Where there is a change of use on a property that received Site Plan Review approval, the Director may perform a site visit prior to a Site Plan Modification application submittal. If the property is currently in compliance with all criteria of approval specified in Section 31.060 of this Article, no Site Plan Modification application will be required.
- (3)** Site Plan Modification Review Process. The Director shall determine whether the Site Plan Modification will be processed under the Type I or Type II review process as follows:

  - (a)** A Minor Site Plan Modification application shall be evaluated under the Type I review process. The application shall be reviewed based upon a particular standard as specified in this Code that does not involve a Type II or Type III Variance, e.g., a modification in the location or type of required landscaping or an insignificant change in the number and/or layout of parking spaces.
  - (b)** A Major Site Plan Modification application shall be evaluated under the Type II review process. The application shall be reviewed based upon a particular criterion as specified in Section 31.060 of this Article, e.g., a revision of the stormwater management plan, a substantial increase in the size of the building or when commercial or industrial development abuts property zoned residential. The Type II review process shall also be applied when:

    - 1.** The modification involves any items listed in Subsection 31.020(2) of this Article;
    - 2.** A federal or state agency issues a permit that substantially alters an approved Site Plan; or
    - 3.** Pad sites in shopping centers or future phases shown on an approved Final Site Plan have not been constructed within the time line specified in Section 31.080 of this Article.
  - (c)** A complete application together with all required materials shall be accepted by the Director prior to staff review of the application as specified in Section 3.050, Application Submittal.

- (4) Criteria of Approval. The criteria of approval for a Site Plan Modification application shall be in compliance with the applicable standard and/or criteria of approval specified in Section 31.060 of this Article.
- (5) Conditions of Approval. The Director may require conditions of approval as specified in Section 31.070 of this Article.
- (6) Final Site Plan Modification and Development Agreement. A Final Site Plan and Development Agreement shall be required as specified in Sections 31.080 and 31.090 of this Article.

### **31.110 SITE PLAN REVIEW - SECURITY AND ASSURANCES.**

All required improvements shall be installed prior to the issuance of a Certificate of Occupancy or Final Building Inspection for the development, except as specified in Section 31.010 of this Code or improvements may be deferred for good cause by the Director if security in accordance with Subsection (3) of this Section is approved to the satisfaction of the City Attorney.

- (1) A Temporary Certificate of Occupancy may be issued prior to complete installation and approval of improvements if security is filed with the City.
- (2) Required security shall equal 110% of the cost of the design, materials and labor, as determined by the Director. Required security may consist of cash, certified check, time certificate or deposit, or lending agency certification to the City that funds are being held until completion.
- (3) If installation of the improvements is not completed within the period stipulated by the Director, or if the improvements have been improperly installed, the security may be used by the City to complete the installation, or the security may be held by the City and other enforcement powers employed to prevent final occupancy until such time as the improvements are completed.
- (4) Upon completion of the improvements as certified by the Director, any portion of the remaining security deposited with the City, including any accrued interest, shall be returned.

### **31.120 SITE PLAN REVIEW - MAINTAINING THE USE.**

Once a Certificate of Occupancy has been granted or a Final Building Inspection has taken place:

- (1) The building and site shall be maintained in accordance with the provisions of this Code in order to continue the use.
- (2) It shall be the continuing obligation of the property owner to maintain the planting required by Section 31.140 of this Article in an attractive manner free of weeds and other invading vegetation. Plantings in the vision clearance area shall be trimmed to meet the 2 1/2 foot height standard in accordance with Section 32.070 of this Code.
- (3) Parking lots shall be maintained by the property owner or tenant in a condition free of litter and dust, and deteriorated pavement conditions shall be improved to maintain conformance with these standards.

- (4) Undeveloped land within a development area shall be maintained free of trash and stored materials in a mowed and attractive manner. Undeveloped land shall not be used for parking.

### **31.130 SITE PLAN REVIEW - LANDSCAPING STANDARDS.**

- (1) The purpose of these Sections is to ensure that new development complies with the landscaping standards of Articles 31, 32, the appropriate zoning and/or zoning overlay district Article and any applicable refinement plan; is adequately screened from less intensive development; considers the effects of vegetation on public facilities; retains significant clusters of natural trees and shrubs wherever possible; minimizes run-off; facilitates energy conservation and crime prevention; and improves the appearance of the City to create a desirable place to live and work.
- (2) Three types of landscaping may be required:
  - (a) On-site (Article 31).
  - (b) Street trees in the public right of way (Article 32).
  - (c) Curbside planter strips in the public right of way (Article 32).
- (3) Materials and installation costs of planting and irrigation other than what is required by the Minimum Development Standards (Section 31.010 of this Article) shall not be required to exceed 10 percent of the value of the new development, including parking facilities. The Director shall determine the location, quantity and quality of required landscaping in accordance with this Code.

### **31.140 SITE PLAN REVIEW - PLANTING STANDARDS.**

- (1) Unless otherwise specified in this Code, the areas of a lot which shall be planted include:
  - (a) All required setback areas and any additional planting areas as specified in the appropriate zoning district.
  - (b) Parking lot planting areas required in this Article.
- (2) Except in the LDR District (single family and duplex dwellings only) and as specified in Subsection (3) of this Section, at least 65 percent of each required planting area shall be covered with living plant materials within 5 years of the date of installation. The living plant materials shall be distributed throughout the required planting area. The planting acceptable per 1000 square feet of required planting area shall be as follows:
  - (a) As a minimum, two trees not less than 6 feet in height that are at least 2 inches in caliper (at the time of planting, not including root ball); and
  - (b) As a minimum, ten shrubs, five gallons or larger.
  - (c) Lawn and/or groundcover may be substituted for trees or shrubbery, unless required for screening when there are adequate provisions for ongoing maintenance.

- (3) Parking lot planting areas shall include one canopy tree at least 2 inches in caliper that meets City street tree standards as may be permitted by the City's *Engineering Design Standards and Procedures Manual* and at least 4 shrubs, 5 gallon or larger, for each 100 square feet of planting area. Shrubbery that abuts public right-of-way or that is placed in the interior of any parking lot shall generally not exceed 2 ½ feet in height at maturity. Parking lot planting areas shall include:
  - (a) Parking and driveway setback areas specified in the applicable zoning district; and
  - (b) Five percent of the interior of a parking lot, exclusive of any required parking setbacks, if 24 or more parking spaces are located between the street side of a building and an arterial or collector street, and are visible from any street.
  - (c) See also Section 16.110(4)(h)3 of this Code for multi-family design standards.
- (4) Except where planted with native species or plant communities, all new required planting areas on private property and public schools shall be provided with a permanent underground irrigation system unless exempted by the Director.
- (5) Required planted setbacks abutting required screening on the same property may be exempted by the Director from planting requirements if the area is not visible from any public right-of-way or adjacent property.

### **31.150 SITE PLAN REVIEW - PLANTING INSTALLATION STANDARDS.**

- (1) The applicant shall provide methods for the protection of existing plant material, which will remain through the construction process. The plants to be saved and the method of protection shall be noted on the Planting Plan.
- (2) Existing trees to be retained on private property shall not have construction occur within the drip line, unless a landscape architect certifies that affected trees will have at least a 90 percent chance of survival over a 5 year period. Trees to be saved shall be kept free from trunk abrasion.
- (3) The Planting Plan may be required to include specifications for topsoil, including depth and organic matter requirements, to ensure the health and vitality of required planting. Where planting areas have been excavated, the Planting Plan shall provide for the replacement of topsoil. All waste material shall be removed from required planting areas prior to the application of topsoil.
  - (a) Inspection may be made by the Director prior to planting to verify proper rough grade and installation of irrigation systems.
  - (b) Plant materials and soil preparation may be inspected prior to or in conjunction with the occupancy inspection to ensure that placement, quantity, size and variety conform to the approved Planting Plan and the requirements of this Article. Nursery tags identifying variety and species shall remain on plant specimens until the Final Building Inspection by the Building Official or the issuance of a Certificate of Occupancy.

### 31.160 SITE PLAN REVIEW - SCREENING AND LIGHTING STANDARDS.

- (1) Unless otherwise specified in this Code, screening shall be required:
  - (a) Where commercial and industrial districts abut residential districts and no approved screening exists.
  - (b) For outdoor mechanical devices and minor and major public facilities.
  - (c) For outdoor storage yards and areas in non-residential districts abutting residential districts along common property lines.
  - (d) For trash receptacles.
  - (e) For automobile wrecking and salvage yards.
  - (f) For multi-family developments.
- (2) Screening shall be vegetative, earthen and/or structural and shall be designed to minimize visual and audible incompatible uses from adjacent properties. Except as specified elsewhere in this Subsection, screening shall be continuous to at least 6 feet above ground level. The following standards shall apply:
  - (a) **Vegetative Screening.** Evergreen shrubs shall be planted which will grow to form a continuous hedge. When immediate screening is necessary, a sight-obscuring fence shall be installed in place of, or in conjunction with the plantings. The 6-foot height standard specified in Subsection (2) of this Section shall occur within 4 years of planting.

**EXCEPTION:** In the case of multi-family development, the vegetative screening standard of Section 16.110(4)(h)4. of this Code shall apply.
  - (b) **Earthen Screening.** Earthen berms may be used to screen either visual or noise impacts. A berm shall be combined with evergreen plantings or a fence to form an attractive sight and noise buffer. The maximum height of a berm shall be 6 feet along local streets and 8 feet along collector and arterial streets or railroad rights-of-way, unless an acoustical engineer determines a lower or higher height can be utilized. Height shall be measured from the base of the berm to the top of the berm and does not include additional fences or landscaping. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace or other means acceptable to the Building Official. The maximum slope shall be 1:3. The crest area shall be a minimum of 4 feet in width. The slopes shall be protected to prevent erosion by trees, shrubs and groundcover. Berms shall be irrigated in accordance with Section 31.140(3) of this Section. No part of a berm shall encroach into an easement. The toe of a berm over 3 feet in height shall be set back at least 5 feet from any property line, unless when abutting public right-of-way. Berms shall not interfere with the drainage patterns of the property.

- (c) Structural Screening. A fence or masonry wall shall be constructed to provide a uniform sight-obscuring screen.

**EXCEPTIONS:**

1. No screen shall exceed 4 feet in residential district front yard setbacks, and all screening shall comply with vision clearance requirements of Section 32.070 of this Code.
2. Wherever a required screen in the form of a fence is adjacent to a residential or commercial district or an arterial or collector street, it shall be non-metallic and of a subtle color to blend with surrounding vegetation. A slatted chain-link fence may approved by the Director.
3. Except for single and two family dwellings, any refuse container or disposal area which would otherwise be visible from a public street, customer or resident parking area, any public facility, adjacent property, or any residential area, shall be screened from view as specified in Subsections (2)(a) and (2)(c) of this Section. All refuse materials shall be contained within the screened area. See also Section 16.110(4)(c)2. of this Code for multi-family design standards.
4. Outdoor storage areas and yards shall be provided with a 5-foot planting strip in accordance with Section 31.140 of this Article when abutting a street.

(3) On-site Lighting Standards.

- (a) Purpose. On-site lighting standards are established to create a safe and secure environment during hours of darkness and reduce or prevent light pollution by minimizing glare.

(b) Applicability.

1. On-site lighting standards shall apply to any development requiring Site Plan Review approval.

2. **EXCEPTIONS:**

On-site lighting standards shall not apply to:

- a. Individual single family or duplex dwelling units;
- b. City street light standards and design criteria. Street lights shall be regulated by Section 32.060 of this Code and by the City's *Engineering Design Standards and Procedures Manual*;
- c. Lighting necessary for emergency equipment and work conducted in the interests of law enforcement or for the safety, health, or welfare of the City; and

- d. Sign lighting. Signs shall be regulated in Springfield Municipal Code 1997.
- (c) General. On-site lighting shall be the minimum illumination necessary for a given application. All exterior light fixtures shall be shielded or recessed so that direct glare and reflection are contained within the boundaries of the property, and shall be directed downward and away from abutting properties; public rights-of-way; and riparian, wetlands and other protected areas identified in this Code on the same property.
- (d) Height.
  - 1. The height of a free standing exterior light fixture shall not exceed 25 feet or the height of the principal permitted structure, whichever is less. Height shall be measured as the vertical distance between the paved surface and the bottom of the light fixture.
  - 2. **EXCEPTIONS:**
    - a. The Director may allow an increase to the standard in Subsection (d)1. when a determination is made that personal security is an issue, special security needs exist, or where vandalism or crime are possible. The Director may consider specific site characteristics, level of vehicle and pedestrian conflict, special security needs, and history or likelihood of crimes in making the determination.
    - b. The height of a free standing exterior light fixture within 50 feet of any residential district and riparian, wetlands and other similarly protected areas shall not exceed 12 feet.
    - c. The height restriction in Subsection (d)1. shall not apply to lighting used to illuminate outdoor performance areas, sport and recreation facilities, and playfields, unless these light fixtures are located within 50 feet of a residential zoning district.
- (e) The lighting standards in this Subsection shall be addressed in the On-site Lighting Plan as specified in Section 31.050(8) of this Article.

**31.170 SITE PLAN REVIEW - PARKING STANDARDS.**

- (1) Off-street parking spaces shall be provided for:
  - (a) All new construction and expansion of multiple family residential, commercial, industrial and public and semi-public uses. If an existing development is enlarged, new parking spaces shall be provided in proportion to the increase only.
  - (b) Changes in use or the use category of an existing building or structure.

**EXCEPTION:**

In the Downtown Exception Area, all lots and uses shall be exempt from the parking space requirements of this Article. However, if in the opinion of the Director there appears to be a major traffic impact, the Director may require a Traffic Study and parking may be required based on the study. In any case, any voluntarily installed parking shall conform to the design standards of this Article.

- (c) The Director may authorize a reduction in the number of required parking spaces without a Variance:
  - 1. Based on an approved Traffic Study; and/or
  - 2. When the location of a building on a site makes it impractical to provide the number of required spaces without demolishing all or part of the building, and no alternative parking arrangements are reasonably available; and
  - 3. Based on an affirmative finding by the Director that the exception will have no negative impacts on neighboring properties; and
  - 4. All installed parking shall conform to the design standards of this Article.
- (2) If parking has been provided to serve an existing use, the number of parking spaces shall not be reduced if the result would be fewer spaces than required by this Article.
- (3) Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials. Spaces for company motor vehicles that remain on the premises over night shall be provided in addition to the number of spaces required by this Article.
- (4) Except as specified in Subsection (5) of this Section, the total requirements for off-street parking space shall be the sum of the requirements for all uses. If the total number of required parking spaces results in a fraction, the fraction shall be rounded up to the next whole number. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use, except as specified in Subsection (6) of this Section.
- (5) The Director, upon application by all involved property owners, may authorize joint use of parking facilities, provided that:
  - (a) The applicant shall demonstrate that there is no substantial conflict in the principal operating hours of the buildings or uses for which the joint use of parking facilities is proposed; and
  - (b) The parties concerned in the joint use of off-street parking facilities shall provide evidence of agreement for such joint use by a legal instrument approved by the City Attorney. An agreement for joint use of parking facilities shall provide for continuing maintenance of jointly used parking facilities.



- (6) Parking spaces in a public right of way directly abutting the development area may be counted as fulfilling a part of the parking requirements for a development as follows: For each 18 feet of available on-street parking, there will be 1/2 space credit toward the required amount of off-street parking spaces. The developer shall be responsible for marking any on-street spaces.

### **31.180 SITE PLAN REVIEW - PARKING LOT DESIGN.**

Reserved for Future Use.

### **31.190 SITE PLAN REVIEW - PARKING AREA IMPROVEMENT STANDARDS.**

All parking areas shall conform to the setback, vision clearance, planting and screening provisions of this Code and shall be completed prior to occupancy. Required parking spaces shall be improved in accordance with the following standards:

- (1) All parking areas shall have a durable, dust free surfacing of asphaltic concrete, Portland cement concrete or other materials in accordance with the Building Safety Codes and approved by the Building Official. Parking lot surfacing shall not encroach upon the public right of way except where approved for access.
- (2) Adequate drainage improvements shall be provided to dispose of all on-site run-off. Provisions shall be made for the on-site collection of drainage waters to eliminate sheet flow onto sidewalks, public rights of way, and abutting private property. All drainage systems shall be approved by the Building Official and shall be constructed in conformance with the Building Safety Codes.
- (3) All parking stalls fronting a sidewalk, alley, street, planted area or structure shall be provided with a secured wheel bumper or linear curb not less than 6 inches in height to be set back from the front of the stall a minimum of 2 feet to allow for vehicle encroachment. Wheel bumpers shall be a minimum of 6 feet in length. Curbs shall be constructed in conformance with the Standard Construction Specifications.

#### **EXCEPTION:**

As an option, the sidewalk or planted area may be widened 2 feet beyond the minimum dimension required to allow for vehicle encroachment. A curb not less than 6 inches in height shall protect the widened sidewalks and planter areas.

- (4) Except for parking areas of less than 4 spaces on a residentially zoned lot, backing into the public right of way, other than alleys is prohibited.
- (5) All spaces shall be permanently and clearly marked unless it is determined that the spaces should not be marked for safety considerations. Old striping shall not be visible after being replaced by new striping.
- (6) Parking areas shall be designed to connect with parking areas on abutting sites within the same zoning district to eliminate the use of the street for cross movements.

- (7) Not more than 30% of the total parking spaces in a parking lot may be designated for compact cars. Such spaces shall be signed and/or the space painted with the words "Compact Car Only."
- (8) Parking spaces for disabled persons.
  - (a) Parking spaces for disabled people and accessible passenger loading zones that serve a particular building shall be located on the shortest possible circulation route to an entrance of the building.
  - (b) The number and dimensions of parking spaces for disabled persons shall be as specified in Section 1104 of the Structural Specialty Code.
- (9) Bicycle parking shall be provided as required for the specified uses in Section 31.220, and shall meet the standards set forth in Section 31.210. Bicycle parking provided in parking lots meet the requirements must be visible, accessible, and not conflict with pedestrian ways.

**EXCEPTION:**

In the case of multi-family development, bicycle parking may be permitted in landscaped areas in accordance with Section 16.110(4)(h)11. of this Code.

- (10) Any lights provided to illuminate any public or private parking area or vehicle sales area shall be arranged so as to reflect the light away from any less intensive use and comply with the lighting standards specified in Section 31.160(3) of this Article.

**31.200 SITE PLAN REVIEW - OFF-STREET LOADING STANDARDS.**

- (1) All necessary loading spaces for commercial and industrial buildings and uses shall be off-street and shall be provided in addition to the required parking spaces.
- (2) Vehicles in the berth shall not protrude into a public right of way or sidewalk. Except when no other reasonable alternative exists, loading berths shall be located so that vehicles are not required to back or maneuver in the public right of way.
- (3) A school having a capacity greater than 25 students shall have a driveway designed for the continuous forward flow of passenger vehicles for the purpose of loading and unloading children.
- (4) The minimum areas required for commercial and industrial loading spaces are as follows:
  - (a) 250 square feet for buildings of 5,000 to 20,000 square feet of gross floor area.
  - (b) 500 square feet for buildings of 20,000 to 50,000 square feet of gross floor area.
  - (c) 750 square feet for buildings in excess of 50,000 square feet of gross floor area.

- (5) The required loading area shall not be less than 10 feet in width by 25 feet in length and shall have an unobstructed height of 14 feet.

### **31.210 BICYCLE PARKING STANDARDS**

- (1) Purpose. Bicycle parking is required for most land use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles. Bicycles are required in most land-use districts and categories to encourage the use of bicycles by providing safe and convenient places to park bicycles. The required number of spaces is lower for uses that do not tend to attract bicycle riders and higher for those that do. Additionally, some bicycle parking is required on the basis of specifically encouraging employee, student or customer related bicycle use.

These design standards ensure that bicycle parking is convenient to cyclist in its location and provides sufficient security from theft and damage. Long-term bicycle parking space requirements are intended to accommodate employees, commuters, students, residents and other persons who expect to leave their bicycles for more than two hours. Short-term bicycle parking spaces accommodate visitors, customers, messengers, and other persons expected to depart within approximately two hours.

- (2) Bicycle Parking Standards.

- (a) The required minimum number of bicycle parking spaces for each principal use is three spaces. Specific requirements per use are given in Section 31.220. Additional bicycle parking spaces may be required at common use areas. Fractional numbers of spaces shall be rounded up to the next whole space.
- (b) Each bicycle parking space shall be at least 2 by 6 feet with an overhead clearance of 7 feet, and with a 5-foot access aisle beside or between each row of bicycle parking, and between parked bicycles and a wall or structure. (the dimensions for commonly used bicycle racks are shown in Figure 31.210(2)(b)). Bicycles may be tipped vertically for storage but not hung above the floor. Bicycle parking shall be provided at ground level unless an elevator is easily accessible to an approved bicycle storage area. Each required bicycle parking space shall be accessible without removing another bicycle.
- (c) All required long-term bicycle parking spaces shall be sheltered from precipitation. Short-term bicycle parking is not required to be sheltered.
- (d) Direct access from the bicycle parking to the public right-of-way shall be provided with access ramps, if necessary, and pedestrian access from the bicycle parking area to the building entrance.

- (3) Bicycle Parking Location And Security.

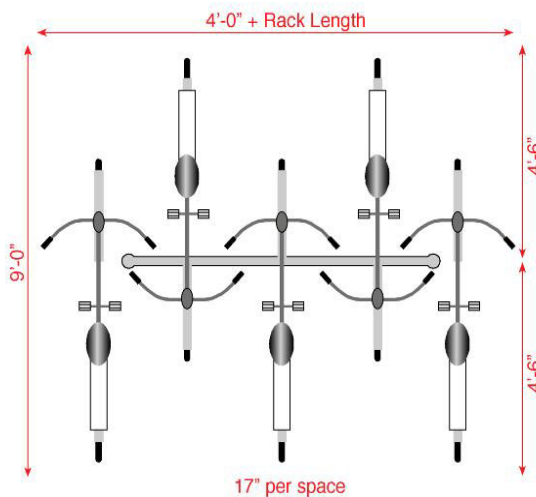
- (a) Bicycle parking shall consist of a securely fixed structure that supports the bicycle frame in a stable position without damage to wheels, frame or component and that allow the frame and both wheels to be locked to the rack by the bicyclist's own

locking device. Bicycle parking shall be provided within a convenient distance of, and clearly visible from, the main entrance to the building as determined by the City. Bicycle parking racks, shelters or lockers must be securely anchored to the ground or to a structure.

- (b) Bicycle parking shall be separated from motor vehicle parking by a barrier, curb, or sufficient distance to prevent damage to parked bicycles.
  - (c) Where bicycle-parking facilities are not directly visible and obvious from the public right(s)-of-way, sign(s) shall be provided to direct bicyclists to the parking. Directions to sheltered facilities inside a structure may be signed or supplied by the employer, as appropriate. Short-term parking must be made available to the general public.
  - (d) Bicycle parking may be located inside a building on a floor, which has an outdoor entrance open for use, and floor location, which does not require stairs to access the space; exceptions may be made for parking on upper stories within multi-story residential buildings.
  - (e) Pedestrian Conflicts. Bicycle parking and bicycle racks shall be located to avoid conflict with pedestrian movement and access. Bicycle parking may be located in the public sidewalk or right-of-way where this still leaves a minimum five feet between the parked bicycle and the storefront and does not conflict with pedestrian accessibility.
  - (f) For multi-family dwelling with required bike parking, requirements may be met through the provision of individual garages or storage units. For housing, relying on a common garage and without storage units, bicycle racks must be provided in the garage.
- (4) Motor Vehicle Parking Space Reduction Credit.
- (a) Bicycle parking may substitute for up to 25 percent of required parking. For every five non-required bicycle parking spaces that meet the short or long term bicycle parking standards, the motor vehicle requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.
  - (b) Dimensions for commonly used racks.

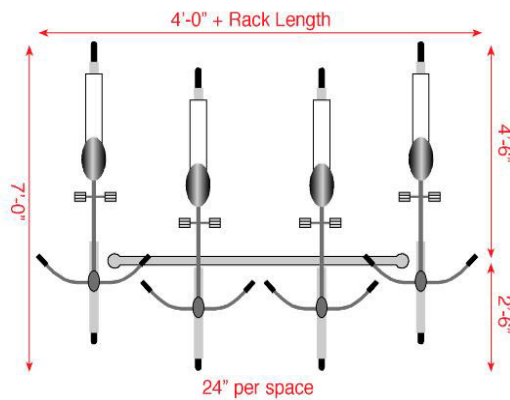
### Ribbon, Spiral, or Freestanding Racks

(with access from opposing sides)

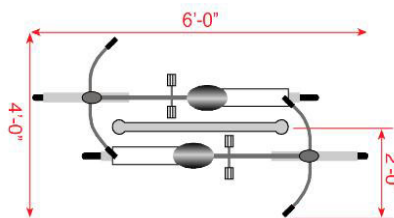


### Ribbon, Spiral, or Freestanding Racks

(with access from only one side)



### Hitching Post or Staple Racks



9/00

## DIMENSIONS FOR COMMONLY USED RACKS

### 31.220 MINIMUM REQUIRED BICYCLE PARKING SPACES

	<b>31.220 Minimum Required Bicycle Parking Spaces</b>	
<b>Uses</b>	<b>Required Bicycle Parking</b> (Minimum 3 bicycle spaces required unless -0- is indicated.)	<b>Type and % of Bicycle Parking</b>
<b>Accessory Uses</b>		
All Uses in this category	-0-	NA
<b>Agricultural, Resource Production and Extraction</b>		
All Uses in this category	1 per each 600 square feet of floor area.	100% short term
<b>Eating and Drinking Establishments</b>		
All Uses in this category	1 per each 600 square feet of floor area.	25% long term 75% short term
<b>Education</b>		
Schools, Business or Specialized Educational Training (excludes driving instruction)	1 per 5 full-time students	25% long term 75% short term
Schools, Driving (including use of motor vehicles)	1 per each 3000 square feet of floor area.	25% long term 75% short term
Schools, Public or Private (Elementary through High School)	1 per 8 students.	25% long term 75% short term
Universities or Colleges	1 per 5 full-time students.	25% long term 75% short term
<b>Entertainment and Recreation</b>		
Amusement Centers (Arcades, pool tables, etc.)	1 per each 1000 square feet of floor area.	25% long term 75% short term
Arenas, (Both indoors and outdoors)	1 per 20 seats.	25% long term 75% short term
Artist Galleries/Studios	1 per each 500 square feet of floor area.	25% long term 75% short term
<b>Athletic Facilities and Sports Clubs</b>		
-- Viewing Areas	1 per each 280 square feet of floor area.	25% long term 75% short term
-- Locker Rooms, Saunas Whirlpools, Weight Rooms, or Gymnasiums	1 per each 750 square feet of floor area.	25% long term 75% short term
-- Lounge or Snack Bar Areas	1 per each 600 square feet of floor area	25% long term 75% short term
-- Pro Shops or Sales Areas	1 per each 3000 square feet of floor area.	25% long term 75% short term
-- Swimming Pools	1 per each 2000 square feet of floor area.	25% long term 75% short term
Athletic Field, Outdoor	4 spaces per field	100% short term
Ballet, Dance, and Gymnastic Schools/Academies/Studios	1 per each 400 square feet of floor area.	25% long term 75% short term
Bowling Alleys	1 per each 1000 square feet of floor area.	25% long term 75% short term
Civic, Social, Fraternal Organizations, including Clubs and Lodges of National Organization	1 per each 3000 square feet of floor area.	100% short term
Community and Neighborhood Centers	1 per each 1000 square feet of floor area.	25% long term 75% short term
Equestrian Academy and Stables	-0-	NA
Equestrian Trails	-0-	NA

Golf Course, Miniature Indoor	1 per each 400 square feet of floor area.	25% long term 75% short term
Golf Course, Miniature Outdoor	1 per each 400 square feet of floor area.	25% long term 75% short term
Golf Course, with or without country club	-0-	NA
Golf Driving Range	1 per each 400 square feet of floor area.	25% long term 75% short term
Libraries	1 per each 1500 square feet of floor area.	25% long term 75% short term
Museum	1 per each 500 square feet of floor area.	25% long term 75% short term
Parks and Playgrounds*  <i>* Additional racks must be placed adjacent to the facilities they serve.</i>	Minimum of 4 plus additional spaces if the park is developed with the following improvements: Playing Court: 2 spaces Picnic Shelter: 2 spaces Playground: 2 spaces Playing Field: 4 spaces Skateboard Park: 2 spaces Restroom: 2 spaces	100% short term
Playing Courts not associated with a public park	10% of auto spaces (minimum of 4).	25% long term 75% short term
Race Tracks, including drag strips and go-cart tracks	1 per 40 seats.	25% long term 75% short term
Theaters, Live Entertainment	1 per 40 seats.	25% long term 75% short term
Theaters, Motion Picture	1 per 40 seats.	25% long term 75% short term
<b>Financial Services</b>		
Automated Teller Machines (ATMs)	-0-	NA
Banks, Savings and Loan Offices, Credit Unions	1 per each 3000 square feet of floor area.	25% long term 75% short term
<b>Government</b>		
Government Services, not specifically listed in this or any other uses and permits table	1 per each 3000 square feet of floor area.	25% long term 75% short term
<b>Lodging Services</b>		
Bed and Breakfast Facilities	1 per 10 guest bedrooms.	100% long term
Homeless Shelters	1 per 10 beds.	75% long term 25% short term
Hotels, Motels, Youth Hostels and similar businesses providing overnight accommodations	1 per 10 guest bedrooms.	25% short term 75% long term
Recreational Vehicle Parks, may include tent sites	-0-	NA
<b>Manufacturing</b>		
All manufacturing uses, excluding storage uses.	1 per each 3000 square feet of floor area.	25% short term 75% long term
Storage	-0-	NA
<b>Medical, Health, and Correctional Services</b>		
Blood Banks	1 per each 3000 square feet of floor area.	100% short term
Correctional Facilities, excluding Residential Treatment Centers	1 per 20 beds.	25% short term 75% long term
Hospitals, Clinics, or other Medical Health Treatment Facilities (including mental health) in	1 per each 3000 square feet of floor area.	25% short term 75% long term

excess of 10,000 square feet of floor area		
Hospitals, Clinics or other Medical Health Treatment Facilities (including mental health) 10,000 square feet or less of floor area.	1 per each 3000 square feet of floor area.	25% short term 75% long term
Laboratories--Medical, Dental, X-Ray.	1 per each 3000 square feet of floor area	25% long term 75% short term
Meal Services, Non-Profit	1 per each 3000 square feet of floor area.	25% long term 75% short term
Nursing Home.	1 per 15 beds	75% long term 25% short term
Plasma Centers	1 per 15 beds.	75% long term 25% short term
Residential Treatment Center	1 per 15 beds.	75% long term 25% short term
<b>Motor Vehicle Related Uses</b>		
Car Washes	-0-	NA
Parking Areas	-0-	NA
Parking Garages, up to two levels	10% of auto spaces.	100% long term
Parking Garages, three or more levels	10% of auto spaces.	100% long term
Parts Stores	1 per each 3000 square feet of floor area.	100% short term
Recreational Vehicles and Heavy Truck, Sales/Rental/Service	1 per each 4000 square feet of floor area.	100% short term
Repair, includes paint and body shops	1 per each 6000 square feet of floor area.	100% short term
Sales, excluding recreational vehicles and heavy trucks	1 per each 6000 square feet of floor area.	100% short term
Service Stations, includes quick servicing	1 per each 6000 square feet of floor area.	100% short term
Tires, Sales/Service	1 per each 6000 square feet of floor area.	100% short term
Transit Park and Ride, Major or Minor, only when shared parking arrangement with other permitted use	Minimum 10 spaces, or 10% of auto spaces, whichever is greater.	25% long term 75% short term
Transit Park and Ride, Major or Minor	Minimum 10 spaces, 10% of auto spaces, whichever is greater.	25% long term 75% short term
Transit Station, Major or Minor	Minimum 10 spaces, 10% of auto spaces, whichever is greater.	25% long term 75% short term
<b>Office Uses</b>		
All Office Uses	1 per each 3000 square feet of floor area.	25% long term 75% short term
<b>Personal Services</b>		
All Personal Services Uses, except Barber, Beauty, Nail, Tanning Shops and Laundromats	1 per each 3000 square feet of floor area.	25% long term 75% short term
Barber, Beauty, Nail, Tanning Shops	1 per each 2000 square feet of floor area	25% long term 75% short term
Laundromats, Self-Service	1 per each 2000 square feet of floor area	25% long term 75% short term
<b>Religious Services</b>		
Churches, Synagogues, and Temples, including associated residential structures for religious personnel	1 per 40 fixed seats or 60 feet of bench length or every 200 square feet where no permanent seats or benches are maintained in main auditorium (sanctuary or place of worship).	100% short term
<b>Residential</b>		
One-Family Dwelling	-0-	NA



Secondary Dwelling (Either attached or detached from primary one-family dwelling on same lot)	-0-	NA
Rowhouse (One-Family on own lot attached to adjacent residence on separate lot with garage or carport access to the rear of the lot)	-0-	NA
Duplex (Two-Family attached on same lot)	-0-	NA
Triplex (Three-Family attached on same lot)	1 per dwelling.	100 % long term
Four-Plexes (Four-Family attached on same lot)	1 per dwelling.	100 % long term
Multiple Family (3 or more dwellings on same lot)	1 per dwelling.	100% long term
Manufactured Home Park	1 per 400 square feet for common-use buildings	NA
Controlled Income and Rent Housing where density is above that usually permitted in the zoning yet not to exceed 150%	1 per dwelling.	100% long term
<b>Assisted Living &amp; Day Care</b>		
-- Assisted Living (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)	-0-	NA
-- Assisted Living (6 or more people living in facility)	1 per 10 employees	100% long term
-- Day Care (3 - 12 people served)	-0-	NA
-- Day Care (13 or more people served)	1 per 10 employees	100% long term
<b>Rooms for Rent</b>		
-- Boarding and Rooming House	1 per guest room.	100% long term
-- Campus Living Organizations, including Fraternities and Sororities	1 for each 2 occupants for which sleeping facilities are provided.	100% long term
-- Single Room Occupancy	1 per dwelling (4 single rooms are equal to 1 dwelling).	100% long term
-- University and College Dormitories	1 for each 2 occupants for which sleeping facilities are provided.	100% long term
<b>Trade (Retail and Wholesale)</b>		
Agricultural Machinery Rental/Sales/Service	1 per each 4000 square feet of floor area.	25% long term 75% short term
Appliance Sales/Service	1 per each 6000 square feet of floor area.	25% long term 75% short term
Boats and Watercraft Sales/Service	1 per each 6000 square feet of floor area.	25% long term 75% short term
Convenience Stores	1 per each 3000 square feet of floor area.	25% long term 75% short term
Equipment, Light, Rental/Sales/Service	1 per each 4000 square feet of floor area.	25% long term 75% short term
Equipment, Heavy, Rental/Sales/Service Includes truck and tractor sales	1 per each 4000 square feet of floor area.	25% long term 75% short term
Furniture and Home Furnishing Stores	1 per each 6000 square feet of floor area.	25% long term 75% short term
Garden Supply/Nurseries	1 per each 6000 square feet of floor area.	25% long term 75% short term
Garden Supply/Nurseries, including feed and seed stores	1 per each 6000 square feet of floor area.	25% long term 75% short term

General Merchandise (includes supermarkets and department stores)	1 per each 3000 square feet of floor area.	25% long term 75% short term
Hardware/Home Improvement Stores, includes building material and supplies	1 per each 6000 square feet of floor area.	25% long term 75% short term
Liquor Stores	1 per each 3000 square feet of floor area.	25% long term 75% short term
Manufactured Dwelling Sales/Service/Repair	1 per each 3000 square feet of floor area.	25% long term 75% short term
Medical Equipment and Supplies	1 per each 3000 square feet of floor area.	25% long term 75% short term
Office Equipment and Supplies	1 per each 3000 square feet of floor area.	25% long term 75% short term
Plumbing Supplies and Services	1 per each 6000 square feet of floor area.	25% long term 75% short term
Regional Distribution Center	1 per each 6000 square feet of floor area.	25% long term 75% short term
Retail Trade when secondary, directly related, and limited to products manufactured, repaired, or assembled on the development site	1 per each 3000 square feet of floor area.	25% long term 75% short term
Storage Facilities, Household/Consumer Goods	-0-	NA
Storage Facilities, Household/Consumer Goods, enclosed	-0-	NA
Shopping centers with at least 2 or more businesses and at least 50,000 square feet of gross floor area.	1 per each 3000 square feet of floor area.	25% long term 75% short term
Specialty Stores (examples include-gift, computer or video store)	1 per each 3000 square feet of floor area.	25% long term 75% short term
Storage Facilities	-0-	NA
Warehouse Commercial Sales	1 per each 6000 square feet of floor area	25% long term 75% short term
<b>Utilities and Communication</b>		
All Uses in Utilities and Communication Category, except for Broadcasting Studios	-0-	NA
Broadcasting Studios, Commercial and Public Education	1 per each 3000 square feet of floor area.	25% long term 75% short term
<b>Other Commercial Services</b>		
Building Maintenance Services	1 per each 3000 square feet of floor area.	100% short term
Catering Services	1 per each 3000 square feet of floor area.	25% long term 75% short term
Collection Center, Collection of Used Goods	-0-	NA
Garbage Dumps, sanitary landfills	-0-	NA
Heliports and Helistops	-0-	NA
Home Occupations	-0-	NA
Kennel	-0-	NA
Model Home Sales Office	-0-	NA
Mortuaries and Cemeteries	1 per each 3000 square feet of floor area.	100 % short term
Photographers' Studios	1 per each 3000 square feet of floor area.	100 % short term
Picture Framing and Glazing	1 per each 3000 square feet of floor area.	100 % short term
Printing, Blueprinting, Duplicating	1 per each 3000 square feet of floor area.	25% long term 75% short term
Publishing Services	1 per each 3000 square feet of floor area.	25% long term 75% short term
Temporary Activities	-0-	NA

Train Stations	1 per each 3000 square feet of floor area.	75% long term 25% short term
Upholstery Shop	1 per each 3000 square feet of floor area.	100% short term
Veterinarian Services	1 per each 3000 square feet of floor area	100% short term
Wildlife Care Center	1 per each 3000 square feet of floor area	100% short term

### 31.230 BICYCLE COMMUTER FACILITIES

Businesses with changing rooms and shower facilities or other additional amenities that encourage bicycling or other alternative modes of transportation by employees or patrons may be eligible for a reduction of Transportation System Development Charges if the City Engineer determined a decrease in vehicle trips will result.

### 31.240 SITE PLAN REVIEW – WATER QUALITY PROTECTION

The intent of this Section is to apply water quality protection to only those sites that require Site Plan Review approval as specified in Section 31.020 of this Article. The following standards do not apply to single-family homes and duplexes in the Low Density Residential District as of the date of this Ordinance, except as specified in Subsection (1)(a) of this Section. Existing buildings that are within the riparian areas specified in Subsection (1)(a) and (b) shall not be considered non-conforming. Subsections (1)(b)1. and 2. provide additional protection from a non-conforming status.

- (1) When addressing criterion (5) as specified in Section 31.060 of this Article to protect riparian areas along watercourses shown on the Water Quality Limited Watercourses (WQLW) Map on file in the Development Services Department, the following riparian area boundaries shall be utilized:
  - (a) Along all watercourses shown on the WQLW Map with average annual stream flow greater than 1,000 cubic feet per second (CFS) the riparian area boundary shall be a minimum of 75 feet upland from the top of the bank.

**EXCEPTION:**

Within the Willamette Greenway, any change or intensification of use to a single-family home or duplex requires Site Plan Review as specified in Section 25.040(1) of this Code. In this case, the Director may reduce the size of the required riparian area if there is a finding that the proposed development is in compliance with Article 24, Willamette Greenway Overlay District and other applicable provisions of this Code.

- (b) Along all watercourses shown on the WQLW Map with average annual stream flow less than 1,000 CFS the riparian area boundary shall be a minimum of 50 feet upland from the top of each bank.

**EXCEPTIONS:**

- 1. For all watercourses Subject to Section 31.240(1)(b) of this Section other than the Mill Race or Cedar Creek, the 50 foot riparian area standard may be reduced to 35 feet provided an equivalent amount and function of pervious

land is established elsewhere on the property that utilizes water quality measures including, but not limited to: wetlands, bioswales or additional trees, especially in parking areas, and exclusive of otherwise required water quality measures and landscape areas. The burden of proof shall be on the applicant to demonstrate, to the satisfaction of the Public Works Director, equivalency in relation to both the amount of pervious land (as specified above) and riparian area function (as specified in Section 32.110(7) of this Code.

2. An existing building within a riparian area shall not be considered a non-conforming use if destroyed by earthquake, flood or other natural disaster or fire. In this case, the replacement building may be constructed within the same footprint as the existing building. If the building is within the Willamette Greenway, the standards in Article 25, Willamette Greenway Overlay District shall apply.
- (c) Where a watercourse divides a lot and the existing riparian area along that watercourse is degraded in riparian function, the applicant may relocate the watercourse to another portion of the property as approved by the Public Works Director and applicable state or federal agency.
  - (d) If an expansion of the riparian area described in Subsection (1)(a) and (b) occurs as a result of a federal or state agency permit process, the applicant shall resubmit the Preliminary Site Plan for additional review in accordance with Section 31.020 of this Article or Submit a Site Plan Modification in accordance with as specified in Section 31.100 of this Article.
- (2) Permitted Uses in Riparian Areas. The following uses shall be permitted in riparian areas as long as they do not diminish riparian functions:
- (a) The planting of trees and native vegetation to promote bank stability, enhance riparian areas, minimize erosion, preserve water quality and protect federally listed species. Trees may be clustered to allow maintenance vehicles approach City maintained stormwater facilities including but not limited to: detention basins, outfalls and culverts.
  - (b) The felling of hazardous trees for safety reasons as specified in Article 38, Tree Felling.
  - (c) Riparian area restoration, enhancement including the removal of invasive plant species, where necessary.
  - (d) Flood control structures, where necessary.
  - (e) Stormwater management systems and outfalls, as allowed by the Public Works Director or other regulating authority.
  - (f) Pedestrian paths as specified in Section 32.090(2)-(4) of this Code. Pedestrian paths shall be located along the outer edge of the required riparian area away from the watercourse. Utilities may be extended in the pedestrian path.

- (g) Bikeways shown on the TransPlan Priority Bikeway System Projects Map or the Future Bikeway Projects Map and as specified in Section 32.090(1) of this Code, provided that the drainage falls away from the watercourse. Bikeways shall be located along the outer edge of the required riparian area away from the watercourse. Utilities may be extended in the bikeway.
  - (h) Water dependent or water related uses between the Willamette River and the Greenway Setback Line as may be permitted in Article 25 Willamette Greenway Overlay District.
  - (i) Private driveways, public street crossings, bridges and necessary culverts when there is no other vehicle access to the property. Crossings should be preferably at right angles to the watercourse. Public and private utilities shall be permitted within the driveway, public street or bridge right-of-way.
  - (j) Repair, replacement or improvement of utility facilities as long as the riparian area is restored to its original condition.
  - (k) Routine repair and maintenance of existing structures, streets, driveways, utilities, accessory uses and other similar facilities.
  - (l) Other activities similar to those listed above that do not diminish riparian function. The Director shall make such determinations in accordance with Article 3, Interpretation.
- (3) For protection of water quality and protection of riparian area functions as specified in Section 32.110(7) of this Code, the following standards shall apply:
- (a) Avoid development or redevelopment in the following circumstances:
    1. Unsuitable areas, including, but not limited to unstable slopes, wetlands and riparian areas;
    2. Stream crossings – where crossings must be provided, the impacts on water quality shall be minimized; and
    3. Hardening of stream banks and shorelines.
  - (b) Prevent:
    1. Stormwater discharge impacts to water quality and quantity; and
    2. Erosion and sediment run-off during and after construction.
  - (c) Protect:
    1. Riparian areas, buffers and functions around all watercourses; and
    2. Wetlands, wetland buffers and wetland functions.

- (d) Preserve the hydrologic capacity of any watercourses.
- (e) Utilize native vegetation in riparian areas to reduce the need to apply water, herbicides, pesticides and fertilizer. The required riparian area landscaping shall be installed as part of the building permit process. The required riparian area landscaping may be bonded as specified in Section 31.110 of this Article.
- (f) Restoration and enhancement of riparian areas that are degraded in riparian function.
- (g) In applying Subsections (3)(a) through (3)(f) of this Section for riparian areas, protection, preservation, restoration and enhancement measures shall be applied as follows:
  - 1. For new development and redevelopment, existing riparian area functions shall be protected and preserved and degraded functions shall be restored or enhanced through the full riparian area width, specified in Subsection (1)(a) and (1)(b) of this Section, and extending through the full frontage of the lot along the watercourse on the Water Quality Limited Watercourse (WQLW) Map.
  - 2. For additions and expansions on any portion of a lot, existing riparian area functions shall be protected and preserved through the full riparian area width specified in Subsection (1)(a) and (1)(b) of this Section and extending through the full frontage of the lot along the watercourse on the WQLW Map.
  - 3. For additions and expansions within 100 feet of a watercourse on the WQLW Map on a lot that has degraded riparian functions, the area for restoration or enhancement shall be based upon the ratio of the impervious area of the addition or expansion to the existing building or impervious area on the lot. The restoration or enhancement shall start at the top of bank of the watercourse and work landward.

**(Ord. 5342 7/21/86):** Sections 31.040; 31.170.

**(Ord. 5358 11/17/86):** Section 31.040.

**(Ord. 5407 10/19/87):** Sections 31.010; 31.020; 31.030; 31.040; 31.050; 31.060; 31.110; 31.130; 31.140; 31.150; 31.160; 31.180; 31.190.

**(Ord. 5466 3/6/89):** Sections 31.030; 31.040; 31.170; 31.180; 31.190.

**(Ord. 5551 2/4/91):** Title Page; Sections 31.010; 31.020; 31.030; 31.040; 31.050; 31.060; 31.080; 31.110; 31.130; 31.140; 31.160; 31.170; 31.180; 31.190.

**(Ord. 5566 5/20/91):** Section 31.140.

**(Ord. 5804 12/18/95):** Section 31.010; 31.140; 31.170.

**(Ord. 5849 3/17/97):** Section 31.120.

**(Ord. 5864 11/03/97):** Section 31.070; 31.160.

**(Ord. 5965 06/19/00):** Section 31.140(3);31.160(1)(2)(a)(d)3.; 31.190(3)(9)(c)

**(Ord. 5972 02/05/2001):** Section 31.010(2)(a); 31.050(n)6; 31.190(9); 31.210(1)(2)(a)(b)(c)(d), (3)(a)(b)(c)(d)(e)(f), (4)(a); 31.210; 31.220; 31.230.

**(Ord. 6021 7/15/02)** Amending Sections 31.010, 31.020, 31.030, 31.050, 31.060, 31.070, and 31.100 and Adding Section 31.240.

**(Ord. 6073 12/1/2003)** Amending Section 31.020(2)(a) & (b) effective date 1/1/2004

**(Ord. 6133 07/18/05):** Title page; Sections 31.010, 31.020, 31.030, 31.040, 31.050, 31.060, 31.070, 31.080, 31.090, 31.100, 31.140, 31.160, 31.180 and 31.190.

## **ARTICLE 32**

### **PUBLIC AND PRIVATE IMPROVEMENTS**

32.010 PURPOSE

32.020 STREETS - PUBLIC

32.030 STREETS - PRIVATE

32.040 SIDEWALK AND PLANTER STRIP STANDARDS

32.050 STREET TREES

32.060 STREET LIGHTS

32.070 VISION CLEARANCE AREAS

32.080 ACCESS AND CURB CUTS

32.085 INTERSECTIONS

32.090 BIKEWAYS, PEDESTRIAN TRAILS AND ACCESSWAYS

32.100 SANITARY SEWERS

32.110 STORMWATER MANAGEMENT

32.120 UTILITIES

32.130 SITING AND REVIEW PROCESS FOR WIRELESS TELECOMMUNICATIONS  
SYSTEMS FACILITIES



## ARTICLE 32

### PUBLIC AND PRIVATE IMPROVEMENTS

#### 32.010 PURPOSE.

- (1) Planning references for public and private improvements. The intent of this Article is to ensure that public and private improvements within the city limits and the City's urbanizable area are installed and serve all lots, parcels, buildings or structures in accordance with applicable Metro Plan policies, including Auxiliary Map#1, TransPlan, other functional plans; the Conceptual Local Street Map; applicable Refinement Plans, Plan Districts, Master Plans, and Conceptual Development Plans; this Code; and any other applicable regulations.
- (2) Construction and design references for public improvements under City jurisdiction. Specifications for the design, construction, reconstruction or repair of streets, alleys, sidewalks, bus turnouts, accessways, curbs, gutters, street lights, street signs, sanitary sewers, stormwater management systems, street trees and planter strips within the public right-of-way, medians and other public improvements within the city limits and the City's urbanizable area shall be in accordance with this Code, the Springfield Municipal Code 1997, the City's *Engineering Design Standards and Procedures Manual* and, the Public Works Standard Construction Specifications. The Public Works Director retains the right to modify their cited references on a case-by-case basis.
- (3) Construction and design references for other public agency improvements. Each public agency, including but not limited to, the provider of water, electricity, parks and public transit service that have specific construction standards shall submit correspondence during the Development Review process that addresses their construction requirements.
- (4) Construction design references for private improvements.
  - (a) Specifications for private street improvements within the city limits and the City's urbanizable area shall be approved by the Public Works Director in accordance with Section 32.030 of this Article and the City's *Engineering Design Standards and Procedures Manual* and any other applicable regulations.
  - (b) Other private improvements within the city limits and the City's urbanizable area shall be as specified in this Code and/or approved by the Building Official.
- (5) Americans with Disabilities Act. All applicable public and private improvements shall also meet current applicable standards of the Americans with Disabilities Act.

#### 32.020 STREETS - PUBLIC.

- (1) General Provisions.
  - (a) The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, and to the planned use of land to be served by the streets. The street system shall assure efficient traffic circulation that is

convenient and safe. Grades, tangents, curves and intersection angles shall be appropriate

for the traffic to be carried, considering the terrain. Street location and design shall consider solar access to building sites as may be required to comply with applicable solar regulations specified in this Code, the need for utility locations, and the preservation of natural and historic resources inventoried in the Metro Plan. Street locations shall ordinarily be shown in TransPlan; applicable Refinement Plans, Plan Districts, Master Plans, Conceptual Development Plans; or the Conceptual Local Street Map. The arrangement of public streets shall provide for the continuation or appropriate projection of existing streets in the surrounding area, unless topographical or other conditions make continuance or conformance to existing street alignments impractical.

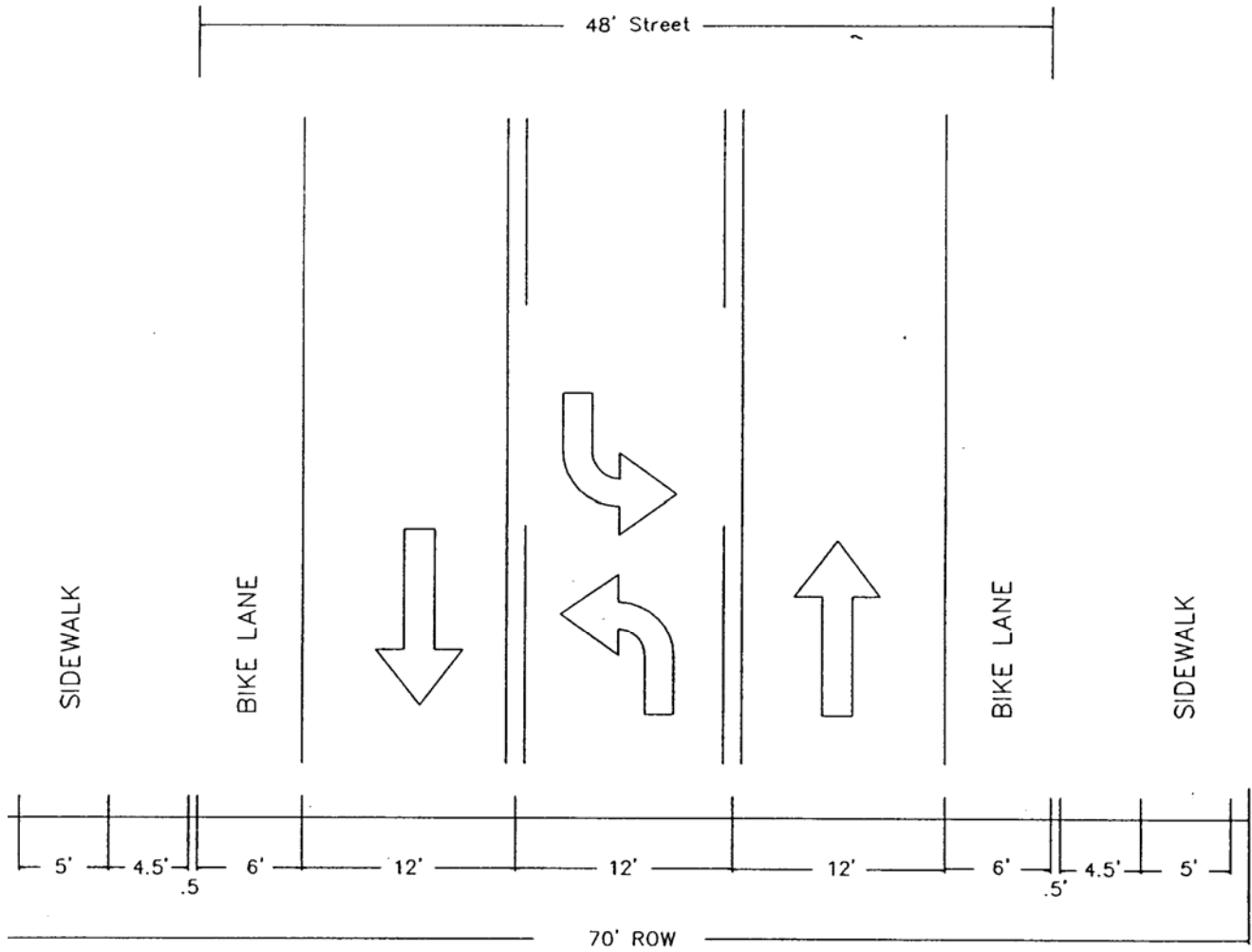
- 1.** The following street connection standards shall be used in evaluating street alignment proposals not shown on an adopted plan or that are different from the Conceptual Local Street Map:
  - a.** Streets shall be designed to efficiently and safely accommodate all modes of travel including emergency fire and medical service vehicles.
  - b.** The layout of streets should not create excessive travel lengths, particularly for pedestrians and cyclists. Block length for local streets shall not exceed 600 feet, unless the developer demonstrates that a block length must be greater than 600 feet because of the existence of one or more of the following conditions:
    - i.** Physical conditions preclude a block length 600 feet or less. These conditions may include topography or the existence of physical features, including but not limited to: wetlands, ponds, streams, channels, rivers, lakes or steep grades, or a resource under protection by state or federal law.
    - ii.** Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels that physically preclude a block length 600 feet or less, considering the potential for redevelopment.
    - iii.** In the case where the extension of a public street into the proposed development would create a block length exceeding 600 feet, the total block length shall be as close to 600 feet as possible.
  - c.** Streets shall be interconnected to provide for the efficient provision of public facilities and for more even dispersal of traffic.
  - d.** New streets shall be designed to accommodate pedestrians and bicycles safely.
  - e.** The street circulation pattern shall provide connections to and from activity centers such as schools, commercial areas, parks, employment centers, and other major attractor.

- f. Street design shall minimize impacts to waterways and wetlands, street design shall follow slope contours where possible.
  - g. Street design shall enhance the efficiency of the regional collector and arterial street system by providing relatively uniform volumes of traffic to provide for optimum dispersal.
  - h. Streets identified, as future transit routes shall be designed to safely, efficiently and physically accommodate transit vehicles.
  - i. Streets shall meet all design standards in this Code, the City's *Engineering Design Standards and Procedures Manual*, the Public Works Standard Construction Specifications, and the Springfield Municipal Code 1997.
  - j. Streets shall provide logical and efficient extensions of the public street system to adjoining properties.
2. The Director, in consultation with the Public Works Director, may modify the Conceptual Local Street Map when a proposed alignment is consistent with the street connection guidelines (32.020 (1)(a)(1.)) or when existing conditions make application of the Conceptual Local Street Map impractical or inconsistent with accepted transportation planning principles.
- (b) All streets and alleys shall be dedicated and improved in accordance with this Code.
- (c) All lots/parcels shall have approved access to a public street or alley. The access shall be provided by either:
- 1. Direct access to a public street or alley;
  - 2. Direct access to a private street; or
  - 3. An irrevocable joint use/access easement that has been approved by the City Attorney, where:
    - a. Private driveways in lieu of a panhandle driveway, where specified elsewhere in this Code; or
    - b. Combined access for two or more lots/parcels are required to reduce the number of access points along a street, as determined by the Public Works Director.
- (d) Development Approval shall not be granted where a development will create dangerous or hazardous traffic conditions.
- (e) A developer may be required to prepare a Traffic Impact Study to show how the design and installation of on-site and off-site improvements will minimize identified traffic

impacts. The study shall be included with a development application, in any of the following instances:

1. When requesting a Variance from the transportation specifications of this Code.
  2. When a land use will generate 250 or more vehicle trips per day in accordance with the current version of the Institute of Transportation Engineers Trip Generation Informational Report. Descriptions of the requirements of a minor/major Traffic Impact Study are described in the Department of Public Works Standard Operating Procedures.
    - a. If the number of vehicle trips per day generated is between 250 - 500, a minor Traffic Impact Study will be required.
    - b. If the land use generates an excess of 500 or more vehicle trips per day a major Traffic Impact Study will be required.
  3. When the installation of traffic signals may be warranted.
  4. The Public Works Director may require a Traffic Impact Study for a land use when the proposed development creates a hazardous situation or degrades existing conditions to an unacceptable level of service.
  5. The Public Works Director will determine the nature and the extent of the Traffic Impact Study requirements relating to the number of trips associated with a specific development and potential traffic hazards.
- (f) The Director, in consultation with the Public Works Director, may modify these specifications consistent with TransPlan and the intent of this Code when existing conditions make their strict application impractical or inconsistent with accepted site planning or transportation planning principles.
- (2) Streets shall be dedicated through the approval of a subdivision plat or partition, or by acceptance of a deed when approved by the City for general traffic circulation in accordance with the Metro Plan and the TransPlan.
  - (3) Street right of way widths shall be as specified in Table 32-1, unless otherwise indicated in TransPlan, the Conceptual Local Street Plan, or where necessary to achieve right of way and street alignment.

DIAGRAM 32-A



COLLECTOR / MINOR ARTERIAL  
TYPICAL MINOR ARTERIAL STREET  
CROSS SECTION

TABLE 32-1 (See Diagram 32-A)

STREET RIGHT OF WAY AND CURB-TO-CURB WIDTH SPECIFICATIONS

TYPE OF STREET CURB	MINIMUM RIGHT OF WAY	MINIMUM CURB TO
Major Arterial	100'	76'
Minor Arterial	70'	48'
Collector	70'	36'***
Local: <15% slope *	50'	36'
>15% slope *	40'	28'***
<1200' length + <1000 vehicle trips per day	40'	28'
Cul-de-sac bulb	83'	70'
Alley	20'	20'*****

\* i.e., the average slope of the development area.

\*\* 20' streets are allowed with approved parking bays of 8'x 24' per vehicle.

\*\*\* A center turn lane may be required for collector streets if there is the opportunity for multiple access points along the street.

\*\*\*\*\* Alleys do not have curbs, 20' is the entire paving width.

(4) Functional classification of streets. The City's street system consists of Major Arterial; Minor Arterial; Collector and Local streets consistent with the *Federally Designated Roadway Functional Classification* map, contained in TransPlan. Local Streets include all streets not classified as an Arterial or Collector street.

(5) Dead-end streets.

(a) Dead-end streets shall terminate in cul-de-sac bulb, "hammerhead" or other design that provides an adequate vehicular turn around area as may be approved by the Public Works Director and the Fire Marshal.

(b) A cul-de-sac, excluding the bulb, or other approved vehicular turn-around area, shall have a minimum length of 65 feet and shall have a maximum length of 400 feet as measured from the nearest curb line of the intersecting street. The right-of-way and paving requirements for cul-de-sacs, including the bulb or other approved vehicular turn around area, shall be in accordance with the Public Works Standard Construction Specifications and the City's *Engineering Design Standards and Procedures Manual*.

**EXCEPTION:**

Where new streets intended to be through streets are partially constructed during phased development, temporary dead end streets with temporary vehicular turn-around areas shall be permitted in accordance with the City's *Engineering Design Standards and Procedures Manual*. In this case, the 400 foot maximum length standard shall not apply.

(c) Where there is an existing dead end street without a turn around at the time of development that generates additional vehicular trips, the property owner shall provide

for a turn around area to the satisfaction of the Public Works Director and the Fire Marshall. Permitted vehicular turn around areas may include, but are not limited to: hammerheads, partial cul-de-sac bulbs and private driveways.

- (6) Where necessary to ensure that adequate access will be feasible for the orderly development and/or division of adjacent land or to provide for the transportation and access needs of the City as determined by the Public Works Director, streets shall be extended to the appropriate boundary of the property proposed to be developed, partitioned or subdivided. A City standard barricade and/or signs and markings as may be necessary to adequately warn traffic shall be constructed at the developer's expense at the end of, and/or parallel to the street.
- (7) Additional Right of Way and Street Improvements.
  - (a) Whenever an existing street of inadequate width is abutting or within a development area requiring Development Approval, additional right of way shall be required. Whenever street dedication results in right of way that does not connect with the City street system, a deed restriction shall be recorded with the Lane County Recording Officer. This deed restriction shall state that the property shall not be built upon until a fully improved street serving the property, and connecting with the City street system, is constructed.
  - (b) Whenever a proposed land division or development will increase traffic on the City street system and that development has any unimproved street frontage abutting a fully improved street, that street frontage shall be fully improved to City specifications in the following instances:
    - 1. When a fully improved street abuts the property line of the subject property, the unimproved street fronting that property shall be improved.
    - 2. When there is a fully improved partial street opposite the frontage of the subject property, the unimproved street fronting that property shall be improved.
    - 3. In the case of multi-family residential, commercial or industrial development at the intersection of a fully improved street and an unimproved street, if access is taken from the unimproved street, the unimproved street fronting that property shall be improved.

**EXCEPTIONS:**

- a. In all other cases of unimproved streets, an Improvement Agreement shall be required as a condition of Development Approval postponing improvements until such time that a City street improvement project is initiated.
- b. Siting accessory structures and other structures not occupied by humans and changes of use which do not increase parking requirements shall not be considered development which increases traffic on the City street system; full street improvement or an Improvement Agreement shall not be required in these cases.

- (c) In subdivisions, an approved performance bond or suitable substitute in a sufficient amount to ensure the completion of all required improvements, including the installation of sidewalks and accessways, prior to occupancy or Final Plat approval may be required.
- (d) Partial width (two-thirds) streets shall be permitted only if all of the following approval criteria are met:
  - 1. There is inadequate right of way to install a full-width street improvement without changing street alignments.
  - 2. The two-thirds street is adequate to carry anticipated traffic loads until adjacent properties are developed and the street is fully improved.
- (e) If the developer bears the full cost of dedicating and/or constructing 2/3 of an otherwise fully improved street, the developer may retain a reserve strip subject to the following terms and conditions:
  - 1. The retention of this strip does not constitute either an express or implied agreement by the City to require an abutting property owner to take access to the street across the reserve strip.
  - 2. The retention of this strip does not constitute either an express or implied agreement by the City to withhold approval of development and building on abutting property unless the abutting property owner takes access to the street across the reserve strip.
  - 3. The retention of this strip does not constitute either an express or implied agreement by the City that it will not or cannot prohibit access from abutting properties to the street across the reserve strip.
  - 4. Abutting property owners may purchase access rights across the reserve strip by paying to the developer a prorated share of the developer's costs of the fully improved street. The developer shall submit actual development costs to the City within 6 months following street construction. The cost of purchasing access rights across the reserve strip shall include the actual construction cost per lineal foot, plus inflation, at a rate not to exceed 5 percent per year. It shall not be the City's responsibility to record legal documents.
- (8) Where a development will result in the need to improve a railroad crossing, or an approach to a railroad crossing, the developer shall bear the cost for such improvements. When other property owners are benefited, other equitable means of cost distribution may be approved by the City.
- (9) Signs and Signals.
  - (a) All traffic control signs, traffic signals pavement markings and street name signs shall be in conformance with the U.S. Department of Transportation's Manual of Uniform Traffic Control Devices for Streets and Highways (including Oregon supplements), the City's *Engineering Design Standards and Procedures Manual*, the Public Works Standard Construction Specifications and this Code.



- (b) Unless otherwise approved by the Public Works Director, the developer shall be responsible for providing and installing all traffic control devices and street name signs. Approved traffic control devices and street name signs shall be indicated on the development plan.
  - (c) Unless otherwise approved by the Public Works Director, where a proposed street intersection will result in an immediate need for a traffic signal, the developer shall bear the cost for such improvements. When other property owners are benefited, other equitable means of cost distribution may be approved by the City.
- (10) Street names shall be assigned as specified in the Springfield Municipal Code 1997.

### **32.030 STREET STANDARDS - PRIVATE.**

Private streets are permitted within Mobile Home Parks and singularly owned developments of sufficient size to permit interior circulation. Construction specifications for private streets shall be the same as for public streets, unless otherwise approved through the Site Plan Review, Partition or Subdivision processes. The Approval Authority shall require a Homeowner's Agreement or other legal assurances acceptable to the City Attorney for the continued maintenance of private streets.

### **32.040 SIDEWALK AND PLANTER STRIP STANDARDS.**

- (1) Sidewalks and planter strips abutting public streets shall be located wholly within the public street right-of-way, unless otherwise approved by the Public Works Director.
- (2) Sidewalks shall be designed, constructed, replaced or repaired in accordance with the City's *Engineering Design Standards and Procedures Manual*, the Public Works Standard Construction Specifications and the Springfield Municipal Code 1997. New sidewalk design shall be consistent with existing sidewalk design in the same block in relation to width and type
- (3) Planter strips may be required as part of sidewalk construction. Planter strips shall be at least 4.5 feet in width and long enough to allow the tree to survive. Maximum planter strip width is dependent upon the type of tree selected as specified in the City's *Engineering Design Standards and Procedures Manual*.
- (4) Maintenance of sidewalks shall be the continuing obligation of the abutting property owner.

### **32.050 STREET TREES.**

Street trees are those trees located within the public right-of-way. Street trees may be located within planter strips, in individual tree wells within a sidewalk, roundabouts or medians. The primary purpose of street trees is to create a streetscape that benefits from the aesthetic and environmental qualities of an extensive tree canopy along the public street system. Street trees are attractive amenities that improve the appearance of the community, providing shade and visual interest. Streets trees also improve air quality, reduce stormwater runoff and moderate the micro-climate impacts of heat absorbed by paved surfaces.

#### **EXCEPTION:**

Where there is no planter strip and street trees cannot be planted in the public right-of-way, trees shall be planted in the required front yard or street side yard setback of private property as specified in the applicable zoning district, in order to meet street tree requirements.

- (1) New street trees. New street trees shall be at least 2 inches in caliper. New street trees shall be selected from the City Street Tree List and installed as specified in the City's *Engineering Design Standards and Procedures Manual*. The Public Works Director shall determine which species are permitted or prohibited street trees.
- (2) Existing street trees.
  - (a) Street tree retention standards. Existing trees may meet the requirement for street trees (i.e., trees on the City Street Tree List specified in the City's *Engineering Design Standards and Procedures Manual* with a minimum caliper of 2 inches) if excavation or filling for proposed development is minimized within the dripline of the tree. Sidewalks of variable width, elevation and direction may be used to save existing trees, subject to approval by the Director and Public Works Director. Existing street trees shall be retained in accordance with the *Engineering Design Standards and Procedures Manual*, unless approved for removal as a condition of Development Approval or in conjunction with a street construction project.
  - (b) Street tree removal standards.
    1. Any existing street trees in the public right-of-way proposed to be removed by the City shall be exempt from the tree felling regulations specified in Article 38 of this Code.
    2. Any existing street trees on private property proposed to be removed shall require notification of the Public Works Director prior to removal. Removal of 5 or more street trees shall be subject to the tree felling standards specified in Article 38 of this Code.
  - (c) Street tree replacement standards. Where, possible, any street tree proposed to be removed shall be replaced with a tree at least 2 inches in caliper.
    1. It shall be the responsibility of the City to plant any replacement tree within the public right-of-way.
    2. It shall be the responsibility of the property owner to plant any replacement street tree on private property, either as a condition of a Tree Felling Permit or when the property owner removes a street tree on private property without the City's authorization. Any replacement street tree shall be listed on the City Street Tree List specified in the City's *Engineering Design Standards and Procedures Manual*.
    3. Whenever the property owner removes a street tree within the public right-of-way without the City's authorization, that person shall be responsible for reimbursing the City for the full value of the removed tree, to include replanting and watering during the two year establishment period.
- (3) Street tree maintenance responsibility.
  - (a) Maintenance of street trees in the public right-of-way shall be performed by the City.

- (b) Maintenance of street trees on private property shall be performed by the property owner.

**32.060 STREET LIGHTING STANDARDS.**

Street lighting design and placement shall be in accordance with the City’s *Engineering Design Standards and Procedures Manual* and the Public Works Standard Construction Specifications and shall be approved by the Public Works Director.

- (1) Street lighting shall be included with all new developments or redevelopment. Existing street lights shall be upgraded to current lighting standards with all new developments or redevelopment as determined by the Public Works Director. The developer shall be responsible for lighting installation costs.
- (2) A developer may choose to install decorative streetlights, as may be permitted in the City’s *Engineering Design Standards and Procedures Manual* and the Public Works Standard Construction Specifications.

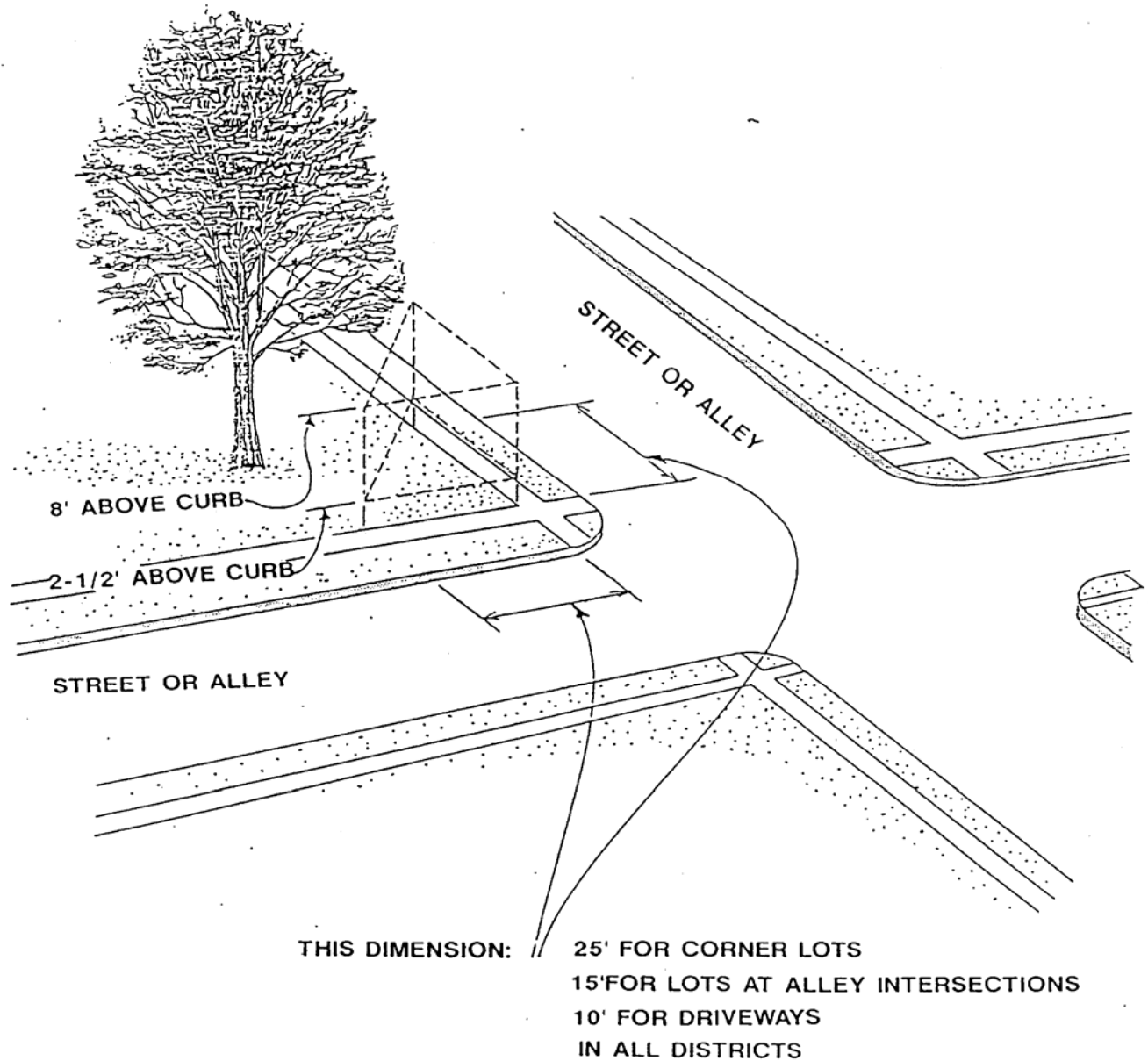
**32.070 VISION CLEARANCE AREAS.**

- (1) All corner lots shall maintain a clear area at each access to a public street and on each corner of property at the intersection of two streets or a street and an alley in order to provide adequate sight distance for approaching traffic.
- (2) Except for items associated with utilities or publicly owned structures such as poles and signs, and existing street trees, no screen or other physical obstruction shall be permitted between 2 1/2 and 8 feet above the established height of the curb in the triangular area. See Diagram 32-B.
- (3) The clear vision area shall be in the shape of a triangle. Two sides of the triangle shall be lot (property) lines for a distance specified in this Subsection. Where the lot (property) lines have rounded corners, the lines shall be measured by extending them in a straight line to a point of intersection. The third side of the triangle is a line across the corner of the lot joining the non-intersecting ends of the other two sides. The following measurements shall establish the clear vision areas:

<b>TYPE OF INTERSECTION EACH LOT</b>	<b>MEASUREMENT ALONG (PROPERTY) LINE</b>
Any Street	25 feet*
Any Alley	15 feet*
Any Driveway	10 feet*

\* or larger, if warranted for safety reasons by the Public Works Director.

## VISION CLEARANCE



### 32.080 ACCESS AND DRIVEWAY STANDARDS.

- (1) Driveway Specifications - General.
  - (a) All developed lots/parcels shall have an approved access to a public street, private street or alley as specified in Section 32.020(1)(c) of this Article.
  - (b) Joint use of driveways at a property line shall be required whenever necessary to reduce the number of access points to streets as specified in Section 32.020(1)(c)3. of this Article.

- (c) Driveway access to designated State Highways shall be subject to the provisions of this Article in addition to requirements of the Highway Division, Oregon Department of Transportation. Where regulations of the City and State conflict, the more restrictive regulations shall apply.
- (2) Driveway access to local streets is generally encouraged in preference to access to streets of higher classification.
  - (a) Driveway access to arterial and collector streets may be permitted if no reasonable alternative street access exists or where heavy use of local streets is inappropriate due to traffic impacts in residential areas.
  - (b) Where a proposed development abuts an existing or proposed Arterial or Collector Street, the development design and off-street improvements shall minimize the traffic conflicts.
  - (c) Bus turn out lanes shall be required consistent with adopted Lane Transit District plans and policies.
  - (d) Additional improvements or design modifications necessary to resolve identified transportation conflicts may be required on a case by case basis.
- (3) Driveways shall be designed to allow safe and efficient vehicular ingress and egress in accordance with Tables 32-2, 32-3, 32-4, 32-5 and 32-6 and the City's *Engineering Design Standards and Procedures Manual* and the Public Works Standard Construction Specifications. Minimum separation between a standard driveway and the nearest intersection curb return (the end of the curb radius at an intersection) on the same side of the street shall be as shown on Table 32-2.

**TABLE 32-2**

**DRIVEWAY DESIGN SPECIFICATIONS**

<b>LAND USE</b>	<b>DRIVEWAY WIDTH 1-WAY MINIMUM</b>	<b>DRIVEWAY WIDTH 2-WAY</b>		<b>TRANSITION WIDTH</b>		<b>DRIVEWAY THROAT DEPTH</b>
		<b>MIN.</b>	<b>MAX.</b>	<b>MIN.</b>	<b>MAX.</b>	
Single Family and Duplexes***	n/a	12'	24'*	3'	3'	n/a
Multi-family Residential	16'	24'	35'*	5'	8'	18'**
Commercial/ Public Land	16'	24'	35'*	8'		18'**
Industrial	16'	24'	35'*	8'		18'**

\* Driveway widths and throat depths may be varied if no other reasonable alternative exists to accommodate on-site development needs and traffic safety is not impaired.

\*\* Measured from the face of curb to the first stall.

\*\*\*Single driveways serving single family and duplex dwellings shall be paved for the first 18 feet when abutting a curb and gutter street; these driveways may be graveled for the remainder of their length. Driveways abutting unimproved streets shall be graveled.

**TABLE 32-3**

**CURB RETURN DRIVEWAY DESIGN SPECIFICATIONS\***

<b>LAND USE</b>	<b>DRIVEWAY WIDTH</b>		<b>RADIUS OF CURB</b>		<b>DRIVEWAY THROAT DEPTH</b>
	<b>MIN.</b>	<b>MAX.**</b>	<b>MIN.</b>	<b>MAX.***</b>	<b>MINIMUM****</b>
Single family and Duplexes	n/a	n/a	n/a	n/a	n/a
Multi-family Residential	24'	30'	10'	20'	60'
Commercial/ Public Land	24'	35'	15'	35'	60'
Industrial	24'	35'	15'	35'	60'

\* Curb return driveways shall be used where the driveway will serve more than 1,000 vehicle trips per day in accordance with Institute of Transportation Engineer's Trip Generation Informational Report. Driveways that serve less than 1,000 vehicle trips per day shall be constructed with standard transitions.

\*\* Wider driveways may be permitted to accommodate traffic demands and/or to improve traffic safety.

\*\*\* Greater curb radii may be permitted where high volumes of large trucks are anticipated.

\*\*\*\* Measured from the face of the curb to the first stall or aisle.

**TABLE 32-4**

**MINIMUM SEPARATIONS BETWEEN A STANDARD DRIVEWAY AND THE NEAREST INTERSECTION CURB RETURN ON THE SAME SIDE OF THE STREET.\***

LAND USE	STREET TYPE		
	<u>ARTERIAL</u>	<u>COLLECTOR</u>	<u>LOCAL</u>
Industrial	200'	200'	150'
Commercial/ Public Land	200'	100'	75
Multi-family Residential	200'	100'	75
Single-family Residential and Duplexes	200'	50'	30'

\* Each category of street shall be considered separately. Distances may be reduced in the following circumstances:

1. Access is from a one-way street.
2. The driveway is marked "right turn entrance only" and is designed to prevent two-way traffic.
3. The driveway is marked "exit only" and is designed to prevent left turns.
4. In cases where an existing lot and/or use make compliance with these specifications unreasonable, a new driveway or an existing driveway required to be relocated by this Code shall be placed at the furthest point from the intersection curb return, considering both safety and internal circulation requirements of the development.

**32.085 INTERSECTIONS.**

Intersections shall be designed and constructed in accordance with the City's *Engineering Design Standards and Procedures Manual* and the following requirements.

- (1) In order to minimize traffic conflicts and provide for efficient traffic signalization, intersections involving curb return driveways and streets, whether public or private, shall be directly opposed, unless a Traffic Impact Study indicates that an offset intersection benefits public safety to a greater degree.
- (2) Streets shall be laid out so as to intersect as nearly as possible at right angles. The angle of intersection between two intersecting streets shall be at least 80 degrees. At intersections, each local street shall be straight or shall have a radius greater than 400 feet for a distance of 100 feet



from each intersection. At intersections, each collector or arterial street shall be straight or shall have a radius greater than 600 feet for a distance of 100 feet from each intersection.

- (3) The minimum offset between two local streets that do not have left turn storage needs shall be 150 feet. The minimum offset between two streets other than local streets shall be determined by the Public Works Director. Tables 32-5 and 32-6 discuss minimum offset specifications where left turn storage needs are necessary. In all cases, the minimum distances shall be the offset of the centerlines of side streets or driveways. These minimums may be increased based on traffic safety considerations.

TABLE 32-5

See Diagram 32-E

**WHERE LEFT-TURN STORAGE IS REQUIRED BETWEEN OFFSET INTERSECTIONS.**

<b>STREET OR DRIVEWAY DETERMINING LEFT TURN STORAGE NEEDS (controlling street or driveway)</b>	<b>MINIMUM OFFSET DISTANCE</b>
Arterial	330'
Collector	260'*
Local	260'*
Curb Return Driveway	200'

\* The minimum block length permitted as specified in Section 35.020, Tentative Plan Review.

TABLE 32-6

See Diagram 35-F

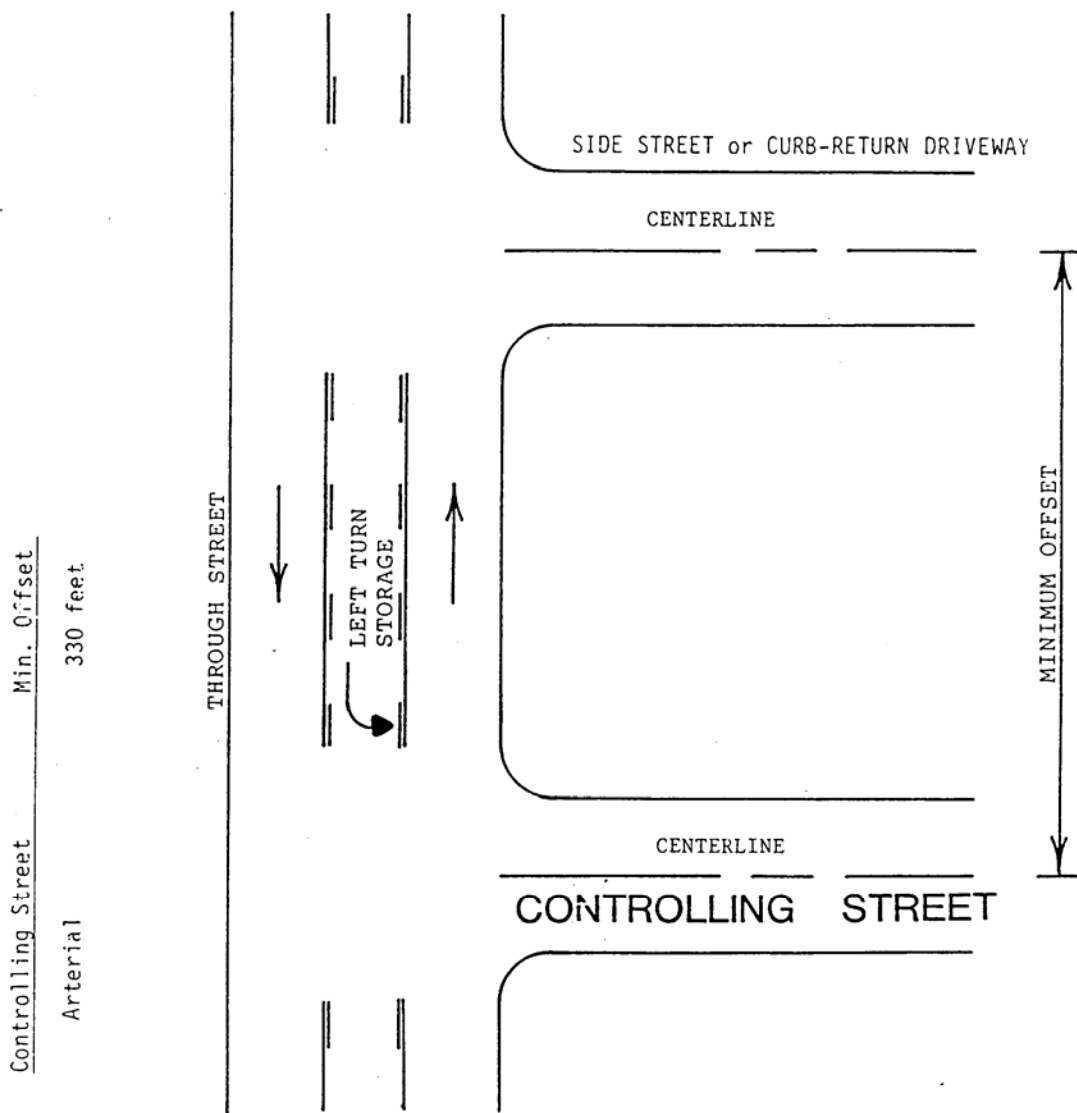
**WHERE THE LEFT TURN STORAGE AREAS FOR TWO ADJACENT STREETS CONFLICT, THE TOTAL OFFSET SHALL BE THE SUM OF THE MINIMUM OFFSETS FOR EACH TYPE OF SIDE STREET INVOLVED.**

<b>SIDE STREET OR DRIVEWAY</b>	<b>MINIMUM OFFSET DISTANCE</b>
Arterial	330 feet
Collector	210 feet
Local	130 feet
Curb Return Driveway	130 feet

DIAGRAM 32-E

WHERE LEFT-TURN STORAGE IS REQUIRED BETWEEN INTERSECTIONS

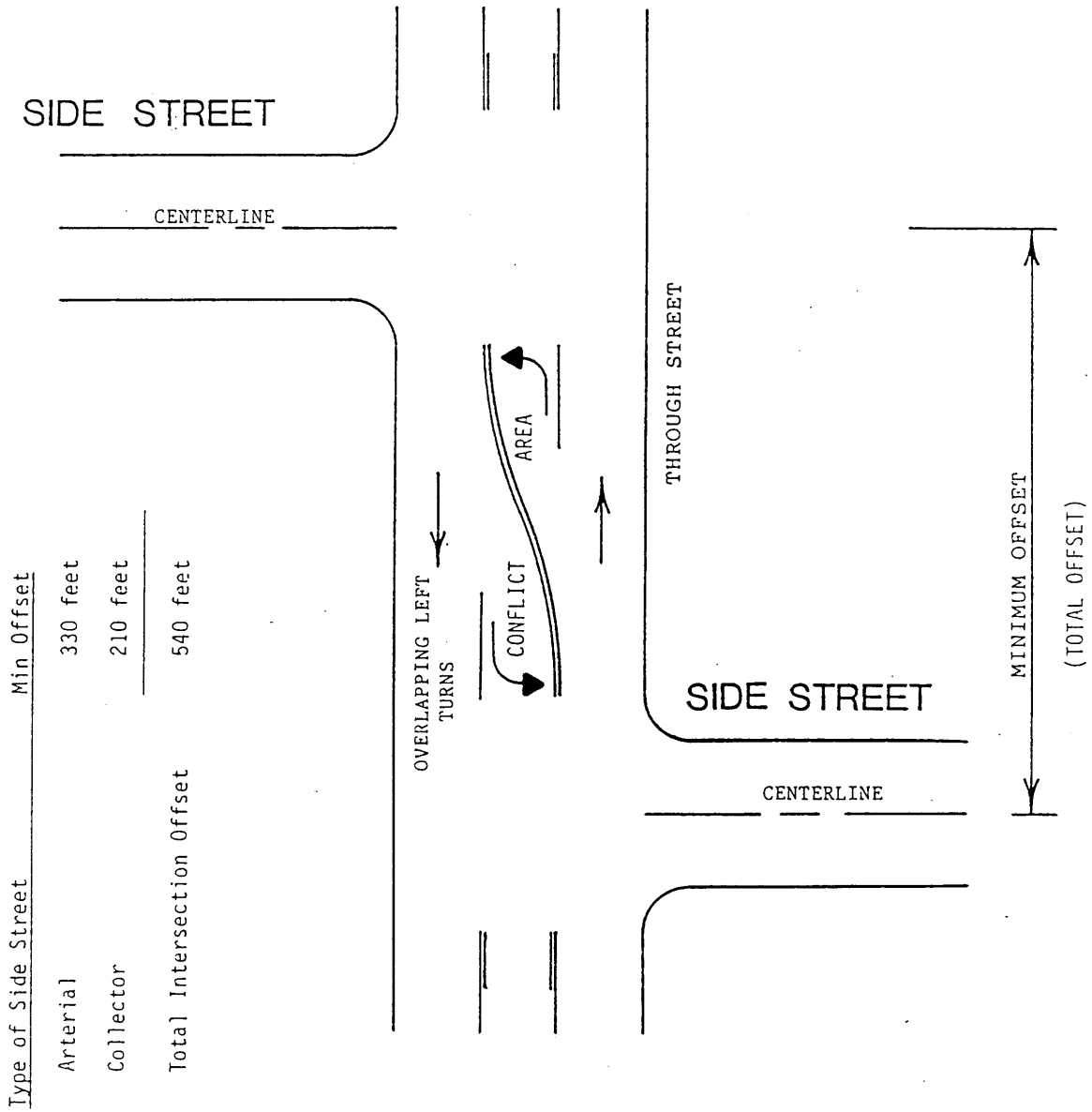
\*\*\* EXAMPLE \*\*\*



32-23

DIAGRAM 32-F

WHERE THE LEFT-TURN STORAGE AREA FOR TWO  
ADJACENT STREETS CONFLICTS



\*\* EXAMPLE \*\*\*

## **32 090 BIKEWAYS, PEDESTRIAN TRAILS AND ACCESSWAYS.**

- (1)** Bikeways. Development abutting existing or proposed bikeways identified in the TransPlan or Springfield Bicycle Plan shall include provisions for the extension of these facilities through the development area by the dedication of easements or rights of way. The developer shall bear the cost of bikeway improvements, unless additional property owners are benefited. In this case, other equitable means of cost distribution may be approved by the City. Bikeways shall be designed and constructed in accordance with the City's *Engineering Design Standards and Procedures Manual*
- (2)** Pedestrian Trails.

  - (a)** Developments abutting existing or proposed pedestrian trails identified on the adopted Willamalane Park and Recreation District Comprehensive Plan shall provide for the future extension of such pedestrian trails through the dedication of easements or right-of-way. The developer shall be responsible for trail surfacing, as approved by the Willamalane Parks and Recreation District or the City, as appropriate. Trails shall be constructed to allow for adequate drainage and erosion control.
  - (b)** In dedicating an easement or right-of-way for public trails, the owner shall demonstrate compliance with the following criteria:

    - 1.** Trail easements or right-of-way shall be 25 feet. This standard may be reduced if the Planning Director finds this standard to be impractical due to physical constraints. In all cases the adopted easement or right-of-way must accommodate trails built to the standards adopted by the City.
    - 2.** Trail easements or rights-of-way shall allow for future construction of trails in accordance with specifications as to width and surfacing as contained in the ODOT Bicycle and Pedestrian Plan and/or with the City's *Engineering Design Standards and Procedures Manual*.
    - 3.** Trail easements or rights-of-way shall be located within a site in such a manner as to allow the trail to be buffered from existing and proposed dwellings on the site and on adjacent properties, and to maintain the maximum feasible privacy for residents.
    - 4.** Trail easements or rights-of-way shall be located within a site so that future trails construction will avoid parking and driveway areas and other activity areas which might conflict with pedestrian movements.
    - 5.** Site area included within a trail easement or right-of-way shall be counted as a portion of the landscaped and open space area required for the proposed development.
- (3)** Accessways.

  - (a)** Where no public street access exists, accessways allow pedestrians and bicyclists convenient linkages to adjacent streets, residential areas, neighborhood activity centers, industrial or commercial centers, transit facilities, parks, schools, open space, or trails and

paths. Accessways may also be used as a secondary emergency access. Accessways shall be dedicated as public right-of-way during the development review process.

**EXCEPTIONS:**

1. There is an existing building or conditions on an abutting property that makes the accessway impractical; or
  2. There are slopes in excess of 30 percent.
- (b) Accessways shall comply with the following design standards:
1. In the case where an accessway is proposed for only bicycle and/or pedestrian travel, the right-of-way shall be a minimum of 12 feet wide paved with either asphalt concrete or Portland Cement concrete. Any necessary light standards shall be installed outside of the 12-foot travelway, but within the public right-of-way.
  2. In the case where an accessway is proposed as a secondary access for emergency vehicles or in combination with bicycle and/or pedestrian travel, the right-of-way shall be 20 feet wide consisting of a 10 foot wide area paved with either asphalt concrete or Portland Cement concrete and with two additional 5 foot wide areas that may be turf block, grass-crete or other similar permeable material approved by the Public Works Director on a base of gravel capable of supporting fire equipment weighing 80,000 pounds. Any necessary light standards shall be installed outside the 20 foot travelway, but within the public right-of-way.
  3. In addition to the locational standards accessway lighting specified in Subsections (b)1. and 2. any street light installed in an accessway shall be a City approved decorative streetlight.
- (c) The Director may require improvements to existing unimproved accessways on properties abutting and adjacent to the property to be divided and/or developed. Where possible, the improvements to unimproved accessways shall continue to the closest public-street or developed accessway. The developer shall bear the cost of accessway improvements, unless other property owners are benefited. In this case, other equitable means of cost distribution may be approved by the City. Where possible, accessways may also be employed to accommodate public utilities.

**32.100 SANITARY SEWERS.**

- (1) Sanitary sewers shall be installed to serve each new development within the city limits and to connect developments to existing mains. Installation of sanitary sewers shall provide sufficient access for maintenance activities and shall comply with the provisions of this Code, with the Public Works Standard Construction Specifications, the City's *Engineering Design Standards and Procedures Manual* the Springfield Municipal Code, 1997 and Department of Environmental Quality (DEQ) regulations.
- (2) The City Engineer shall approve all sanitary sewer plans and proposed systems prior to development approval.

- (3) Proposed sewer systems shall include design consideration of additional development within the area as projected by the Metro Plan.
- (4) Proposed developments shall provide dedication and improvements indicated in an adopted Capital Improvements Program or Public Facilities Plan. The developer shall pay a proportional share of the cost according to adopted City Council policy.
- (5) For proposed developments in unincorporated urbanizable land, the Lane County Sanitarian shall approve all septic system designs.

### **32.110 STORMWATER MANAGEMENT**

- (1) Purpose and Applicability. The purpose of this Section is to: Provide for the effective management of stormwater and drainage from the City into the groundwater and watercourses within the City and its urbanizing area; Minimize demand on the City's stormwater management system and alleviate future costs of treating the discharge; Promote water quality; Preserve groundwater and the vegetation and rivers it supports; Reduce peak storm flows; Minimize public and private losses due to flood conditions; and Minimize stormwater discharge impacts on water quality and quantity and stream flow patterns, including peak and base flows in intermittent and perennial streams, within the McKenzie River and Willamette River watersheds.
- (2) The Approval Authority shall grant development approval only where adequate public and/or private stormwater management systems provisions have been made as determined by the Public Works Director, consistent with the *Engineering Design Standards and Procedures Manual*. The stormwater management system shall be separated from any sanitary sewer system. Surface water drainage patterns shall be shown on every Preliminary Site Plan, or Tentative Partition or Subdivision Plan.
- (3) A stormwater management system shall accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development. The Public Works Director shall determine the necessary size of the facility, based on Public Facility Plans and adopted Master Plans, assuming the maximum potential watershed development permitted by the Metro Plan. The developer shall pay a proportional share of the cost according to adopted City Council policy.
- (4) Run-off from a development shall be directed to an approved stormwater management system with sufficient capacity to accept the discharge. Where the Public Works Director determines that the additional run-off resulting from the development will overload an existing stormwater management system, the Approval Authority shall withhold Development Approval until provisions, consistent with the *Engineering Design Standards and Procedures Manual*, have been made to correct or mitigate this condition.
- (5) A development shall be required to employ drainage management practices approved by the Public Works Director and consistent with Metro Plan policies and the *Engineering Design Standards and Procedures Manual*, which minimize the amount and rate of surface water run-off into receiving streams. The following drainage management practices may be required in order to relieve demand on the City's piped drainage system and to alleviate future costs of treating the piped discharge; to promote water quality, to preserve groundwater and the vegetation and rivers it supports, and to reduce peak storm flows:

- (a) Temporary ponding of water;
  - (b) Permanent storage basins;
  - (c) Minimizing impervious surfaces;
  - (d) Emphasizing natural water percolation and natural drainageways;
  - (e) Preventing water flowing from the roadway in an uncontrolled fashion;
  - (f) Stabilizing natural drainageways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion;
  - (g) On-site filtration or skimming of run-off, which will enter natural drainageways to maintain water quality; and
  - (h) On-site constructed wetlands.
- (6) Identification of Water Quality Limited Watercourses. The Director shall maintain a Water Quality Limited Watercourses (WQLW) Map on file in the Development Services Department, which designates certain watercourses and their direct tributaries within the City and its urbanizing area. The WQLW Map shall contain watercourses recommended by the Public Works Director. Any revision to the WQLW Map shall be approved by the City Council as an amendment to this Code. Those watercourses and their direct tributaries included on the WQLW Map have been found to warrant protective measures in support of the City's response to state and federal regulations regarding surface and subsurface discharging stormwater management systems by satisfying the following criteria:
- (a) Water Quality Limited Watercourses (WQLW): Waters of the State that meet one or more of the following criteria:
    1. Watercourse reaches, lying within the City and its urbanizing area, that are included by the State of Oregon Department of Environmental Quality (ODEQ) on its most recently adopted "303(d)" List of Impaired and Threatened Waterbodies.
    2. Watercourse reaches, lying within the City and its urbanizing area, with significant water quality impairment identified by water quality monitoring and sampling done in accordance with approved quality assurance/quality control (QA/QC) protocols.
  - (b) A direct tributary to a WQLW that satisfies the following criteria:
    1. Any watercourse that flows directly into a WQLW, except for those watercourses that flow into the WQLW as a piped connection, where the pipe system extends more than 200 feet upstream of the connection point.
    2. Any watercourse that is a diversion from a WQLW and that discharges into either a WQLW or other direct tributary to a WQLW and where the water

quality of the diverted flow at the discharge point has been degraded when compared with the water quality at the diversion point.

- (7) Protection of Riparian Area Functions. A development shall be required to employ site design, landscaping, and drainage management practices to protect, preserve, and restore the riparian area functions of the reaches of those watercourses shown on the WQLW Map that are contained within or abut the lot upon which the proposed development is located. For the purposes of this Code, riparian area functions shall include, but not be limited to:
- (a) Maintaining temperature;
  - (b) Maintaining channel stability;
  - (c) Providing flood storage;
  - (d) Providing groundwater recharge;
  - (e) Removing sediments;
  - (f) Reducing contaminants such as: excess nutrients; oils and grease; metals; and fecal coliform;
  - (g) Moderating stormwater flows; and
  - (h) Providing fish and wildlife habitat.

### **32.120 UTILITIES.**

- (1) Coordination.
- (a) All utility providers shall be responsible for coordinating utility installations with the City and the developer in accordance with Section 3.040, Pre-Application Conference.
  - (b) The developer shall be responsible for the design, installation and cost of utility lines and facilities to the satisfaction of the utility provider.
- (2) Whenever possible, all utility lines shall be placed underground. However, overhead and above ground facilities shall be permitted for the following:
- (a) Emergency and temporary installations undertaken by utility providers for a maximum of 30 days in accordance with Chapter II of the Springfield Code.
  - (b) Electrical transmission lines and backbone distribution feeders that are consistent with the Metro Plan, and which act as a main source of supply to primary laterals and to direct connected distribution transformers and primary loads.
  - (c) Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, telephone cable closures, connection boxes, and the like.



- (d) Structures without overhead wires, used exclusively for fire alarm boxes, streetlights, or municipal equipment installed under the supervision and with the approval of the City Engineer.
  - (e) Power substations, pumping plants, and similar facilities necessary for transmission or distribution of utility services shall be permitted subject to compliance with zoning district regulations and the Metro Plan. Required landscaping and screening shall be approved by the Director under Type II procedures for all such facilities prior to any construction being started.
  - (f) Public television transmitters and receivers.
  - (g) Industrial developments, except for those utility lines, cables, and/or wires providing service to an individual lot. Such lines shall be placed underground from a pole adjacent to the individual lot. Certain industries requiring exceptionally large power supplies may request direct overhead power as a Minor Variance under Type II procedure and as part of Site Plan Approval. Underground utilities shall be required in Industrial Park developments and in the SLI and LMI Districts.
  - (h) Existing non-backbone distribution feeders located on existing streets on developed or undeveloped land.
- (3) Each development area shall be provided with a water system having sufficiently sized mains and lesser lines to furnish adequate supply to the development and sufficient access for maintenance. Fire hydrants and mains shall be installed by the developer as required by the Fire Marshal and the utility provider.
- (4) Major Electrical Power Transmission Lines.
- (a) Except as provided in (b) and (c) below, in the event it is necessary to increase the capacity of major electrical power transmission lines to provide service, utility providers shall provide such increase by use of existing rights of way or easements.
  - (b) In the event that a utility provider determines that it cannot provide such increase by use of existing rights of way or easements, siting of major electrical power transmission lines shall be permitted in accordance with the provisions of the Metropolitan Area General Plan.
  - (c) Notwithstanding (a) and (b) above, a utility provider may locate major electrical transmission lines along routes identified on Auxiliary Map Number I dated 1982 of the Metropolitan Area General Plan.
  - (d) Applications for siting of new major electrical power transmission lines are exempt from the requirements of Section 3.050(2)(b) of this Code.
- (5) Public Easement
- (a) Utility Easements. An applicant proposing a development shall make arrangements with the City and each utility provider for the dedication of utility easements necessary to fully service the development or land beyond the

development area. The minimum width for public utility easements adjacent to street rights of way shall be 7 feet. The minimum width for all other public utility easements shall be 14 feet. However, the utility provider or the Public Works Director may require a larger easement for major water mains, major electric power transmission lines, sanitary sewer lines, stormwater management systems or in any other situation to allow maintenance vehicles to set up and perform the required maintenance or to accommodate multiple utility lines. Where feasible, utility easements shall be centered on a lot line.

- (b) Watercourse or Riparian Area Maintenance Easements. Where the Public Works Director has determined that a watercourse or riparian area will be part of the City Stormwater Management System, a maintenance easement shall be required in order to maintain the functionality of such areas. For watercourses, the easement shall be measured from either the top of the bank, ordinary high water mark or the delineated setback line. The easement shall be a minimum of 10 feet in width where no equipment is required for access or maintenance. The easement shall be extended to a maximum of 25 feet in width to allow City maintenance vehicles to set up and perform the required maintenance.

### **32.130 SITING AND REVIEW PROCESS FOR WIRELESS TELECOMMUNICATIONS SYSTEMS FACILITIES.**

The siting and review process for WTS facilities is based on the type of facility (monopole, stealth design or collocation) and its proposed location in a Preferred Site (SHI, HI, LMI, QMO or PLO zoning districts), Acceptable Site (CC, BKMU or CI zoning districts) or Conditionally Suitable Site (NC, MRC, GO, LDR, MDR and HDR zoning districts or MS, HD, HS, WG, FP, UF-10 or H overlay districts).

- (1) The development review process for wireless telecommunications systems (WTS) facilities shall be as follows:
  - (a) Building and Electrical Permits Only.
    1. An attached WTS facility (existing structure, including collocation on cell tower) on a Preferred Site, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.
    2. A detached WTS facility (monopole designed for collocation) on a Preferred Site, set back from all property lines a distance equal to or greater than the height of the tower, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.
    3. A detached, stealth design WTS facility on a Preferred Site not abutting residential zoning districts, observing all setback and height limits of the underlying zone, and all setback limits of the underlying zone unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.

4. An attached WTS facility on an Acceptable Site, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.
5. A WTS facility, including antennas and switching/connection equipment to land lines, affixed to an existing utility pole, but no higher than 10 feet above the height of the pole.

**(b) Site Plan Review.** In addition to (a) above, the following standards apply:

1. A detached, stealth design WTS facility on a Preferred Site, that abuts a residential zoning district but is not set back a distance equal to or greater than the height of the structure, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.
2. A detached, stealth design WTS facility on a Acceptable Site, observing all height limits of the underlying zone, and all setback limits of the underlying zone unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.
3. An attached WTS facility on a Conditionally Suitable Site, no higher than 10-feet above the existing structure, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.
4. A detached, stealth design WTS facility on a Conditionally Suitable Site, observing all height limits of the underlying zone and all setback limits of the underlying zone unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.
5. All detached WTS facilities, on any site, within 1,000 feet of an existing detached WTS facility.
6. All detached WTS facilities 50 feet or taller, on any site, and not designed or intended for collocation.

**(c) Discretionary Approval.** In addition to (a) and (b) above, the following standards apply:

1. All WTS facilities in the Willamette River Greenway Overlay District.

2. All WTS facilities that exceed the height limit of the underlying zoning district on any site, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment unless height limit provisions are exempted elsewhere in this Code.
3. All detached non-stealth design WTS facilities on any site abutting a residential zoning district when the height of the structure exceeds the height limit of the residential zoning district and the setback of the WTS facility is less than the height of the structure, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.
4. All detached WTS facilities on any site located within 1,000 feet of an existing WTS facility that was designed to accommodate multiple users and that has space available.
5. All detached WTS facilities located within Public Street or railroad rights of way where the actual location of the proposed WTS facility immediately abuts residential zoning districts.
6. Lattice towers in any zoning district.
7. WTS facilities in the Historic Overlay District subject to the applicable provisions of Article 30 and other sections of this Code.

**(d)** Prohibited WTS facilities.

1. Any WTS facility, other than whip antennas and switching/connection equipment mounted on existing poles, in the Historic Overlay District.
2. Any WTS facility in the public right-of-way that severely limits access to adjoining property that limits public access or use of the sidewalk, or that constitutes a vision clearance violation.
3. Any detached WTS facility taller than 150 feet above finished grade at the base of the tower.

**(2)** Standards for siting WTS facilities shall be as follows:

- (a)** All WTS facilities shall observe minimum lot size, lot coverage, building height and building setback requirements of the underlying zoning district unless specifically exempted or otherwise regulated by this Section. Underground facilities may encroach upon required yards or may be placed in appropriate easements.
- (b)** All WTS facilities shall be landscaped at the base of towers/poles, and completely around equipment shelters. Lighting of towers shall be as required by the FAA. All other lighting must be deflected away from adjoining property.

- (c) Any WTS facility sited on or designed with any of the following attributes shall first receive FCC approval, as specified in FCC Rules 1.1301 - 1.1319, as a condition of City approval prior to construction: Wilderness Area; Wildlife Preserve; Endangered Species; Historic Site; Indian Religious Site; Flood Plain; Wetlands; High Intensity White Lights in Residential Neighborhoods; Excessive Radio Frequency Radiation Exposure.

(3) Application requirements for WTS facilities shall be as follows:

- (a) WTS providers whose proposals conforms with the provisions of Subsection (1)(a) of this Article requiring building and electrical permits only shall submit the following information with the application for permits:

1. A copy of that portion of the lease agreement (or lease memo) with the property owner, that includes collocation provisions (where applicable), facility removal within 90 days of abandonment and a bond to guarantee removal shall be submitted for review prior to development permit approval.
2. A signed statement from the applicant agreeing to allow collocation on the applicant's structure (where applicable).
3. A map of the City showing the approximate geographic limits of the "cell" to be created by the facility. this map shall include the same information for all other facilities owned or operated by the applicant within the City, or extending within the City from a distant location, and any existing detached WTS facilities of another provider within 1,000 feet of the proposed site.
4. An engineer's analysis/report of the recommended site location area for the proposed facility. If an existing structure approved for collocation is within the area recommended by the engineer's report, reasons for not collocating shall be provided and must demonstrate at least one of the following deficiencies:
  - a. The structure is not of sufficient height to meet engineering requirements;
  - b. The structure is not of sufficient structural strength to accommodate the WTS facility;
  - c. Electromagnetic interference for one or both WTS facilities will result from collocation; or,
  - d. The radio frequency coverage objective cannot be adequately met.
5. A plot plan showing: the lease area; antenna structure; height above grade and setback from property lines; equipment shelters and setback from property lines; access; connection point with land line system; and all landscape areas intended to screen the WTS facility.

6. The method(s) of stealth design (where applicable).
  7. An engineer's statement that the RF emissions at grade, or at nearest habitable space when attached to an existing structure complies with FCC rules for such emissions; the cumulative RF emissions if collocated.
  8. A description of the type of service offered (voice, data, video, etc.) and the consumer receiving equipment.
  9. Identification of the provider and backhaul provider, if different.
  10. Provide the RF range in Megahertz and the wattage output of the equipment.
  11. Provide facilities maintenance regimen.
  12. Provide zoning and Metro Plan designation of proposed site.
  13. Provide FAA determination.
- (b)** WTS providers whose proposals conforms with the provisions of Subsection (1)(b) of this Article requiring Site Plan Review approval shall submit, in addition to the requirements of 31.050 of this Code, the following additional information.
1. Items 1-4 and 6-13 in Subsection (3)(a) above.
  2. Photo simulations of the proposed WTS facility from the four cardinal compass points and/or abutting right-of-way, whichever provide the most accurate representation of the proposed facility from a variety of vantage points.
  3. The distance from the nearest WTS facility and nearest collocation site.
- (c)** WTS providers whose proposals conform with the provisions of Subsection (1)(c) of this Article requiring Discretionary Use approval shall submit the following information:
1. Items 1-3 in Subsection (3)(b) above.
  2. Responses to the following Discretionary Use criteria:
    - a. An engineer's statement demonstrating the reasons why the WTS facility must be located at the proposed site (service demands, topography dropped coverage, etc.);

- b. An engineer’s statement demonstrating the reasons why the WTS facility must be constructed at the proposed height; and
  - c. Verification of good faith efforts made to locate or design the proposed WTS facility to qualify for a less rigorous approval process (building permit or site plan approval).
- (4) The Planning Commission or Hearings Official shall use the proceeding criteria in place of the Discretionary Use criteria in Section 10.030 of this Code to evaluate the proposal. The Planning Commission or Hearings Official shall not grant approval of the request unless each of these criteria has been met.
- (5) Failure to comply with the standards, provisions and conditions of this Section, and any other applicable Section of this Code, may constitute grounds for revocation of a City approval to locate and operate a WTS facility.
- (6) Private amateur radio (HAM) antennas, their support structures, and direct to home satellite receiving antennas are exempt from the WTS facilities siting and review provisions of the Code, but shall otherwise comply with the applicable provisions of the underlying zoning district in which they are located to the extent that such provisions comply with Federal Communications Commission policy.
- (7) The provisions of this Section shall be reviewed no sooner than 3 years nor later than 5 years from their date of adoption. This review ensures contemporaneity with
- (8)
- (9) technological changes made in this industry.

**(Ord. 5407 10/19/87):** Section 32.010; TABLE 32-1; TABLE 32-2; TABLE 32-4.

**(Ord. 5466 03/06/89):** Title Page; Sections 32.019; 32.020; 32.030; 32.040; 32.050; 32.060; 32.070; 32.080; 32.090; 32.100; 32.110; 32.120; TABLE 32-1; TABLE 32-2; TABLE 32-2; TABLE 32-4.

**(Ord. 5522 08/06/90):** Section 32.120.

**(Ord. 5551 02/04/91):** Sections 32.020; 32.030; 32.050; TABLE 32-1; TABLE 32-2.

**(Ord. 5566 05/20/91):** Section 32.110.

**(Ord. 5737 05/02/94):** Sections 32.010; Table 32-1; 32.030; 32.040; 32.050; 32.060.

**(Ord. 5849 03/17/97):** Section 32.130.

**(Ord. 5860 06/18/97):** Section 32.010.

**(Ord. 5867 12/1/97):** Section 32.130.

**(Ord. 5965 06/19/00):** Section 32.040(1)

**(Ord. 5972 02/05/2001):** Section 32.040(1)(c)1.2.3.(d)1.2.3.; 32.090(1)(2)(3)(a)(b)(c)(d)(4)

**(Ord. 6021 7/15/2002):** Section 32.110; 32.120

**(Ord. 6133 07/18/05):** Title page; Sections 32.010, 32.020, 32.040, 32.050, 32.060, 32.080, 32.085, 32.090, 32.100 and 32.120.

**ARTICLE 33**

**PROPERTY LINE ADJUSTMENT STANDARDS**

33.010 PURPOSE

33.020 APPLICABILITY

33.030 SPECIAL SITUATIONS

33.040 REVIEW

33.050 PRELIMINARY SURVEY DRAFTING REQUIREMENTS

33.060 CRITERIA OF APPROVAL

33.070 PRELIMINARY APPROVAL

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RECORDATION OF DOCUMENTS

33.100 EXPIRATION OF APPROVAL



## **ARTICLE 33**

### **PROPERTY LINE ADJUSTMENT STANDARDS**

#### **33.010 PURPOSE.**

- (1) These regulations are intended for the review of Property Line Adjustments and are separate from Lane County Deeds and Records lot and/or parcel consolidation policies. A Property Line Adjustment is the relocation of a common boundary between two abutting properties. A Serial Property Line Adjustment is the relocation of more than one common property line involving two or more abutting properties. Serial Property Line Adjustments can be reviewed individually or combined in a single application as specified in Section 33.040 of this Article.

#### **33.020 APPLICABILITY.**

- (1) This Article applies to Property Line Adjustments involving lots and parcels within the city and its urban services area.
- (2) Property Line Adjustments may occur within a recorded Subdivision or Partition in accordance with this Article as long as the adjustment is not a reconfiguration of or an increase or decrease of the number of lots in a subdivision. In these cases, the Replat review process specified in Article 42 of this Code shall apply.

#### **33.030 SPECIAL SITUATIONS.**

- (1) Where the elimination of a lot or parcel line is desired within the boundary of a recorded Subdivision or Partition, the following options are available:
  - (a) A Replat shall be processed in accordance with Article 42 of this Code; or
  - (b) A Plat Vacation shall be processed in accordance with Article 9 of this Code.
- (2) Where a property owner desires to construct a building over a common property line, and there are not easements abutting the property line, or a primary structure is proposed on one lot or parcel and a secondary structure is proposed on the other, the Director may require a deed restriction during the building permit and/or Site Plan Review process that allows the construction of these structures. The lots or parcels under the deed restriction shall be sold as one unit of land, unless the structures are removed.
- (3) The allocation of vacated public right-of-way to abutting properties as specified in ORS 271.140 and processed in accordance with Article 9 of this Code or a sale or grant of public right-of-way by the City in accordance with ORS 92.010(7)(e) shall not be considered to be a Property Line Adjustment and thus not subject to the provisions of this Article.

- (4) A Property line Adjustment will not remove, relocate or replace any public easements on the lots or parcels.

**33.040 REVIEW.**

- (1) Property Line Adjustments shall be reviewed under Type I procedure.
- (2) Serial Property Line Adjustments may be combined into a single application. If the latter occurs, serial Property Line Adjustments shall be reviewed under Type II procedure.
- (3) A complete application together with all required materials shall be accepted by the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

**33.050 PRELIMINARY SURVEY DRAFTING REQUIREMENTS.**

- (1) The Preliminary Survey shall be prepared, stamped and signed by an Oregon registered Land Surveyor. The format of the Preliminary Survey and the data to be shown shall be as follows:
  - (a) The Preliminary Survey shall be drawn in compliance with ORS 92.
  - (b) The scale shall be appropriate to the area involved and the amount of detail and data, normally 1" = 20', 1" = 50' or 1" = 100'.
  - (c) A north arrow, date of preparation and the title which shall include the following language: "Proposed Property Line Adjustment Survey"
  - (d) The name and address of the property owners, and the applicant, if different.
  - (e) A drawing of the boundaries of the lots or parcels involved to include dimensions and square footage calculations.
  - (f) The zoning and plan designation of the lots or parcels.
  - (g) The existing property line and proposed property line clearly differentiated by line type.
  - (h) The location and outline to scale of all existing structures to include their required setbacks from the property boundaries and those from the proposed property line.
  - (i) The locations, widths and names of all existing streets, alleys, or other rights of way within or adjacent to the lots or parcels and the location and width of driveways.

- (j) The location of all public and private easements and utility lines within or crossing the lots or parcels. For properties outside the city limits but within the urban services area, the septic and drain fields shall be shown.
  - (k) Reference to the recorded Subdivision or Partition by name or reference number and blocks, lots and parcel numbers, where applicable.
- (2) The following additional information shall be submitted with the Preliminary Survey:
- (a) A brief narrative explaining reason for the proposed Property Line Adjustment and the existing use of the lots or parcels.
  - (b) A copy of the current deeds for the lots or parcels.
  - (c) If the applicant is not the property owner, written permission from all property owners shall be required.
  - (d) A draft of the Property Line Adjustment deeds. For serial Property Line Adjustments that are reviewed under Type II procedure, separate deeds shall be prepared for each adjustment.
  - (e) For serial Property Line Adjustments reviewed under Type II procedure, the following shall be submitted:
    - 1. A written explanation of the sequencing of adjustments; and
    - 2. A diagram identifying each adjustment, in sequence, cross referenced to the Property line Adjustment deeds required in Subsection (d), above.

**33.060 CRITERIA OF APPROVAL.**

The Director shall approve, approve with conditions, or deny the Property line Adjustment application. Approval or approval with conditions shall be based on compliance with the following criteria. The Property line Adjustment shall not:

- (1) Create a new lot or parcel;
- (2) Create a landlocked lot or parcel;
- (3) Reduce an existing lot or parcel below the minimum size standard or reduce setbacks below the minimum established by the applicable zoning districts in this Code;
- (4) Violate any previous conditions the Approval Authority may have imposed on the lots or parcels involved in the application;

- (5) Detrimentially alter the availability of existing public and/or private utilities to each lot or parcel in the application or to abutting lots or parcels; or
- (6) Increase the degree of non-conformity of each lot, parcel or structure that is non-conforming at the time of application.

**33.070 PRELIMINARY APPROVAL.**

- (1) If the Director determines that the Preliminary Survey satisfies the criteria of approval in Section 33.060 of this Article, or that conditions are necessary to satisfy the requirements of this Code, then the applicant shall be notified in writing and may proceed with the preparation of the required Final Survey.
- (2) If the Director determines that the Preliminary Survey does not comply with the provisions of this Code, then the application shall be denied and the applicant so notified in writing.

**33.080 CONDITIONS OF APPROVAL.**

- (1) The following conditions of approval shall be required:
  - (a) The submittal of a Final Survey; and
  - (b) Property Line Adjustment deeds as specified in Section 33.090(4) of this Article.
- (2) The following condition of approval may be required:
  - (a) A public or private utility easement may be required to be vacated, relocated or created.
  - (b) A joint use/access and/or parking agreement.
  - (c) The signing of an Improvement Agreement for frontage improvements.

**33.090 FINAL SURVEY SUBMITTAL, COMPLIANCE WITH CONDITIONS OF APPROVAL AND RECORDATION OF DOCUMENTS.**

- (1) A Final Survey shall be prepared, stamped and signed by an Oregon registered Land Surveyor in accordance with ORS 92.010(7)(b), ORS 92.060(3) and ORS 209.250.
- (2) One copy of the Final Survey shall be delivered to the Development Service Department together with any conditioned documents.

- (3) Once the Director and City Surveyor have certified that all conditions listed under Preliminary Survey approval have been met, the Final Survey may be recorded at the Lane County Surveyor's Office.
- (4) The owners of the lots or parcels included in the application shall record with Lane County Deeds and Records Property Line Adjustment deeds, as specified in ORS 92.190(4). The Property Line Adjustment deeds shall contain the names of the parties, the description of the adjusted line, reference to original recorded documents and signatures of all parties with proper acknowledgment. The Property Line Adjustment deeds shall also identify the Planning file number and shall contain a statement declaring that the purpose of the deeds is for a Property Line Adjustment. Reference to the affected properties by map and tax lot number shall be in addition to reference by legal description. In the case of serial Property Line Adjustments processed under Type II procedure, each Property Line Adjustment deed for the lots or parcels in the series shall be recorded separately, in the sequence of City approval.
- (5) A copy of the recorded Final Survey and deeds shall be delivered to the Development Services Department together with any other recorded documents that may have been required as a condition of approval.

### **33.100 EXPIRATION OF APPROVAL.**

The Property Line Adjustment preliminary approval shall become null and void if:

- (1) The Final Survey and any conditions of approval have not been submitted to the City in a complete form within 90 days of the date of Preliminary Survey approval; or
- (2) The Final Survey is not submitted to the Lane County Surveyor within 30 days of the City approval; or
- (3) The Property Line Adjustment deed or other conditioned documents have not been recorded with Lane County Deeds and Records with the Final Survey.

**(Ord. 5407 10/19/87):** Sections 33.020; 33.030; 33.040; 33.050; 33.060.

**(Ord. 5551 2/4/91):** Title Page Sections 33.020; 33.030; 33.040; 33.050; 33.060.

**(Ord. 5804 12/18/95):** Section 33.060.

**(Ord. 6062 7/21/03):** Effective 8/21/03; Section 33.010; 33.020; 33.030; 33.040; 33.050; 33.060;  
33.070; 33.080; 33.090; 33.100

**ARTICLE 34**

**PARTITION STANDARDS**

34.010 PURPOSE AND APPLICABILITY

34.020 TENTATIVE PLAN REVIEW

34.030 TENTATIVE PLAN SUBMITTAL REQUIREMENTS

34.040 SUBDIVISION DETERMINATION

34.050 TENTATIVE PLAN CRITERIA OF APPROVAL

34.060 TENTATIVE PLAN WATER QUALITY PROTECTION

34.070 TENTATIVE PLAN CONDITIONS OF APPROVAL

34.080 PARTITION PLAT REVIEW

34.090 PARTITION PLAT SUBMITTAL REQUIREMENTS

34.100 PARTITION PLAT CRITERIA OF CITY APPROVAL

34.110 RECORDING THE PARTITION PLAT AT LANE COUNTY AND CITY DEVELOPMENT  
APPROVAL

## **ARTICLE 34**

### **PARTITION STANDARDS.**

#### **34.010 PURPOSE AND APPLICABILITY**

- (1) Purpose. The purpose of the Partition process is to: Facilitate and enhance the value of development; Regulate land divisions that create 2 or 3 parcels within a calendar year; Maintain the integrity of the City's watercourses by promoting bank stability, assisting in flood protection and flow control, protecting riparian functions, minimizing erosion, and preserving water quality and significant fish and wildlife areas; Minimize adverse effects on surrounding property owners and the general public through specific conditions of approval; Ensure the provision of public facilities and services; Provide for connectivity between different uses; Utilize alternative transportation modes including walking, bicycling and mass transit facilities; Implement the Metro Plan, applicable refinement plans, specific area plans and specific development plans; Minimize adverse effects on surrounding property owners and the general public through specific conditions of approval; and Otherwise protect the public health and safety.
- (2) Applicability. The Partition process shall apply within the city limits and the City's urbanizable area. No parcel may be created without being partitioned in accordance with the standards of this Code. No development permit will be issued by the City prior to approval of the Partition Tentative Plan application.

**EXCEPTION:** As may be permitted in the Springfield Municipal Code, 1997 and/or by Resolution No. 03-40, the Director may issue a Land and Drainage Alteration Permit prior to approval of the Partition Tentative Plan.

#### **34.020 TENTATIVE PLAN REVIEW.**

- (1) Partitions shall be reviewed under Type II procedure.
- (2) A complete application together with all required materials shall be accepted by the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

#### **34.030 TENTATIVE PLAN SUBMITTAL REQUIREMENTS.**

A Partition Tentative Plan shall contain the elements necessary to demonstrate that requirements of this Code are being fulfilled. In the case of Partitions that involve the donation of land to a public agency, the Director may waive any submittal requirements that can be addressed as part of a future development application during the Pre-Submittal Meeting.

- (1) General Requirements.



- (a) The Partition Tentative Plan, including any required Future Development Plan, shall be prepared by an Oregon Licensed Land Surveyor on standard sheets of 18" x 24". The services of and Oregon registered Engineer may also be required by the City in order to resolve utility issuers, especially stormwater management, street design and transportation issue, and site constraint and/or water quality issues.
  - (b) The scale of the Partition Tentative Plan shall be appropriate to the area involved and the amount of detail and data, normally 1" = 50', 1" = 100', or 1" = 200'.
  - (c) A north arrow and the date the Partition Tentative Plan was prepared.
  - (d) The name and address of the owner, applicant, if different, and the Land Surveyor and/or Engineer who prepared the Partition Tentative Plan.
  - (e) A drawing of the boundaries of the entire area owned by the partitioner of which the proposed partition is a part.
  - (f) City boundaries, the Urban Growth Boundary (UGB) and any special service district boundaries or railroad right-of-way, which cross or abut the proposed partition.
  - (g) Applicable zoning districts and the Metro Plan designation of the proposed partition and of properties within 100 feet of the boundary of the subject property.
  - (h) The dimensions (in feet) and size (either in square feet or acres) of each parcel and the approximate dimensions of each building site, where applicable, and the top and toe of cut and fill slopes to scale.
  - (i) The location, outline to scale and present use of all existing structures to remain on the property after platting and their required setbacks from the proposed new property lines.
  - (j) The location and size of existing and proposed utilities and necessary easements and dedications on and adjacent to the site, including sanitary sewer mains, stormwater management systems, water mains, power, gas, telephone, and cable TV. Indicate the proposed connection points.
  - (k) The locations widths and purpose of all existing or proposed easements on and abutting the proposed partition; the location of any existing or proposed reserve strips.
  - (l) The locations of all areas to be dedicated or reserved for public use, with the purpose, condition or limitations of the reservations clearly indicated.
- (2) A Site Assessment of the entire development area. The Site Assessment shall be prepared by an Oregon Licensed Landscape Architect or Engineer and drawn to scale with existing contours at 1-

foot intervals and percent of slope that precisely maps and delineates the areas described below. Proposed modifications to physical features shall be clearly indicated. The Director may waive portions of this requirement if there is a finding that the proposed development will not have an adverse impact on physical features or water quality, either on the site or adjacent to the site. Adjacent properties include those within the distances specified in Section 31.020(2)(c) of this Code. Information required for adjacent properties may be generalized to show the connections to physical features. A Site Assessment shall contain the following information.

- (a) The name, location, dimensions, direction of flow and top of bank of all watercourses that are shown on the Water Quality Limited Watercourses (WLQW) Map on file in the Development Services Department;
  - (b) The 100-year floodplain and floodway boundaries on the site, as specified in the latest adopted FEMA Flood Insurance Maps or FEMA approved Letter of Map Amendment or Letter of Map Revision;
  - (c) The Time of Travel Zones, as specified in Article 17 of this Code and delineated on the Wellhead Protection Areas Map on file in the Development Service Department;
  - (d) Physical features including, but not limited to significant clusters of trees and shrubs, watercourses shown on the (WLQW) Map and their riparian areas, wetlands and rock outcroppings; and
  - (e) Soil types and water table information as mapped and specified in the *Soils Survey of Lane County*.
- (3) A Stormwater Management Plan drawn to scale with existing contours at 1-foot intervals and percent of slope that precisely maps and addresses the information described below. In areas where the percent of slope is 10 percent or more, contours may be shown at 5-foot intervals. This plan shall show the stormwater management system for the entire development area. Unless exempt by the Public Works Director, the City shall require that an Oregon licensed Civil Engineer prepare the plan. Where plants are proposed as part of the stormwater management system, an Oregon Licensed Landscape Architect may also be required. The plan shall include the following components:
- (a) Roof drainage patterns and discharge locations;
  - (b) Pervious and impervious area drainage patterns;
  - (c) The size and location of stormwater management systems components, including but not limited to: drain lines, catch basins, dry wells and/or detention ponds; stormwater quality measures; and natural drainageways to be retained;
  - (d) Existing and proposed site elevations, grades and contours; and

- (e) A stormwater management system plan with supporting calculations and documentation as required in Section 32.110 of this Code shall be submitted supporting the proposed system. The plan, calculations and documentation shall be consistent with the *Engineering Designs Standards and Procedures Manual* to allow staff to determine that the proposed stormwater management system will accomplish its purposes.
- (4) A Response to Transportation issues complying with the standards of this Code.
- (a) The locations, condition, e.g., fully improved with curb, gutter and sidewalk, AC mat, or gravel, widths and names of all existing streets, allays, or other rights of way within or adjacent to the proposed partition;
  - (b) The locations, widths and names of all proposed streets and other rights of way to include the approximately radius of curves and grades. The relationship of all proposed streets to any projected streets as shown on the Metro Plan, including the TransPlan, any approved Conceptual Development Plan and the latest version of the Conceptual Local Street Map;
  - (c) The locations and widths of all existing and proposed sidewalks and accessways, including the location, size and type of plantings and street trees in any required planter strip; pedestrian trails; and shared-use paths;
  - (d) The location of existing and proposed traffic control devices, fire hydrants, streetlights, power poles, transformers, neighborhood mailbox units and similar public facilities, where applicable;
  - (e) The location and dimensions of existing and proposed curb cuts, where applicable;
  - (f) The location of existing and proposed street lighting: including the type, height and area if illumination;
  - (g) The location of existing and proposed transit facilities;
  - (h) A copy of a Right-of-Way Approach Permit application where the property has frontage on an Oregon Department of Transportation (ODOT) facility; and
  - (i) A Traffic Impact Study prepared by a Traffic Engineer where the existing and/or proposed Development will produce more than 250 vehicle trips per day.
- (5) A Future Development Plan. Where re-division is allowed by this Code, the Partition Tentative Plan shall include a Future Development Plan that indicates any proposed re-division, including the boundaries and sequencing of each proposed. Any re-division shall progress in a sequence that promotes street connectivity between the various phases of the development and accommodations other required public improvements, including but not limited to sanitary sewer stormwater management water and electricity,

- (6) Additional information and/or applications required at the time of Partition Tentative Plan application submittal shall include the following items, where applicable:
- (a) A brief narrative explaining the purpose of the proposed partition and the existing use of the property.
  - (b) For common wall partitions with an existing structure, a copy of a housing inspection obtained through the Community Service Division.
  - (c) If the applicant is not the property owner, written permission from the property owner shall be required.
  - (d) A Vicinity Map drawn to scale showing bus stops, streets, curb cuts, pedestrian connections, fire hydrants and other transportation/fire access issues within 200 feet of the proposed partition and all existing subdivisions, partitions and tracts of land immediately adjacent to the proposed partition.
  - (e) A draft of proposed restrictions and covenants affecting the partition, where applicable.
  - (f) How the proposal addresses the standards of the applicable overlay District where the development area is within an overlay District.
  - (g) How the proposal addresses Discretionary Use criteria.
  - (h) A Tree Felling Permit specified in Article 38 of this Code.
  - (i) A Geotechnical Report for slopes 15 percent or greater and in accordance with Article 26 of this Code and/or if the required Site Assessment Section 34.030(2)(e) of this Article indicates the proposed development area has unstable soils and/or high water table as specified in the *Soils Survey of Lane County*.
  - (j) An Annexation application as specified in Article 6 of this Code where a development is proposed outside of the city limits but within City's urban services area and can be serviced by sanitary sewer.
  - (k) A wetland delineation approved by the Division of State Lands shall be submitted concurrently where there is a wetland on the property.
  - (l) Evidence that any required federal or state permit has been applied for or approved shall be submitted concurrently.
- (7) The locations and size of all existing and proposed utilities, including but not limited to, sanitary sewer mains, storm drains, water lines, electric, telephone, TV cable, and gas lines. In the case of multiple

panhandle Partitions, include a utility plan showing how the multiple panhandle parcels will be served by these utilities.

- (8) The location, widths and purpose of all existing or proposed easements on and abutting the proposed partition; location of any existing or proposed reserve strips.
- (9) The locations of all areas to be dedicated or reserved for public use, with the purpose, condition or limitations of the reservations clearly indicated.
- (10) The dimensions of the proposed parcels to include square footage calculations.
- (11) The location and outline to scale of all existing structures to remain on the property and their required setbacks from the proposed new property lines.
- (12) The classification of each lot as complying (solar lot) or not complying (non-solar lot) with Section 34.010(3) of this Article.
- (13) The location, design, and number of required bicycle parking spaces.

#### **34.040 TENTATIVE PLAN SUBDIVISION DETERMINATION.**

If the Director determines that a property has been or is in the process of being divided into 4 or more lots, full compliance with the subdivision regulations specified in this Code may be required.

#### **EXCEPTIONS.**

- (1) When the parcels of a partition can be redivided, a Future Development Plan may be required as specified elsewhere in this Code.
- (2) Land within the City's urbanizable area may be partitioned more than once as long as no proposed parcel is less than 5 acres in size.

#### **34.050 TENTATIVE PLAN CRITERIA OF APPROVAL.**

The Director shall approve or approve with conditions a Tentative Plan application upon determining that all applicable criteria of approval have been satisfied. If conditions cannot be attached to satisfy the approval criteria Director shall deny the application. In the case of Partitions that involve the donation of land to a public agency, the Director may waive any approval criteria upon determining the particular criterion can be addressed as part of a future development application.

- (1) The request conforms to the requirements of this Code pertaining to parcel size and dimensions.

- (2) The zoning is consistent with the Metro Plan diagram and/or applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan.
- (3) Capacity requirements of public improvements, including but not limited to, water and electricity; sanitary sewer and stormwater management facilities; and streets and traffic safety controls shall not be exceeded and the public improvements shall be available to serve the site at the time of development, unless otherwise provided for by this Code and other applicable regulations. The Public Works Director or a utility provider shall determine capacity issues.
- (4) The proposed development shall comply with all applicable public and private design and construction standards contained in this Code and other applicable regulations to ensure the connection to public utilities and the installation of streets.
- (5) Parking areas and ingress-egress points have been designed to: facilitate vehicular traffic, bicycle and pedestrian safety to avoid congestion; provide connectivity within the development area and to adjacent residential areas, transit stops, neighborhood activity centers, and commercial, industrial and public areas; minimize curb cuts on arterial and collector streets as specified in this Code or other applicable regulations and comply with the ODOT access management standards for state highways.
- (6) Physical features, including but not limited to, significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse Map and their associated riparian areas, wetlands, rock outcroppings and historic features have been evaluated and protected as specified in this Code or other applicable regulations.
- (7) Development of any remainder of the property under the same ownership can be accomplished in accordance with the provisions of this Code.
- (8) Adjacent land can be developed or is provided access that will allow its development in accordance with the provisions of this Code.
- (9) When no concurrent annexation application is submitted with a Partition Tentative Plan on property that is outside of the city limits but within the City's urbanizable area, the standards specified below shall also apply.
  - (a) The minimum area for the partitioning of land in the UF-10 Overlay District shall be 10 acres.
  - (b) **EXCEPTIONS:**
    - 1. Any proposed new parcel between 5 and 10 acres shall require a Future Development Plan as specified in Section 29.070(1)(c) for ultimate development with urban densities as required in this Code.
    - 2. In addition to the standards of Subsection (9)(b)1, any proposed new parcel that is less than 5 acres shall meet one of the following standards:

- a. The property to be partitioned shall be owned or operated by a governmental agency or public utility; or
  - b. A majority of parcels located within 100 feet of the property to be partitioned shall be smaller than five acres.
3. No more than three parcels shall be created while the property remains within the UF-10 Overlay District, unless permitted by Section 34.040(2).

### **34.060 TENTATIVE PLAN WATER QUALITY PROTECTION**

The intent of this Section is to apply water quality protection to only those sites that require Partition Tentative Plan Review approval as specified in Section 34.010 of this Article. The following standards do not apply to single-family homes and duplexes in the Low Density Residential District as of the date of this Ordinance, except as specified in Subsection (1)(a) of this Section. Existing buildings that are within the riparian areas specified in Subsection (1)(a) and (b) shall not be considered non-conforming. Subsections (1)(b)1. and 2. provide additional protection from a non-conforming status.

- (1) When addressing criterion (6) as specified in Section 34.050 of this Article to protect riparian areas along watercourses shown on the Water Quality Limited Watercourses (WQLW) Map on file in the Development Services Department, the following riparian area boundaries shall be utilized:
  - (a) Along all watercourses shown on the WQLW Map with average annual stream flow greater than 1,000 cubic feet per second (CFS) the riparian area boundary shall be a minimum of 75 feet upland from the top of the bank.
  - (b) Along all watercourses shown on the WQLW Map with average annual stream flow less than 1,000 CFS the riparian area boundary shall be a minimum of 50 feet upland from the top of each bank.

#### **EXCEPTIONS:**

1. For all watercourses Subject to Section 34.060(1)(b) of this Section other than the Mill Race or Cedar Creek, the 50 foot riparian area standard may be reduced to 35 feet provided an equivalent amount and function of pervious land is established elsewhere on the property that utilizes water quality measures including, but not limited to: wetlands, bioswales or additional trees, especially in parking areas, and exclusive of otherwise required water quality measures and landscape areas. The burden of proof shall be on the applicant to demonstrate, to the satisfaction of the Public Works Director, equivalency in relation to both the amount of pervious land (as specified above) and riparian area function (as specified in Section 32.110(7) of this Code.

2. An existing building within a riparian area shall not be considered a non-conforming use if destroyed by earthquake, flood or other natural disaster or fire. In this case, the replacement building may be constructed within the same footprint as the existing building. If the building is within the Willamette Greenway, the standards in Article 25, Willamette Greenway Overlay District shall apply.
- (c) Where a watercourse divides a lot and the existing riparian area along that watercourse is degraded in riparian function, the applicant may relocate the watercourse to another portion of the property as approved by the Public Works Director and applicable state or federal agency.
  - (d) If an expansion of the riparian area described in Subsection (1)(a) and (b) occurs as a result of a federal or state agency permit process, the applicant shall resubmit the Tentative Plan for additional review in accordance with Section 34.010 of this Article.
- (2) Permitted Uses in Riparian Areas. The following uses shall be permitted in riparian areas as long as they do not diminish riparian functions:
    - (a) The planting of trees and native vegetation to promote bank stability, enhance riparian areas, minimize erosion, preserve water quality and protect federally listed species. Trees may be clustered to allow maintenance vehicles approach City maintained stormwater facilities including but not limited to: detention basins, outfalls and culverts.
    - (b) The felling of hazardous trees for safety reasons as specified in Article 38, Tree Felling.
    - (c) Riparian area restoration, enhancement including the removal of invasive plant species, where necessary.
    - (d) Flood control structures, where necessary.
    - (e) Stormwater management systems and outfalls, as allowed by the Public Works Director or other regulating authority.
    - (f) Pedestrian paths as specified in Section 32.090 of this Code. Pedestrian paths shall be located along the outer edge of the required riparian area away from the watercourse. Utilities may be extended in the pedestrian path.
    - (g) Bikeways shown on the TransPlan Priority Bikeway System Projects Map or the Future Bikeway Projects Map and as specified in Section 32.090 of this Code, provided that the drainage falls away from the watercourse. Bikeways shall be located along the outer edge of the required riparian area away from the watercourse. Utilities may be extended in the bikeway.



- (h) Water dependent or water related uses between the Willamette River and the Greenway Setback Line as may be permitted in Article 25 Willamette Greenway Overlay District.
  - (i) Private driveways, public street crossings, bridges and necessary culverts when there is no other vehicle access to the property. Crossings should be preferably at right angles to the watercourse. Public and private utilities shall be permitted within the driveway, public street or bridge right-of-way.
  - (j) Repair, replacement or improvement of utility facilities as long as the riparian area is restored to its original condition.
  - (k) Routine repair and maintenance of existing structures, streets, driveways, utilities, accessory uses and other similar facilities.
  - (l) Other activities similar to those listed above that do not diminish riparian function. The Director shall make such determinations in accordance with Article 3, Interpretation.
- (3) For protection of water quality and protection of riparian area functions as specified in Section 32.110(7) of this Code, the following standards shall apply:
- (a) Avoid development or redevelopment in the following circumstances:
    1. Unsuitable areas, including, but not limited to unstable slopes, wetlands and riparian areas;
    2. Stream crossings – where crossings must be provided, the impacts on water quality shall be minimized; and
    3. Hardening of stream banks and shorelines.
  - (b) Prevent:
    1. Stormwater discharge impacts to water quality and quantity; and
    2. Erosion and sediment run-off during and after construction.
  - (c) Protect:
    1. Riparian areas, buffers and functions around all watercourses; and
    2. Wetlands, wetland buffers and wetland functions.
  - (d) Preserve the hydrologic capacity of any watercourses.

- (e) Utilize native vegetation in riparian areas to reduce the need to apply water, herbicides, pesticides and fertilizer. The required riparian area landscaping shall be installed prior to recording the Partition Plat. The required riparian area landscaping may be bonded as specified in Section 34.100 of this Article.
- (f) Restoration and enhancement of riparian areas that are degraded in riparian function.
- (g) In applying Subsections (3)(a) through (3)(f) of this Section for riparian areas, protection, preservation, restoration and enhancement measures shall be applied as follows: Existing riparian area functions shall be preserved and degraded functions shall be restored or enhanced through the full riparian width, specified in Subsection (1)(a) and (b) of this Section, and extending through the full frontage of the partition boundary along the watercourse on the WQLW Map.

### **34.070 TENTATIVE PLAN CONDITIONS OF APPROVAL.**

To the extent necessary to satisfy the approval criteria of Section 34.050 of this Article, comply with all applicable standards of this Code and to mitigate identified negative impacts to surrounding properties, the Director shall impose conditions of approval. All conditions shall be satisfied prior to Partition Plat approval. Conditions of approval may include, but are not limited to:

- (1) Dedication of right of way when shown in TransPlan, transportation elements of refinement plans or on the most recent Conceptual Local Street Plan Map and as specified in Table 32-1 of this Code and/or easements as specified in Section 32.120(5) when necessary to provide services, including but not limited to sanitary sewers, stormwater management, water and electricity, to the site and neighboring properties. The dedication of easements shall also include any easements required to access and maintain watercourses or wetlands that are part of the City's Stormwater Management System.
- (2) Installation of a sight obscuring fence, and/or vegetative screen whenever a party of record or the Director identifies a land use conflict.
- (3) Installation of traffic signals and signs; restricting access to and from arterial or collector streets; requiring a frontage road; restricting and strategically locating driveways; and/or requiring the joint use of driveways to serve 2 or more lots through a Joint Use/Access Agreement when transportation safety issues are identified by the Transportation Planning Engineer and/or a Transportation Impact Study.
- (4) Modification of the layout of parcel lines caused by the location of streets, required stormwater management systems, including but not limited to swales and detention basins or when required by the Geotechnical report specified in Section 34.030(6)(m) of this Article.

- (5) Installation of a noise attenuating barrier, acoustical building construction and/or site modifications as specified in Section 31.160 of this Code, or similar measures approved by an acoustical engineer registered in the State of Oregon, to minimize negative affects on noise sensitive property from noise found to exceed acceptable noise levels prescribed in the Oregon Administrative Rules or the Federal Highway Administration Noise Abatement Criteria.
- (6) Phasing of development to match the availability of public facilities and services, including but not limited to, water and electricity; sanitary sewer and stormwater management facilities; and streets and traffic safety controls when these facilities and services are near capacity, as determined by the Public Works Director or the utility provider.
- (7) Submittal of a Land and Drainage Alteration Permit.
- (8) The Director may waive the requirement that buildable City lots have frontage on a public street when all of the following apply:
  - (a) The parcel or parcels have been approved as part of a Partition application; and
  - (b) Access has been guaranteed via a private street to a public street or driveway by an irrevocable joint use-access agreement.
- (9) Retention and protection of existing physical features and their functions, including but not limited to: significant clusters of trees and shrubs, watercourses shown on the WQLW Map and their riparian areas and wetlands, by:
  - (a) Planting replacement trees where encroachment is allowed into riparian areas shown on the WQLW Map on file in the Development Services Department;
  - (b) Re-vegetation, including but not limited to trees and native plants, of slopes, ridgelines, and stream corridors;
  - (c) Restoration of native vegetation;
  - (d) Removal of invasive plant species, based upon the Invasive Plants List on file in the Development Services Department;
  - (e) Relocating the proposed development on another portion of the site;
  - (f) Reducing the size of the proposed development; and/or
  - (g) Mitigation of the loss of physical features caused by the proposed development with an equivalent replacement either on site or on an approved site elsewhere within the City's jurisdiction, as approved by the Director.

- (10) The applicant shall submit copies of required permits to demonstrate compliance with applicable: federal programs, regulations and statutes; state programs, regulations and statutes; and/or local programs, regulations and statutes prior to the approval of the Partition Plat. When a federal or state agency issues a permit that substantially alters an approved Tentative Plan, the Director shall require the applicant to resubmit the Tentative Plan for additional review.
- (11) Approval of a Stormwater Management Plan for the development demonstrating compliance with the applicable provisions of Section 32.110 of this Code and the *Engineering Design Standards and Procedures Manual*.
- (12) Where there are multiple panhandle Partitions, compliance with approval criteria Section 34.050(3) and (4) shall require construction of necessary utilities to serve all approved panhandle parcels prior to recording the Partition Plat.
- (13) Where there is a Partition with a concurrent annexation application, if there is an existing dwelling, that dwelling shall connect to sanitary sewer prior to recording the Partition Plat.
- (14) Where there is a Partition with a panhandle parcel, if a noticed party requests screening, a solid screen, in accordance with Section 31.160 of this Code shall be provided along the property line of the abutting property and the proposed panhandle driveway.

#### **34.080 PARTITION PLAT REVIEW.**

- (1) Partition Plats shall be reviewed under Type I procedure.

**EXCEPTION:** Until the intergovernmental Agreement with Lane County regulating planning outside of the City Limits, but within Springfield's UGB is amended, Partition Plats for partitions within Springfield's UGB shall be reviewed and approved by the Lane County Surveyor.

- (2) A complete application together with all required materials shall be submitted to the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

#### **34.090 PARTITION PLAT SUBMITTAL REQUIREMENTS.**

- (1) The Partition Plat Pre-Submittal Meeting shall be held within 1 year of the date of Tentative Plan approval. The mylars and application fee shall be submitted within 180 days of the Pre-Submittal Meeting. If the applicant has not submitted the Partition Plat within these times, Tentative Plan approval shall become null and void and re-submittal of the Tentative Plan shall be required.

**EXCEPTION:**

The applicant may request an extension of the Partition Plat submittal time line for up to one year. The applicant shall submit the request writing to the Director no later than 30 days prior to the expiration of the Partition Tentative Plan approval and shall explain why the request is necessary and demonstrate how the Partition Plat application will be submitted within the requested extension time line. The Director may grant or amend the request if a determination can be made that the applicant is making progress on the Partition Plat application.

- (2) The Partition Plat submittal shall:
- (a) Be surveyed and monumented in accordance with ORS Chapters 92 and 209;
  - (b) Include documentation addressing all conditions of Tentative Plan approval. Conditions may include showing the following information on the Partition Plat: floodplain boundaries and spot elevations; riparian area boundaries; building envelopes; and any other information required by the Director; and.
  - (c) Comply with the submittal requirements of Section 3.050 of this Code and the application form. The applicant shall also submit the following information:
    - 1. A copy of any deed restrictions.
    - 2. A copy of any dedication requiring separate documents.
    - 3. Boundary and lot closure computations and the total area of each lot and any open space dedication in square feet or acres.
    - 4. A statement of water rights.
    - 5. A copy of any document required as a condition of Tentative Plan approval.
    - 6. A current title report.

### **34.100 PARTITION PLAT CRITERIA OF APPROVAL.**

The Director, in consultation with the City Surveyor and City Engineer, shall approve or deny the Partition Plat. Approval shall be based on compliance with the following approval criteria:

- (1) The City Surveyor has approved the Partition Plat for compliance with applicable platting requirements in accordance with State law, Lane County ordinances and any other applicable regulations.
- (2) Streets, bicycle paths, accessways, and alleys for public use have been dedicated without any reservation or restriction other than reversionary rights upon vacation.

- (3) Public improvements, as required by this Code or as a condition of Tentative Plan approval, are completed, or:
  - (a) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the partition and the petition has been accepted by the City Engineer; or
  - (b) A performance bond or suitable substitute as agreed upon by the City Engineer and the applicant has been filed with the City in an amount sufficient to assure the completion of all required public improvements.
- (4) Public assessments, liens, and fees with respect to the partition have been paid, or:
  - (a) A segregation of assessments and liens has been applied for and granted by the City, or
  - (b) An adequate guarantee in a form acceptable to the City has been provided assuring the liens, assessments and fees will be paid prior to recording the final plat.
- (5) All conditions of Tentative Plan approval have been met and the Partition Plat substantially conforms to the provisions of the approved Tentative Plan.

**34.110 RECORDING THE PARTITION PLAT AT LANE COUNTY AND CITY DEVELOPMENT APPROVAL.**

- (1) After the Partition Plat has been signed by the City, the applicant's surveyor or other designated person shall deliver the Plat to the Lane County Surveyor for recording.
- (2) The applicant shall deliver a reproducible copy of the recorded Partition Plat to the City Engineer. Once the City has proof that the Partition Plat has been recorded, the parcels may be sold and the City may issue a Building Permit.

**(Ord. 5407 10/19/87):** Section 34.040.

**(Ord. 5551 2/4/91):** Title Page; Sections 34.010; 34.020; 34.030; 34.040; 34.050; 34.060; 34.070; 34.080; 34.090; 34.100; 34.110; 34.120.

**(Ord. 5561 4/15/91):** Sections 34.010; 34.030.

**(Ord. 5704 7/6/93):** Section 34.040.

**(Ord. 5804 12/18/95):** Sections 34.010; 34.030; 34.040; 34.070; 34.090; 34.100; 34.120.

**(Ord. 5972 02/05/2001):** Sections 34.030(6)(13)(14)

**(Ord. 6021 7/15/2002):** Section 34.010, 34.030, 34.050, 34.060, 34.070

**(Ord. 6133 07/18/05):** Title page; Sections 34.010, 34.030, 34.040, 34.050, 34.070, 34.080, 34.090, 34.100, 34.110 and 34.120.

## **ARTICLE 35**

### **SUBDIVISION STANDARDS**

35.010 PURPOSE AND APPLICABILITY

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## **ARTICLE 35**

### **SUBDIVISION STANDARDS**

#### **35.010 PURPOSE AND APPLICABILITY.**

- (1) Purpose. The purpose of the Subdivision process is to: Facilitate and enhance the value of development; Regulate land divisions that create 4 or more lots within a calendar year; Maintain the integrity of the City's watercourses by promoting bank stability, assisting in flood protection and flow control, protecting riparian functions, minimizing erosion, and preserving water quality and significant fish and wildlife areas; Ensure the provision of public facilities and services; Providing for connectivity between different uses; Utilize alternative transportation modes including and walking, bicycling and mass transit facilities; Implement the Metro Plan, applicable refinement plans, specific area plans and specific development plans; Minimize adverse effects on surrounding property owners and the general public through specific conditions of approval; and Otherwise protect the public health and safety.
- (2) Applicability. The Subdivision process shall apply within the city limits and the City's urbanizable area. No lots may be created without being subdivided in accordance with the standards of this Code. No development permit will be issued by the City prior to approval of the Subdivision Tentative Plan application.

#### **EXCEPTION:**

As may be permitted in the Springfield Municipal Code, 1997 and/or by Resolution No. 03-40, the Director may issue a Land and Drainage Alteration Permit prior to approval of the Subdivision Tentative Plan.

#### **35.020 TENTATIVE PLAN REVIEW.**

- (1) Subdivision Tentative Plans shall be reviewed under Type II procedure.
- (2) A complete application together with all required materials shall be accepted by the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

#### **35.030 TENTATIVE PLAN - GENERAL.**

In any residential land division, lots and blocks shall conform to the following standards:

- (1) The lot dimensions shall conform to the minimum standards of this Code. When lots are more than double the minimum area permitted by the district, the Director shall require that such lots be arranged:
  - (a) To allow redivision; and

- (b) To allow for the extension of streets to serve future lots.
- (c) Placement of structures on the larger lots shall be subject to approval by the Director upon a determination that the potential maximum density of the larger lot is not impaired. In order to make this determination, the Director may require a Future Development Plan as specified in Section 35.040(5) of this Section.
- (2) Double frontage lots shall be avoided, unless necessary to prevent access to residential development from collector and arterial streets or to overcome specific topographic situations.
- (3) Panhandle lots shall comply with the standards specified in Section 16.030(6) of this Code. In the case of multiple panhandles in Subdivisions, construction of necessary utilities to serve all approved panhandle lots shall occur prior to recording the Subdivision Plat.
- (4) Block length for local streets shall be as specified in Section 32.020 of this Code.

### **35.040 SUBDIVISION STANDARDS TENTATIVE PLAN SUBMITTAL REQUIREMENTS**

A Subdivision Tentative Plan shall contain the elements necessary to demonstrate that requirements of this Code are being fulfilled:

- (1) General Requirements.
  - (a) The Subdivision Tentative Plan, including any required Future Development Plan, shall be prepared by an Oregon Licensed Land Surveyor on standard sheets of 18" x 24". The services of an Oregon registered Engineer may also be required by the City in order to resolve utility issues, especially stormwater management, street design and transportation issues, and site constraint and/or water quality issues.
  - (b) The scale of the Subdivision Tentative Plan shall be appropriate to the area involved and the amount of detail and data normally 1" = 50', 1" = 100' or 1" = 200'.
  - (c) A north arrow and the date the Subdivision Tentative Plan was prepared.
  - (d) The proposed name of the subdivision with appropriate identification of the drawing as a Tentative Plan; the name cannot duplicate the name of any other subdivision in Lane County unless the proposed subdivision is adjacent to that subdivision and is platted by the same person who platted the subdivision bearing the same name.
  - (e) The name and address of the owner, applicant, if different, and the Land Surveyor or Engineer who prepared the Subdivision Tentative Plan.

- (f) The dimensions (in feet) and size (either in square feet or acres) of the entire property and each lot.
  - (g) City boundaries, the Urban Growth Boundary (UGB) and any special service district boundaries or railroad right-of-way, which cross or abut the proposed Subdivision.
  - (h) Applicable zoning districts and the Metro Plan designation of the proposed Subdivision and of properties within 100 feet of the boundary of the subject property.
  - (i) The dimensions (in feet) and size (either in square feet or acres) of each parcel and the approximate dimensions of each building site, where applicable, and the top and toe of cut and fill slopes to scale.
  - (j) The location, outline to scale and present use of all existing structures to remain on the property after platting and their required setbacks from the proposed new property lines.
  - (k) The location and size of existing and proposed utilities and necessary easements and dedications on and adjacent to the site, including sanitary sewer mains, stormwater management systems, water mains, power, gas, telephone, and cable TV. Indicate the proposed connection points.
  - (l) The locations widths and purpose of all existing or proposed easements on and abutting the proposed Subdivision; the location of any existing or proposed reserve strips.
  - (m) The locations of all areas to be dedicated or reserved for public use, with the purpose, condition or limitations of the reservations clearly indicated.
- (2) Site Assessment of the entire development area. The Site Assessment shall be prepared by an Oregon Licensed Landscape Architect or Engineer and drawn to scale with existing contours at 1-foot intervals and percent of slope that precisely maps and delineated the areas described below. Proposed modifications to physical features shall be clearly indicated. The Director may waive portions of this requirement if there is a finding that the proposed development will not have an adverse impact on physical features or water quality, either on the site or adjacent to the site. Adjacent properties include those within the distances specified in Section 31.020(2)(c) of this Code. Information required for adjacent properties may be generalized to show the connections to physical features. A site Assessment shall contain the following information:
- (a) The name, location, dimensions, direction of flow and top of bank of all watercourses that are shown on the Water Quality Limited Watercourse Map on file in the Development Services Department;

- (b) The 100-year floodplain and floodway boundaries on the site, as specified in the latest adopted FEMA Flood Insurance Tare Maps or FEMA approved letter of Map Amendment or Letter of Map Revisions;
  - (c) The Time of Travel Zones, as specified in Article 7 of this Code and delineated on the Wellhead Protection Areas Map on file in the Development Services Department.
  - (d) Physical features including, but not limited to significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse (WQLW) Map and their riparian areas, wetlands and rock outcroppings; and
  - (e) Soil types and water table information as mapped and specified in the *Soils Survey of Lane County*.
- (3) A Stormwater Management Plan drawn to scale with existing contours at 1-foot intervals and percent of slope that precisely maps and addresses the information described below. In areas where the percent of slope is 10 percent or more, contours may be shown at 5-foot intervals. This plan shall show the stormwater management system for the entire development area. Unless exempt by the Public Works Director, the City shall require that an Oregon licensed Civil Engineer prepare the plan. Where plants are proposed as part of the stormwater management system, an Oregon Licensed Landscape Architect may also be required. The plan shall include the following components:
- (a) Roof drainage patterns and discharge locations;
  - (b) Pervious and impervious area drainage patterns;
  - (c) The size and location of stormwater management systems components, including but not limited to: drain lines, catch basins, dry wells and/or detention ponds; stormwater quality measures; and natural drainageways to be retained;
  - (d) Existing and proposed site elevations, grades and contours; and
  - (e) A stormwater management system plan with supporting calculations and documentation as required in Section 32.110 of this Code shall be submitted supporting the proposed system. The plan, calculations and documentation shall be consistent with the *Engineering Designs Standards and Procedures Manual* to allow staff to determine that the proposed stormwater management system will accomplish its purposes.
- (4) A Response to Transportation issues complying with the standards of this Code.
- (a) The locations, condition, e.g., fully improved with curb, gutter and sidewalk, AC mat, or gravel, widths and names of all existing streets, allays, or other rights of way within or adjacent to the proposed partition;

- (b) The locations, widths and names of all proposed streets and other rights of way to include the approximately radius of curves and grades. The relationship of all proposed streets to any projected streets as shown on the Metro Plan, including the TransPlan, any approved Conceptual Development Plan and the latest version of the Conceptual Local Street Map;
  - (c) The locations and widths of all existing and proposed sidewalks and accessways, including the location, size and type of plantings and street trees in any required planter strip; pedestrian trails; and shared-use paths;
  - (d) The location of existing and proposed traffic control devices, fire hydrants, streetlights, power poles, transformers, neighborhood mailbox units and similar public facilities, where applicable;
  - (e) The location and dimensions of existing and proposed curb cuts, where applicable;
  - (f) The location of existing and proposed street lighting; including the type, height and area if illumination;
  - (g) The location of existing and proposed transit facilities;
  - (h) A copy of a Right-of-Way Approach Permit application where the property has frontage on an Oregon Department of Transportation (ODOT) facility; and
  - (i) A Traffic Impact Study prepared by a Traffic Engineer where the existing and/or proposed Development will produce more than 250 vehicle trips per day.
- (5) A Future Development Plan.
- (a) Where phasing is proposed, the Subdivision Tentative Plan shall include a Future Development Plan as specified in Section 29.070(1)(c) that indicates any proposed redivision, including the boundaries and sequencing of each proposed redivision. Any phasing shall progress in a sequence that promotes street connectivity between the various phases of the development and accommodates other required public improvements, including but not limited to, sanitary sewer stormwater management, water and electricity.
  - (b) A Future Development Plan may also be required as specified in Section 35.030(1) of this Article when large lots are proposed.
- (6) Additional information and/or applications required at the time of Subdivision Tentative Plan application submittal shall include the following items, where applicable:
- (a) A brief narrative explaining the purpose of the proposed Subdivision and the existing use of the property.

- (b) All public improvements proposed to be installed and to include the approximate time of installation and method of financing.
  - (c) If the applicant is not the property owner, written permission from the property owner shall be required.
  - (d) A Vicinity Map drawn to scale showing bus stops, streets, curb cuts, pedestrian connections, fire hydrants and other transportation/fire access issues within 200 feet of the proposed Subdivision and all existing Subdivisions, Partitions and tracts of land immediately adjacent to the proposed Subdivision.
  - (e) A title report prepared within one month of the date of submittal.
  - (f) If development is to be phased, a Future Development Plan for the remainder of the property shall be provided, including timing and financial provisions.
  - (g) Proposed deed restrictions and a draft of a Homeowner's Association Agreement, where appropriate.
  - (h) A Geotechnical Report for slopes 15 percent or greater and in accordance with Article 26 of this Code and/or if the required Site Assessment Section 35.030(2)(e) of this Article indicates the proposed development area has unstable soils and/or high water table as specified in the *Soils Survey of Lane County*.
  - (i) How the proposal addresses the standards of the applicable overlay District where the development area is within an overlay District.
  - (j) How the proposal addresses Discretionary Use criteria.
  - (k) A Tree Felling Permit as specified in Article 38 of this Code.
  - (l) An Annexation application as specified in Article 6 of this Code where a development is proposed outside of the city limits but within City's urban services area and can be serviced by sanitary sewer.
  - (m) A wetland delineation approved by the Division of State Lands shall be submitted concurrently where there is a wetland on the property.
  - (n) Evidence that any required federal or state permit has been applied for or approved shall be submitted concurrently.
- (7) The locations and widths of all existing and proposed sidewalks and accessways, including the location, size and type of plantings and street trees in any required planter strip; pedestrian trails; and shared-use paths.

- (8) The location and size of all existing and proposed utilities, including but not limited to, sanitary sewer mains; storm drains; water lines; electric, telephone, TV cable, and gas lines; and street lights. In the case of multiple panhandle lots in Subdivisions, include a utility plan showing how the multiple panhandle lots will be served by these utilities.
- (9) The locations widths and purpose of all existing or proposed easements on and abutting the proposed subdivision; the location of any existing or proposed reserve strips.
- (10) The locations of all areas to be dedicated or reserved for public use, with the purpose, condition or limitations of the reservations clearly indicated.
- (11) The approximate lot layout and the approximate dimensions of each building site, where applicable, and the top and toe of cut and fill slopes to scale.
- (12) The location, outline to scale and present use of all existing structures to remain on the property after platting and their required setbacks from the proposed new property lines.
- (13) For Cluster Subdivision the following additional information shall be submitted with the tentative plan:
  - (a) Front yard setbacks for buildings in established residential areas.
  - (b) Building height transition.
  - (c) Building orientation and connectivity to the fronting street.
  - (d) Garage door placement and design.
  - (e) Percentage of windows and/or dwelling doors on facades of homes facing streets, sidewalks, and multi-use paths (including garage facades).
  - (f) Design Variety. Each home shall incorporate a minimum of three (3) of the following six (6) building design features. Applicants shall indicate which option they are proposing on plans:
    - 1. Roof Pitch & Design. A minimum 4 to 12 roof pitch. Eaves.
    - 2. Eaves with a minimum 6-inch overhang.
    - 3. Architectural features.
    - 4. Architectural Details. At least one architectural detail on a swelling façade(s) that faces the street. Architectural details used consistently throughout the construction of the dwelling facade that face streets. For the purposes of this provision, architectural details are defined as exposed rafter or beam ends, eave brackets, gridded windows or windows with divided lites, or pergolas/trellis work integrated into building facades.

If a dwelling is oriented such that its front façade (façade with the front door) is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural details may be counted if they are located on the facades of the dwelling that face the sidewalk.

- (g) Open space location and percentage.
  - (h) Required landscaping and if required show landscaping for buffer area.
- (14) Where the Subdivision of a manufactured dwelling park or mobile home park is proposed, the Director may waive certain submittal requirements specified in Section (1) through (12) of this Section. However, the Tentative Plan shall address the applicable standards listed under the park Subdivision approval criteria specified in Section 35.050(9).”

### **35.050 TENTATIVE PLAN - CRITERIA OF APPROVAL.**

The Director shall approve or approve with conditions a Subdivision Tentative Plan application upon determining that all applicable approval criteria of approval have been satisfied. If conditions cannot be attached to satisfy the approval criteria, the Director shall deny the application.

- (1) The request conforms to the requirements of this Code pertaining to lot size and dimensions.
- (2) The zoning is consistent with the Metro Plan diagram and/or applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan.
- (3) Capacity requirements of public improvements, including but not limited to, water and electricity; sanitary sewer and stormwater management facilities; and streets and traffic safety controls shall not be exceeded and the public improvements shall be available to serve the site at the time of development, unless otherwise provided for by this Code and other applicable regulations. The Public Works Director or a utility provider shall determine capacity issues.
- (4) The proposed development shall comply with all applicable public and private design and construction standards contained in this Code and other applicable regulations to ensure the connection to public utilities and the installation of streets.
- (5) Parking areas and ingress-egress points have been designed to: facilitate vehicular traffic, bicycle and pedestrian safety to avoid congestion; provide connectivity within the development area and to adjacent residential areas, transit stops, neighborhood activity centers, and commercial, industrial and public areas; minimize curb cuts on arterial and collector streets as specified in this Code or other applicable regulations and comply with the ODOT access management standards for state highways.
- (6) Physical features, including but not limited to, significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse Map and their associated riparian areas, wetlands,



rock outcroppings and historic features have been evaluated and protected as specified in this Code or other applicable regulations.

- (7) Development of any remainder of the property under the same ownership can be accomplished in accordance with the provisions of this Code.
- (8) Adjacent land can be developed or is provided access that will allow its development in accordance with the provisions of this Code.
- (9) Where the Subdivision of a manufactured dwelling park or mobile home park is proposed, the following approval criteria shall apply:
  - (a) The park was approved before July 2, 2001 and is in compliance with the standards in Article 36 or other land use regulations in effect at the time the site was approved as a manufactured dwelling park or mobile home park; or the park is an approved non-conforming use. In the latter case, a park is in compliance if the City has not issued a notice of noncompliance on or before July 2, 2001.
  - (b) The number of lots proposed shall be the same or less than the number of mobile home spaces previously approved or legally existing in the park.
  - (c) The external boundary or setbacks of the park shall not be changed.
  - (d) The use of lots, as shown on the Tentative Plan, shall be limited to the installation of manufactured dwellings; i.e., “stick-built” houses shall be prohibited.
  - (e) Any other areas in the Subdivision other than the proposed lots shall be used as common property, unless park streets have previously been dedicated to the City or there are public utilities in the park. All common property shall be addressed in a Homeowner’s Association Agreement.
    - 1. Areas that are used for vehicle circulation (streets), driveways that serve more than two lots or common parking areas, shall be shown in a Tract or easement on the Tentative Plan.
    - 2. All other services and utilities that serve more than one lot shall be in a Tract or easement. Where a service or utility serves only one lot, but crosses another, that service or utility shall also be in an easement shown on the Tentative Plan.
    - 3. Existing buildings in the park used for recreational, meetings or other purposes for the park residents shall be in a Tract shown on the Tentative Plan.
  - (f) Any public utilities shall be within a public utility easements.

- (g) If public utilities or services are required to serve the Subdivision, the park owner shall sign and execute a waiver of the right to remonstrate against the formation of a local improvement district to provide the public utilities or services.

**35.055 TENTATIVE PLAN – WATER QUALITY PROTECTION.**

The intent of this Section is to apply water quality protection to only those sites that require Subdivision Tentative Plan Review approval as specified in Section 35.010 of this Article. The following standards do not apply to single-family homes and duplexes in the Low Density Residential District as of the date of this Ordinance, except as specified in Subsection (1)(a) of this Section. Existing buildings that are within the riparian areas specified in Subsection (1)(a) and (b) shall not be considered non-conforming. Subsections (1)(b)1. and 2. provide additional protection from a non-conforming status.

- (1) When addressing criterion (6) as specified in Section 35.050 of this Article to protect riparian areas along watercourses shown on the Water Quality Limited Watercourses (WQLW) Map on file in the Development Services Department, the following riparian area boundaries shall be utilized:
  - (a) Along all watercourses shown on the WQLW Map with average annual stream flow greater than 1,000 cubic feet per second (CFS) the riparian area boundary shall be a minimum of 75 feet upland from the top of the bank.
  - (b) Along all watercourses shown on the WQLW Map with average annual stream flow less than 1,000 CFS the riparian area boundary shall be a minimum of 50 feet upland from the top of each bank.

**EXCEPTIONS:**

- 1. For all watercourses subject to Section 35.055(1)(b) of this Section other than the Mill Race or Cedar Creek, the 50 foot riparian area standard may be reduced to 35 feet provided an equivalent amount and function of pervious land is established elsewhere on the property that utilizes water quality measures including, but not limited to: wetlands, bioswales or additional trees, especially in parking areas, and exclusive of otherwise required water quality measures and landscape areas. The burden of proof shall be on the applicant to demonstrate, to the satisfaction of the Public Works Director, equivalency in relation to both the amount of pervious land (as specified above) and riparian area function (as specified in Section 32.110(7) of this Code.
- 2. An existing building within a riparian area shall not be considered a non-conforming use if destroyed by earthquake, flood or other natural disaster or fire. In this case, the replacement building may be constructed within the same footprint as the existing building. If the building is within the Willamette Greenway, the standards in Article 25, Willamette Greenway Overlay District shall apply.

- (c) Where a watercourse divides a lot and the existing riparian area along that watercourse is degraded in riparian function, the applicant may relocate the watercourse to another portion of the property as approved by the Public Works Director and applicable state or federal agency.
  - (d) If an expansion of the riparian area described in Subsection (1)(a) and (b) occurs as a result of a federal or state agency permit process, the applicant shall resubmit the Tentative Plan for additional review in accordance with Section 35.010 of this Article.
- (2) Permitted Uses in Riparian Areas. The following uses shall be permitted in riparian areas as long as they do not diminish riparian functions:
- (a) The planting of trees and native vegetation to promote bank stability, enhance riparian areas, minimize erosion, preserve water quality and protect federally listed species. Trees may be clustered to allow maintenance vehicles approach City maintained stormwater facilities including but not limited to: detention basins, outfalls and culverts.
  - (b) The felling of hazardous trees for safety reasons as specified in Article 38, Tree Felling.
  - (c) Riparian area restoration, enhancement including the removal of invasive plant species, where necessary.
  - (d) Flood control structures, where necessary.
  - (e) Stormwater management systems and outfalls, as allowed by the Public Works Director or other regulating authority.
  - (f) Pedestrian paths as specified in Section 32.090 of this Code. Pedestrian paths shall be located along the outer edge of the required riparian area away from the watercourse. Utilities may be extended in the pedestrian path.
  - (g) Bikeways shown on the TransPlan Priority Bikeway System Projects Map or the Future Bikeway Projects Map and as specified in Section 32.090 of this Code, provided that the drainage falls away from the watercourse. Bikeways shall be located along the outer edge of the required riparian area away from the watercourse. Utilities may be extended in the bikeway.
  - (h) Water dependent or water related uses between the Willamette River and the Greenway Setback Line as may be permitted in Article 25 Willamette Greenway Overlay District.
  - (i) Private driveways, public street crossings, bridges and necessary culverts when there is no other vehicle access to the property. Crossings should be preferably at right angles to the watercourse. Public and private utilities shall be permitted within the driveway, public street or bridge right-of-way.

- (j) Repair, replacement or improvement of utility facilities as long as the riparian area is restored to its original condition.
  - (k) Routine repair and maintenance of existing structures, streets, driveways, utilities, accessory uses and other similar facilities.
  - (l) Other activities similar to those listed above that do not diminish riparian function. The Director shall make such determinations in accordance with Article 3, Interpretation.
- (3) For protection of water quality and protection of riparian area functions as specified in Section 32.110(7) of this Code, the following standards shall apply:
- (a) Avoid development or redevelopment in the following circumstances:
    - 1. Unsuitable areas, including, but not limited to unstable slopes, wetlands and riparian areas;
    - 2. Stream crossings – where crossings must be provided, the impacts on water quality shall be minimized; and
    - 3. Hardening of stream banks and shorelines.
  - (b) Prevent:
    - 1. Stormwater discharge impacts to water quality and quantity; and
    - 2. Erosion and sediment run-off during and after construction.
  - (c) Protect:
    - 1. Riparian areas, buffers and functions around all watercourses; and
    - 2. Wetlands, wetland buffers and wetland functions.
  - (d) Preserve the hydrologic capacity of any watercourses.
  - (e) Utilize native vegetation in riparian areas to reduce the need to apply water, herbicides, pesticides and fertilizer. The required riparian area landscaping shall be installed prior to recording the Partition Plat. The required riparian area landscaping may be bonded as specified in Section 35.100 of this Article.
  - (f) Restoration and enhancement of riparian areas that are degraded in riparian function.

- (g) In applying Subsections (3)(a) through (3)(f) of this Section for riparian areas, protection, preservation, restoration and enhancement measures shall be applied as follows: Existing riparian area functions shall be preserved and degraded functions shall be restored or enhanced through the full riparian width, specified in Subsection (1)(a) and (b) of this Section, and extending through the full frontage of the partition boundary along the watercourse on the WQLW Map.

### **35.060 TENTATIVE PLAN - CONDITIONS OF APPROVAL.**

To the extent necessary to satisfy the approval criteria of Section 35.050 of this Article, comply with all applicable standards of this Code and to mitigate identified negative impacts to surrounding properties, the Director shall impose conditions of approval. All conditions shall be satisfied prior to Subdivision Plat approval. Conditions of approval may include, but not limited to:

- (1) Dedication of right of way when shown in TransPlan, transportation elements of refinement plans or on the most recent Conceptual Local Street Plan Map and as specified in Table 32-1 of this Code and/or easements as specified in Section 32.120(5) when necessary to provide services, including but not limited to sanitary sewers, stormwater management, water and electricity, to the site and neighboring properties. The dedication of easements shall also include any easements required to access and maintain watercourses or wetlands that are part of the City's Stormwater Management System.
- (2) Installation of a sight obscuring fence, and/or vegetative screen whenever a party of record or the Director identifies a land use conflict.
- (3) Installation of traffic signals and signs; restricting access to and from arterial or collector streets; requiring a frontage road; restricting and strategically locating driveways; and/or requiring the joint use driveways to serve 2 or more lots through a Joint Use/Access Agreement when transportation safety issues are identified by the Transportation Planning Engineer and/or a Transportation Impact Study.
- (4) Modification of the layout of parcel lines caused by the location of streets, required stormwater management systems, including but not limited to swales and detention basins or when required by the Geotechnical report specified in Section 35.040(6)(o) of this Article.
- (5) Installation of a noise attenuating barrier, acoustical building construction and/or site modifications as specified in Section 31.160 of this Article or similar measures approved by an acoustical engineer registered in the State of Oregon, minimize negative effects on noise sensitive property from noise found to exceed acceptable noise levels prescribed in the Oregon Administrative Rules or the Federal Highway Administration Rules or the Federal Highway Administration Noise Abatement Criteria.
- (6) Phasing of development to match the availability of public facilities and services, including but not limited to, water and electricity; sanitary sewer and stormwater management facilities; and streets and traffic safety controls when these facilities and services are near capacity, as determined by the Public Works Director or the utility provider.

- (7) Submittal of a Land and Drainage Alteration Permit.
- (8) The Director may waive the requirement that buildable City lots have frontage on a public street when all of the following apply:
  - (a) The lot or lots have been approved as part of a subdivision application;
  - (b) Access has been guaranteed via a private street to driveway by an irrevocable joint use/access agreement.
- (9) Retention and protection of existing physical features and their functions, including but not limited to: significant cluster of trees and shrubs, watercourses shown on the WQLW Map and wetlands, by:
  - (a) Planting replacement trees where encroachment is allowed into riparian areas shown on the WQLW Map on file in the Development Services Department; and
  - (b) Re-vegetation, including but not limited to trees and native plants, of slopes, ridgelines, and stream corridors; and
  - (c) Restoration of native vegetation; and
  - (d) Removal of all invasive plant species, based upon the Invasive Plants List on file in the Development Services Department; and
  - (e) Relocating the proposed development on another portion of the site; and
  - (f) Reducing the size of the proposed development; and/or
  - (g) Mitigation of the loss of physical features caused by the proposed development with an equivalent replacement either on site or on an approved site elsewhere within the City's jurisdiction, as approved by the Director.
- (10) The applicant shall submit copies of the required permits to demonstrate compliance with applicable: federal programs, regulations and statutes; state programs, regulations and statutes; and/or local programs, regulations and statutes prior to approval of the Subdivision Plat. When a federal or state agency issues a permit that substantially alters an approved Tentative Plan, the Director shall require the applicant to resubmit the Tentative Plan for additional review.
- (11) Approval of a Stormwater Management Plan for the development demonstrating compliance with the applicable provisions of Section 32.110 of this Code and the *Engineering Design Standards and Procedures Manual*.

- (12) In the case of the Subdivision of a manufactured dwelling park or mobile home park, the following conditions of approval shall be completed prior to the recording of the Subdivision Plat;
- (a) A Homeowners' Association Agreement shall be submitted that discusses the maintenance for all common areas shown in Tracts, unless otherwise specified in the Tentative Plan decision;
  - (b) The recording of any required public or private easements;
  - (c) The signing of a remonstrance waiver and establishment of a local improvement district, if public utilities are required to serve the subdivision; and
  - (d) Any other condition of approval required during the Tentative Plan review process.

**35.070 RESERVED FOR FUTURE USE.**

**35.080 SUBDIVISION PLAT REVIEW.**

- (1) Subdivision Plats shall be reviewed under Type I procedure.
- (2) A complete application together with all required materials shall be submitted to the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

**35.090 SUBDIVISION PLAT SUBMITTAL REQUIREMENTS.**

- (1) The Subdivision Plat pre-submittal meeting shall be held within 2 years of the date of Tentative Plan approval. The mylars and application fee shall be submitted within 180 days of the pre-submittal meeting. If the applicant has not submitted the Subdivision Plat within these times, Tentative Plan approval shall become null and void and re-submittal of the Tentative Plan shall be required.

**EXCEPTIONS:**

- (a) For most situations, the applicant may request an extension of the Subdivision Plat submittal time line for up to two years. The applicant shall submit the request writing to the Director no later than 30 days prior to the expiration of the Subdivision Tentative Plan approval and shall explain why the request is necessary and demonstrate how the Subdivision Plat application will be submitted within the requested extension time line. The Director may grant or amend the request if a determination can be made that the applicant is making progress on the Subdivision Plat application.
- (b) For a subdivision subject to Master Plan approval, where Subdivision Tentative Plan approval is granted for the entire subdivision and then portions are allowed to be platted in phases over time, the Director may allow consecutive 2 year periods for the completion of

each phase up to and not to exceed the duration of the Master Plan. This issue shall be addressed as a condition of Subdivision Tentative Plan approval under Section 35.060 of this Article. Where the agreed to Subdivision Plat submittal time line can not be met, the applicant may submit a time line extension as specified in Subsection (1)(a), above.

- (2) The Subdivision Plat submittal shall;
  - (a) Be surveyed and monumented in accordance with ORS Chapters 92 and 209.
  - (b) Include documentation addressing all conditions of Tentative Plan approval. Conditions may include showing the following information on the Partition Plat: floodplain boundaries and spot elevations; riparian area boundaries; building envelopes; and any other information required by the Director.
  - (c) Comply with the submittal requirements of Section 3.050 of this Code and the application form. The applicant shall also submit the following information:
    - 1. A copy of any deed restrictions.
    - 2. A copy of any dedication requiring separate documents.
    - 3. Boundary and lot closure computations and the total area of each lot and any open space dedication in square feet or acres.
    - 4. A statement of water rights.
    - 5. A copy of any document required as a condition of Tentative Plan approval.
    - 6. A current title report.

### **35.100 SUBDIVISION PLAT CRITERIA OF CITY APPROVAL.**

The Director, in consultation with the City Surveyor and City Engineer shall, approve or deny the Subdivision Plat. Approval shall be based on compliance with the following approval criteria:

- (1) The City Surveyor has approved the Subdivision Plat for compliance with applicable platting requirements in accordance with State law, Lane County ordinances and any other applicable regulations.
- (2) Streets, bicycle paths, accessways, and alleys for public use have been dedicated without any reservation or restriction other than reversionary rights upon vacation.
- (3) Public improvements, as required by this Code or as a condition of Tentative Plan approval, are completed, or:



- (a) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the Subdivision and the petition has been accepted by the City Engineer; or
  - (b) A performance bond or suitable substitute as agreed upon by the City Engineer and the applicant has been filed with the City in an amount sufficient to assure the completion of all required public improvements.
- (4) Public assessments, liens, and fees with respect to the Subdivision have been paid, or:
- (a) A segregation of assessments and liens has been applied for and granted by the City, or
  - (b) An adequate guarantee in a form acceptable to the City has been provided assuring the liens, assessments and fees will be paid prior to recording the final plat.
- (5) All conditions of Tentative Plan approval have been met and the Subdivision Plat substantially conforms to the provisions of the approved Tentative Plan.

**35.110 RECORDING THE SUBDIVISION PLAT AT LANE COUNTY AND CITY DEVELOPMENT APPROVAL.**

- (1) After the Subdivision Plat has been signed by the City, the applicant's surveyor or other designated person shall deliver the Plat to the Lane County Surveyor for recording.
- (2) The applicant shall deliver a reproducible copy of the recorded Subdivision Plat to the City Engineer. Once the City has proof that the Subdivision Plat has been recorded, the lots may be sold and the City may issue a Building Permit.

**(Ord. 5407 10/19/87):** Section 35.100.

**(Ord. 5466 3/6/89):** Section 35.090.

**(Ord. 5551 2/4/91):** Title Page; Sections 35.010; 35.030; 35.050; 35.060; 35.070;35.080; 35.090; 35.100; 35.110; 35.120; 35.130.

**(Ord. 5561 4/15/91):** Sections 35.010; 35.030.

**(Ord. 5804 12/18/95):** Sections 35.010; 35.040; 35.060; 35.070; 35.080; 35.090; 35.100.

**(Ord. 5972 02/05/2001):** Sections 35.040(7); 35.050(4).

**(Ord. 6018 7/1/2002):** Section 35.040(15)

**(Ord.6021 07/15/2002):** Sections 35.010; 35.040; 35.050; 35.055; and 35.060

**(Ord. 6133 07/18/05):** Title page; Sections 35.010, 35.030, 35.040, 35.050, 35.060, 35.070, 38.080, 35.090, 35.100, 35.110, 35.120 and 35.130.

**ARTICLE 36**

**MANUFACTURED DWELLING STANDARDS**

36.010 RESIDENTIAL DISTRICTS - GENERAL

36.020 PARKS AND SUBDIVISIONS - GENERAL

36.030 PARKS AND SUBDIVISIONS - REVIEW

36.040 PARKS, SUBDIVISIONS AND PARCELS - PLACEMENT STANDARDS

36.050 PARKS AND SUBDIVISIONS - GENERIC STANDARDS

36.060 PARKS - SETBACK, HEIGHT AND AREA STANDARDS

36.070 PARKS - DEVELOPMENT STANDARDS

36.080 RESERVED FOR FUTURE USE

36.090 RESERVED FOR FUTURE USE

36.100 RESERVED FOR FUTURE USE

36.110 TEMPORARY USE - GENERAL

36.120 TEMPORARY USE - REVIEW

36.130 TEMPORARY USE - STANDARDS AND RESTRICTIONS

36.135 TEMPORARY USE - EMERGENCY MEDICAL HARDSHIP

36.140 COMMERCIAL DISTRICTS - GENERAL

36.150 COMMERCIAL DISTRICTS - REVIEW

36.160 COMMERCIAL DISTRICTS - STANDARDS

36.170 INDUSTRIAL DISTRICTS - GENERAL

36.180 INDUSTRIAL DISTRICTS - REVIEW

36.190 INDUSTRIAL DISTRICTS - STANDARDS

## **ARTICLE 36**

### **MANUFACTURED DWELLING STANDARDS**

#### **36.010 RESIDENTIAL DISTRICTS - GENERAL.**

The siting of manufactured dwellings in Low and Medium Density Residential Districts shall be permitted subject to the provisions of this Article and Article 16:

- (1) Manufactured Home - as a permitted use in manufactured home subdivisions, manufactured dwelling parks and all lots and parcels zoned Low and Medium Density Residential provided that units placed on individual lots and parcels outside of existing platted manufactured home subdivisions shall be Type 1 classification and all density standards are satisfied. A Type 2 manufactured home may be sited in manufactured dwelling parks, interior lots of a existing platted manufactured home subdivision and in multi-family developments.
- (2) Mobile Home - as a permitted use in Manufactured Dwelling Parks.
- (3) Residential Trailer - as a permitted use in Manufactured Dwelling Parks.
- (4) **EXCEPTION.**
  - (a) All parcels inside the City Limits that were previously zoned RL-Mobile Home Sub-district as of October, 1984, shall be allowed to maintain a manufactured home as a permitted use, subject to the conditions imposed by the Planning Commission at the time of rezoning to RL-Mobile Home Sub-district. Replacement of any manufactured dwelling that was in place as of October 1984 shall be in accordance with section 36.040 and 36.050 of this Article.
  - (b) All parcels inside the City Limits that were previously zoned RL-Mobile Home Park Sub-district as of October, 1984, shall be allowed to maintain manufactured dwellings as a permitted use. Any expansion or modification of these parks shall comply with the provisions of Sections 36.030 through 36.100 of this Article.
  - (c) All manufactured dwellings that received prior City approval for use as residential facilities in Commercial or Industrial Districts shall be allowed to maintain existing manufactured dwellings subject to all conditions imposed at the time of City approval. Any replacement of these manufactured dwellings shall comply with the provisions of Sections 36.140 through 36.190 of this Article.

#### **36.020 PARKS AND SUBDIVISIONS - GENERAL.**

- (1) **EXCEPT** as modified by this Article, subdividing and developing land within manufactured dwelling parks and subdivisions shall comply with all other provisions of this Code.
- (2) Where standards for manufactured dwelling developments are established by Federal Regulation, State law or Administrative Rule such requirements shall be in addition to the provisions of this Article.

### **36.030 PARKS AND SUBDIVISIONS - REVIEW.**

- (1) Manufactured dwelling parks and subdivisions shall be reviewed under Type II procedure.
- (2) A complete application together with all required materials shall be accepted by the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

### **36.040 PARKS, SUBDIVISIONS AND PARCELS - PLACEMENT STANDARDS.**

Unless otherwise specified in this Article, manufactured dwelling placed within the City Limits and the City's Urban Service Area after the effective date of adoption of this Code shall comply with the following:

- (1) **EXCEPT** within manufactured dwelling parks, only manufactured homes shall be permitted on lots and parcels subject to the following standards:
  - (a) the manufactured home shall be a Type 1 as defined in Article 2 of this Code, **EXCEPT** that a Type 2 may be sited on interior lots of existing platted manufactured home subdivisions and in multi-family developments;
  - (b) the manufactured home shall be placed on an excavated and back-filled foundation not to exceed 6 percent slope within 10 feet of the perimeter enclosure, enclosed at the perimeter with stone, brick or other concrete or masonry materials approved by the Building Official, and with no more than 24 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 24 inches of the enclosing material shall be exposed on the uphill side of the home (if the manufactured home is placed on a basement, the 24 inch limitation will not apply); and
  - (c) the manufactured home shall comply with the off-street parking standards for single family dwellings set forth in Article 16 of this Code.
- (2) On interior lots in existing platted manufactured home subdivisions, the following standards shall apply:
  - (a) the manufactured home shall be a Type 1 or Type 2 as defined in Article 2 of this Code;

- (b) the manufactured home shall be placed on an excavated and back-filled foundation, enclosed at the perimeter with stone, brick or other concrete or masonry materials approved by the Building Official, and with no more than 24 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 24 inches of the enclosing material shall be exposed on the uphill side of the home (if the manufactured home is placed on a basement, the 24 inch limitation will not apply).
- (3) All structures within manufactured dwelling parks and subdivisions shall meet City and State building safety standards.
- (4) All lots and parcels proposed for manufactured home placement and manufactured dwelling spaces shall be provided with storm drainage, sanitary sewer, electricity, telephone, potable water, and utility services with easements dedicated where necessary to provide these services. All utilities shall be located underground.
- (5) The combined total of manufactured dwelling or manufactured home shall not exceed 45% of:
  - (a) Any individual lot or parcel area.
  - (b) The total land area, excluding streets, in a manufactured dwelling park.
- (6) **EXCEPT** in manufactured dwelling parks approved prior to October, 1984, permanent sidewalks of not less than 3 feet in width shall be provided from each manufactured dwelling main entrance to the nearest public street, private street or private driveway.
- (7) **EXCEPT** in manufactured dwelling parks approved prior to October, 1984, each manufactured dwelling shall be provided with permanent enclosed storage (which may be part of or adjacent to the carport or garage) containing a minimum of 32 square feet of gross floor area. The height of any storage structure shall not exceed 12 feet. Storage outside of the manufactured dwelling shall be within a totally enclosed structure. No storage shall be permitted under the manufactured dwelling.
- (8) Manufactured dwellings shall not be used for living purposes unless connected to local water, sewer, and electrical systems.

**36.050 PARKS AND SUBDIVISIONS - GENERIC STANDARDS.**

- (1) New manufactured dwelling parks shall be located on land with an average slope of less than 10%. Areas with average slopes greater than 10% shall be retained as open space. Manufactured dwelling parks shall enclose a minimum development area of one acre. The

determination of the average slope shall be based upon the best available information satisfactory to the City demonstrating the average slope at the time of the development application. The vacation, re-platting, re-contouring, or other reconfiguration of land for the siting of manufactured homes, excluding those units constructed to the standards of the One and Two Family Structural Specialty Code adopted by the City of Springfield, shall not remove the siting prohibition set forth in this subsection. Subdivision of land for the purpose of siting manufactured homes or a combination of site built and manufactured homes is subject to the platting standards set forth in Article 35 of this Code. All manufactured homes sited in these new subdivisions shall be Type I.

- (2) Existing manufactured dwelling parks may expand onto adjacent land provided that the combined area of the existing development and the additional land total at least one acre.
- (3) The maximum density in a manufactured dwelling park shall be subject to the density requirements of the underlying zoning district.
- (4) New or expanded manufactured dwelling parks shall have 10 foot landscaped setbacks around the entire perimeter of the park except where the park abuts another manufactured dwelling park in which case the landscaped setback shall be 7 feet. An approved planting plan, in accordance with Article 31, Site Plan Review Standards, is required and shall provide for continuous screening. It shall be the responsibility of the property owner to install and maintain the required planting as a condition of use.
- (5) For the purpose of this Code, Adams Plat, First Addition, shall be regarded as an approved manufactured home subdivision.
- (6) Site built homes may be constructed in any manufactured home subdivision consistent with all applicable standards of this Code.

### **36.060 PARKS - SETBACKS, HEIGHT AND AREA STANDARDS.**

- (1) Manufactured dwellings shall be setback:
  - (a) 10 feet from a park building (not accessory buildings on individual spaces).
  - (b) 20 feet from any public street or park boundary line in new or expanded manufactured dwelling parks, except if the new or expanded park is adjacent to an existing manufactured dwelling park or subdivision.
  - (c) 7 feet from any rear space line or interior space line.
  - (d) 5 feet from the edge of a park street
  - (e) 2 feet from the interior edge of a park sidewalk

- (f) **EXCEPTION:** The setback in (c) may be reduced to 5 feet if the Fire Marshal finds that such a reduction will not cause a threat to public health or safety.
  - (g) **EXCEPTION:** Existing manufactured dwelling parks built prior to the adoption of this Code shall be subject to the requirements of ORS 446 and the Oregon Department of Commerce Administrative Rules.
- (2) Manufactured dwelling accessory buildings or structures and site built manufactured dwelling accessory buildings or structures shall be setback:
    - (a) 10 feet from a park building
    - (b) 20 feet from any public street or park boundary line
    - (c) 5 feet from the edge of a park street
    - (d) 2 feet from the interior edge of a park sidewalk
    - (e) 3 feet from an interior space line or rear space line (except a double garage or carport may be built which serves two abutting manufactured dwellings, if a one-hour fire separation is provided separating the garage or carport bays)
  - (3) The maximum height of all park buildings shall be 30 feet as measured from the highest point of the roof to the average finished grade.
  - (4) The maximum height of all State approved and site built manufactured dwelling accessory buildings or structures shall be no higher than the main building or structure.
  - (5) There shall be no minimum space area requirement, however:
    - (a) No manufactured dwelling space line adjustment shall be made without notifying the Building Official.
    - (b) Space line adjustments shall require Type I Review approval.

**36.070 PARKS - DEVELOPMENT STANDARDS.**

- (1) Plans and Specifications.
  - (a) The plans and specifications shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail conformance to the requirements of



this Article and all ordinances, laws, rules and regulations of the City and the State pertaining to manufactured dwelling parks.

**(b)** Cover Sheet Requirements.

1. The name of the manufactured dwelling park and location (Vicinity Map)
2. The name of the property owner
3. The name of the park manager
4. The name of the person who prepared or submitted the plans.

**(c)** Plot Plan Requirements.

1. The proposed and existing construction (as applicable)
2. The general layout of the entire manufactured dwelling park at a scale of no smaller than one inch to 50 feet.
3. The traffic circulation pattern.
4. The distances from park boundaries to public utilities located outside the park (they may be indicated by arrows without reference to scale)
5. The recreation areas.
6. Any permanent buildings such as the park office, recreation building or other similar structures.
7. The property line boundaries. When construction involves an addition or remodeling of an existing manufactured dwelling park, the plan need only show the facilities related to the addition and or the facilities to be removed.
8. The individual manufactured dwelling space lines.
9. The location, size and materials of the patio or slab for each manufactured dwelling.
10. The designation and location of each manufactured dwelling space by number, letter or name.
11. The recreational vehicle and guest parking areas when provided.

12. The topography shall be shown for all manufactured dwelling developments including park additions and alterations.

(d) Park Utility Systems.

1. The location of manufactured dwelling sewer connections and electrical service outlets.
2. The location of the storm drainage system to include under floor area drainage.
3. The location of domestic water supply outlets for manufactured dwelling.
4. The location and size of required fire hydrants.
5. The location, size and material of park water and sewer lines. Water lines shall be sized to meet fire flow requirements.
6. The location, size and type of sidewalks and light fixtures for manufactured dwelling park streets (including documentation showing compliance with Section 36.07Q(7) of this Article).
7. The park street layout, and connections to public streets.
8. The connection to the public water and sewer system.

(2) Manufactured dwelling parks shall be designed and constructed in accordance with this Code. All manufactured dwelling park plans shall be certified by an engineer.

(3) Each manufactured dwelling space within a manufactured dwelling park shall have direct paved driveway access to a park street. The access shall be in accordance with the provisions of this Code.

(4) Existing Manufactured Dwelling Parks.

(a) **EXCEPT** as provided in this Section, manufactured dwelling parks licensed prior to the adoption of this Article may continue provided that the continued use is not a threat to the health, welfare or safety of the public as determined by the Building Official and/or the Fire Marshal. If a threat is determined to exist, the Building Official and/or Fire Marshal shall take corrective action.

- (b) Any additions proposed for a manufactured dwelling park licensed prior to the adoption of this Article shall comply with the requirements of this Article. Additions shall include:

  - 1. Additional land added to the park and proposed for the development of manufactured dwelling spaces
  - 2. Additional spaces proposed for development on land already existing within the park boundaries
  - 3. Any changes resulting in an increase in the total number of manufactured dwelling spaces in the park.
- (c) Modification to manufactured dwelling parks licensed prior to the adoption of this Article shall comply with Section 36.070 of this Article.
- (5) A 3 foot wide sidewalk shall be provided on at least one side of all park streets, unless sidewalks which are separated from the park street system provide for safe and convenient pedestrian movement to all parts of the park. A 3 foot perimeter sidewalk shall be provided within the 20 foot landscaped perimeter area.
- (6) Connection to a Public Street.

  - (a) The park street system shall have legal access to a public street.
  - (b) The intersection of a private street with a public street shall be a curb return driveway in accordance with Article 32, Public and Private Improvements and City Standard Construction Specifications.
- (7) Streets and sidewalks designed for the general use of the manufactured dwelling park residents shall be lighted during the hours of darkness. Such lighting shall not be under control of individual manufactured dwelling occupants. Lighting shall be designed to a minimum of 0.04 candlepower per square foot and a maximum; of 0.1 watts Per square foot of energy use.
- (8) There shall be 2 paved off-street parking spaces for each manufactured dwelling unit.
- (9) Recreation and Planting Areas.

  - (a) Recreation areas shall be provided in all manufactured dwelling parks. Recreation areas shall be not less than 2,500 square feet of area, or 100 square feet of area per space, whichever is greater. Suitable separations or other safeguards shall be

provided if the recreation area abuts upon a railroad, a public street, steep slope or other similar hazards.

- (b) A Planting Plan for all common areas as specified in Article 31, Site Plan Review Standards, shall be required.
- (c) Park street trees shall be installed at 30' intervals in accordance with Section 32.050 of this Code.

**(10) Park Administration.**

- (a) It shall be the responsibility of the park owner to ensure that their park complies with the provisions of this Article, any failure to comply shall subject the owner to the penalties provided in this Code.
- (b) No manufactured dwelling shall be installed in a manufactured dwelling park until a Building Permit has been issued by the Building Official.
- (c) All Building Permit applications shall be accompanied by a Plot Plan.
- (d) It shall be the responsibility of the park owner and/or the manager to see that all inspections required by the City are made.

**(11) Fire Safety Facilities.**

- (a) The access roadway for fire protection services shall be within 150 feet of exterior walls of any manufactured dwelling or structure.
- (b) Approved fire hydrants shall be installed so that all manufactured dwelling and other structures are within 500 feet of an approved fire hydrant.
- (c) The park domestic water system shall be designed to meet fire flow requirements as specified by the Fire Marshal.
- (d) Park incinerators, where allowed, shall be constructed in accordance with the current National Fire Protection Association (NFPA) standards.
- (e) Fire protection requirements shall be the same as for an R-3 Occupancy under the Structural Specialty Code and Fire and Life Safety Code regarding fire detection devices. (These devices shall be the responsibility of the manufactured dwelling owner.)

**(12) Park Sanitation and Maintenance.**

- (a) The park owner shall maintain the park grounds, the park sewer and water system to their points of termination or individual manufactured dwelling spaces, and all park buildings in a safe and sanitary condition.
  - (b) The park owner shall maintain the park streets and sidewalks in a state of good repair.
  - (c) No person shall allow dry brush, leaves, weeds, rubbish or combustible materials to accumulate in any area under their control.
  - (d) Liquid petroleum gas tanks shall be securely anchored to the chassis or stanchion of the manufactured dwelling. The manifold regulator valve shall be attached to the tank in an approved manner with approved material. Empty containers shall be secured in place.
  - (e) The sewage connection to a manufactured dwelling shall be maintained air and water tight.
  - (f) All stands shall be designed to prevent standing water under or adjacent to manufactured dwellings.
  - (g) Refuse containers with fly-tight lids shall be provided and maintained in a clean and sanitary condition. Garbage and refuse shall be disposed of in a manner to prevent fly, rodent and health nuisances.
  - (h) Refuse collection areas, whether located centrally or on individual manufactured dwelling spaces, shall be screened.
- (13) **Manufactured Dwelling Park Inspections.**
- (a) The City may inspect each manufactured dwelling park annually, and upon completion of such an inspection shall submit to the park owner and manager a written report stating whether or not the park is in compliance with the applicable provisions of this Article.
  - (b) Park owners and managers shall, at reasonable times upon the request of the City, permit access to all parts of the park facilities, excluding residential units or accessory buildings.

**36.080 RESERVED FOR FUTURE USE.**

**36.090 RESERVED FOR FUTURE USE.**

**36.100 RESERVED FOR FUTURE USE.**

**36.110 TEMPORARY USE - GENERAL.**

A manufactured home may be used as a temporary on-site residence during the repair or reconstruction of a house which has been rendered inhabitable by fire, wind, flood or other disaster.

**36.120 AS A TEMPORARY USE - REVIEW.**

Manufactured homes as a temporary use in residential districts shall be reviewed under Type I procedure.

**36.130 TEMPORARY USE - STANDARDS AND RESTRICTIONS.**

- (1) The applicant shall submit a Plot Plan showing in detail the proposed location and size of the manufactured home with respect to existing structures and property lines. Utility service connections for sewer, power and water shall also be shown.
- (2) Upon approval of the request, permits for the temporary manufactured home and for the repair or reconstruction of the house shall be applied for concurrently with the following restrictions:
  - (a) The Temporary Manufactured Home Permit shall expire in 6 months, except that one time extension not to exceed 6 months may be granted by the Building Official due to inclement weather and building material availability.\
  - (b) The persons residing in the temporary manufactured home shall be limited to those who resided in the house at the time of the disaster.
  - (c) The temporary manufactured home shall meet City and State standards for safety and construction of units for residential purposes. The temporary manufactured home shall not be expanded or have attached permanent structures.
  - (d) The temporary manufactured home shall be removed from the property within one week of the completion of the repair or reconstruction of the house and issuance of a Certificate of Occupancy by the Building Official.

**6.135 TEMPORARY USE - EMERGENCY MEDICAL HARDSHIP.**

The intent of this section is to allow temporary emergency quarters when certain medical hardships arise. The following standards shall apply in these circumstances:

- (1) The temporary emergency quarters shall be a residential trailer, a travel trailer or an RV.
- (2) The temporary emergency quarters must be occupied by a person who is terminally ill, by a person who is severely incapacitated from illness or injury, by a person who is recuperating from an illness or injury, or by a person who is providing care for one of the preceding. Maximum stay for any of the preceding is 12 months. However, the stay may be renewed annually. Under no circumstances may emergency quarters be used as a rental unit.
- (3) Timely and accurate verification of a person's condition and need for care must be provided by a licensed medical doctor. Prior to renewal, a new verification of condition will be required.
- (4) The property must be zoned Low Density Residential (LDR).
- (5) The property must be occupied by a primary structure or, if vacant, must be located immediately adjacent to the residence of the care giver or the injured/ill person.
- (6) All temporary emergency quarters shall be located behind the leading edge of the primary structure (side yard) or behind the primary structure (rear yard).
- (7) All manufactured dwellings used as temporary emergency quarters shall be connected to sewer, water and electrical services as prescribed by the Oregon State Building Code, as adopted by the City of Springfield.
- (8) All travel trailers and RVs used as temporary emergency quarters shall have utility connections consistent with State law requirements for such units in RV parks.
- (9) Temporary emergency quarters shall be reviewed under the Type II process. The application shall include a plot plan showing existing structures and their setbacks and the proposed location of the temporary emergency quarters. The application shall include the written verification of medical condition as specified in Subsection (3) of this Section.
- (10) Appeals of decisions approving or denying temporary emergency quarters shall be to the Planning Commission.
- (11) A request for a time extension beyond the 12 month maximum stay will not require a new Type II application.
- (12) Temporary emergency quarters shall maintain compliance with all conditions of approval. Violation of the provisions of this Section, or determination that need can no longer be verified shall be the basis for termination of this approval.

#### **36.140 COMMERCIAL DISTRICTS - GENERAL.**

Manufactured homes shall be permitted in commercial districts in accordance with this Article and Article 18 of this Code as a temporary use.

### **36.150 COMMERCIAL DISTRICTS - REVIEW.**

Manufactured homes in commercial districts shall be reviewed under Type I procedure.

### **36.160 COMMERCIAL DISTRICTS - STANDARDS.**

A manufactured home, provided it meets City and State standards for safety and construction of units used for commercial purposes, may be commercially used in the following instances:

- (1) For temporary construction offices on the premises of new construction until that construction is complete;
- (2) For manufactured home sales offices in manufactured home sales lots until units in that sales lot are completely sold. The manufactured home office shall not be used for the sale of units other than in that sales lot in which it is placed, or;
- (3) For use as a temporary general office in commercial districts for a period of not more than 12 consecutive months and provided:
  - (a) The applicant shall submit a Plot Plan showing where the manufactured unit will be placed and where the permanent buildings will be placed.
  - (b) A Building Permit application for a permanent structure shall be submitted as a condition of Site Plan approval.
  - (c) The Planning and Development Department shall conduct a work-in-progress inspection 3 months after Plot Plan approval. If reasonable progress on construction of the permanent building has been made, an extension of not more than 9 months shall be granted for the use of the manufactured unit. If reasonable progress on construction has not been made, approval for use of the manufactured unit shall be revoked, and the manufactured unit shall be removed from the property within 30 days.
  - (d) The manufactured unit shall be removed from the property prior to final occupancy of the permanent building. The Building Official shall issue a Temporary Occupancy Permit (valid for one week) upon completion of construction to allow the applicant time to relocate materials from the manufactured unit to the permanent offices.



- (4) A manufactured unit, provided it meets City and State standards for safety and construction for manufactured units, may be used as a permanent residence for employees of businesses or property owners in commercial districts when their presence is required for security purposes by the employer 24 hours a day; provided the following conditions are implemented:
- (a) A permanent foundation shall be provided for the manufactured unit unless the manufactured unit will be used for less than 120 days.
  - (b) The manufactured unit shall be removed from the premises within 30 days if the business requiring security personnel or the property owner ceases operation.
  - (c) Foundation cover-skirting, landscaping, and backfill shall be required.
  - (d) The manufactured unit shall be either a Type 1 or Type 2.

**36.170 INDUSTRIAL DISTRICTS - GENERAL.**

Manufactured homes shall be permitted in industrial districts in accordance with this Article and Article 20 of this Code as a permanent use.

**36.180 INDUSTRIAL DISTRICTS - REVIEW.**

Manufactured homes in industrial districts shall be reviewed under Type I procedure.

**36.190 INDUSTRIAL DISTRICTS - STANDARDS.**

- (1) A manufactured home, provided it meets City and State standards for safety and construction of units for commercial purposes, may be used as a permanent office building in the LMI and HI Districts provided the following conditions are met prior to occupancy:
- (a) A permanent foundation shall be provided for the manufactured home.
  - (b) Siding shall be compatible with adjacent structures; the roof shall have a minimum 16 percent pitch.
  - (c) Foundation covers-skirting, landscaping, backfill, shall be required.
  - (d) The manufactured home shall be a Type 1 or Type 2 unit.
  - (e) Compliance with these regulations shall be a condition of continued use of the manufactured home on the property.

- (2) A manufactured unit, provided it meets City and State standards for safety and construction for manufactured units, may be used as a permanent residence for employees of businesses in the LMI and HI Districts when their presence is required for security purposes by the employer 24 hours a day; provided the following conditions are implemented:
- (a) A permanent foundation shall be provided for the manufactured unit unless the manufactured unit will be used for less than 120 days.
  - (b) The manufactured unit shall be removed from the premises within 30 days if the business requiring security personnel closes.
  - (c) Foundation cover-skirting, landscaping, backfill, shall be required.
  - (d) The manufactured unit shall be either a Type 1 or Type 2.
- (3) A manufactured home, provided it meets City and State standards for safety and construction of units for commercial purposes, may be used as a temporary office building in the LMI and HI Districts for a period of not more than 12 consecutive months provided:
- (a) The applicant shall submit a Plot Plan showing where the manufactured home will be placed and where the permanent buildings will be placed.
  - (b) A Building Permit application for a permanent structure shall be submitted simultaneously.
  - (c) The Development Services Department shall conduct a work-in-progress inspection 3 months after Plot Plan approval. If reasonable progress on construction of the permanent building has been made, an extension of not more than 9 months shall be granted for the use of the manufactured home. If reasonable progress on construction has not been made, approval for use of the manufactured home shall be revoked, and the manufactured home shall be removed from the property within 30 days.
  - (d) The manufactured home shall be removed from the property prior to final occupancy of the permanent building. The Building Official shall issue a Temporary Occupancy Permit (valid for one week) upon completion of construction to allow the applicant time to relocate materials from the manufactured home to the permanent offices.

**(Ord. 5342 07/21/86):** Section 36.010.

**(Ord. 5358 11/17/86):** Sections 36.150; 36.160; 36.180; 36.190.

**(Ord. 5407 10/19/87):** Section 36.050.

**(Ord. 5551 02/04/91):** Sections 36.120; 36.150; 36.180; 36.190.

**(Ord. 5579 07/01/91):** Section 36.135.

**(Ord. 5591 10/21/91):** Sections 36.010; 36.020; 36.030; 36.040; 36.050; 36.060; 36.070; 36.100; 36.110; 36.120; 36.130; 36.140; 36.150; 36.160; 36.170; 36.180; 36.190.

**(Ord. 5601 12/02/91):** Sections 36.040; 36.050.

**(Ord. 5665 12/07/92):** Sections 36.010; 36.050.

**(Ord. 5728 03/07/94):** Section 36.135.

**(Ord. 5732 04/18/94):** Title Page; Sections 36.010; 36.020; 36.040; 36.050; 36.060; 36.030; 36.090; 36.100.

**(Ord. 5737 05/02/94):** Section 36.160.

**(Ord. 5864 11/03/94):** Section 36.050.

**(Ord. 5867 12/1/97):** Section 36.135.

**ARTICLE 37**

**MASTER PLANS**

37.010 PURPOSE

37.015 APPLICABILITY

37.020 REVIEW

37.030 MASTER PLAN SUBMITTAL REQUIREMENTS

37.040 CRITERIA

37.050 CONDITIONS OF APPROVAL

37.060 MODIFICATIONS TO THE MASTER PLAN AND SCHEDULE

37.070 ASSURANCE TO THE APPLICANT

## **ARTICLE 37**

### **MASTER PLANS**

#### **37.010 PURPOSE.**

- (1) A Master Plan is a comprehensive plan that allows phased development of a specific development area over several years in accordance with the provisions of this Code for public, commercial, industrial or residential development. A Master Plan, in this context, is specific to this Code and not considered to be a refinement plan or any other similar subset of the Metro Plan. By addressing public service impacts and development requirements at the time of approval of Master Plan, such impacts and requirements need not be readdressed at subsequent phases and the developer may rely on the Master Plan approval in implementing the development.
- (2) The purpose of a Master Plan is to:

  - (a) Provide preliminary approval for the entire development area in relation to land uses, a range of minimum to maximum potential intensities and densities, arrangement of uses, and the location of public facilities and transportation systems when a development area is proposed to be developed in phases;
  - (b) Assure that individual phases of a development will be coordinated with each other;
  - (c) Provide the applicant an assurance of the City's expectation for the overall development as a basis for detailed planning and investment by the developer.
- (3) The Planning Commission shall approve the Master Plan prior to City approval of a related subdivision or site plan application; however, the Master Plan may be reviewed concurrently with a zone change application, discretionary use application, variance application and any other application or approval sought by the applicant related to the Master Plan.
- (4) Subject to prior approval of a Master Plan, a separate subdivision or site plan application shall be approved for each phase. The Master Plan shall be the basis for the evaluation of all phases of development on any issues that it addresses. Phases may be combined for consideration.
- (5) Approval of a Master Plan shall be effective for up to seven (7) years; however the approved Master Plan time limit may be extended pursuant to Section 37.060, MODIFICATIONS TO THE MASTER PLAN AND SCHEDULE.

#### **37.015 APPLICABILITY.**

The Master Plan process shall apply when initiated by an applicant when the following criteria are met:

- (1) The development area is under one ownership; or
- (2) If the development area has multiple owners, then all owners of record have consented in writing to the Master Plan review process; and
- (3) The development area is five acres or greater.
- (4) Notwithstanding the foregoing, the Director may determine that the proposed development is inappropriate as a Master Plan and the application will not be accepted.

### **37.020 REVIEW.**

- (1) Master Plans shall be reviewed under Type III procedure, unless the Director determines that the application should be reviewed as a Type IV decision by the City Council due to the complexity of the application.
- (2) A Pre-Application Report application as specified in Article 3 of this Code shall be required prior to submittal of a Master Plan application.
- (3) A complete application together with all required materials shall be submitted to the Director prior to the review of the request in accordance with Section 3.050, Application Submittal.

### **37.030 MASTER PLAN SUBMITTAL REQUIREMENTS**

A Master Plan shall contain all of the elements prepared in a clear and legible manner necessary to demonstrate that the requirements of this Code are being fulfilled and shall include but not be limited to the following:

- (1) Existing Metro Plan designation and zone classification.
- (2) A vicinity map drawn to scale on a street base map.
- (3) A legal description of the property together with a map drawn to scale depicting the legal boundaries of the subject property.
- (4) Topography map and narrative depicting present uses of the land, existing structures, roads, significant vegetation, wetlands, drainage ways and other relevant natural and man-made features.
- (5) A site plan showing location and type of all land uses proposed, approximate acreage and approximate number of units or square footage of uses, adjacent property uses and relevant features.
- (6) The density or intensity of proposed uses.
- (7) The maximum height and size of proposed structures.

- (8) A public facilities plan showing existing and proposed streets, utilities, sanitary sewer, natural and piped storm drainage system, water service, bike and pedestrian ways and transit locations.
- (9) Maps and narrative showing off-site public improvements necessary to serve the proposed development and/or to mitigate impacts to adjacent property or public facilities.
- (10) The Director may require additional information necessary to evaluate the proposed development including but not limited to an ESEE analysis, geology, soils, stormwater, sanitary, tree preservation, historical, archaeological, and traffic impact. All related maps except vicinity and detail maps shall be at the same scale.
- (11) Provisions, if any, for reservation, dedication, or use of land for public purposes, including rights of way, easements, parks, open spaces, and school sites.
- (12) An overall schedule or description of phasing; and the development to occur in each phase. If phasing alternatives are contemplated, these alternatives should be described.
- (13) Where off-site or other infrastructure improvements are required, the applicant shall specify the timing and method of securing the improvement, including bond, letter of credit, joint deposit or other security satisfactory for said improvement construction.
- (14) Designation of responsibility for providing infrastructure and services.
- (15) A general schedule of annexation consistent with the phasing plan if applicable.

#### **37.040 CRITERIA.**

A Master Plan may be approved if the Planning Commission finds that the proposal conforms with all of the following approval criteria. In the event of a conflict with approval criteria in this Subsection, the more specific requirements shall apply.

- (1) The zoning of the property shall be consistent with the Metro Plan diagram and/or applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan;
- (2) The request as conditioned shall conform to applicable Springfield Development Code requirements, Metro Plan policies, Refinement Plan, Plan District, and Conceptual Development Plan policies.
- (3) Proposed on-site and off-site public and private improvements shall be sufficient to accommodate the proposed phased development and any capacity requirements of public facilities plans; and provisions shall be made to assure construction of off-site improvements in conjunction with a schedule of the phasing.



- (4) The request shall provide adequate guidance for the design and coordination of future phases;
- (5) Physical features, including but not limited to, significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse (WQLW) Map and their riparian areas, wetlands, open spaces; and areas of historic and/or archaeological significance as may be specified in Article 30 of this Code or ORS 97.740-760, 358.905-955 and 390.235-240 shall be protected as specified in this Code or in state or Federal law; and
- (6) Local public facilities plans and local street plans shall not be adversely impacted by the proposed development.

### **37.050 CONDITIONS OF APPROVAL.**

In addition to any applicable Discretionary Use conditions, the Planning Commission may attach other conditions as may be reasonably necessary to minimize negative impacts in accordance with this Code to ensure that the proposed development can fully meet the criteria of Section 37.040 of this Article, and may require guarantees and evidence that such conditions will be complied with as a condition use. Additionally, the conditions of approval may contain any conditions necessary to implement the provisions of Section 37.030 including a schedule of fees and charges, a schedule of compliance review and the extent to which the Master Plan is assignable.

### **37.060 MODIFICATIONS TO THE MASTER PLAN AND SCHEDULE.**

Applications for phase approval which are substantial conformity with an approved Master Plan shall not be deemed a modification. Modifications to the Master Plan must be processed under the applicable procedures described below to amend the Plan:

- (1) Those modifications that do not affect the basic underlying assumptions of the adopted Master Plan and which are not determined to be similar to (2) or (3) below shall be processed as ministerial decisions by the Director.
- (2) Those modifications that are significant but do not affect the basic underlying assumptions of the approved Master Plan shall be processed under a Type II procedure. The changes include:
  - (a) Request by the applicant for a change of density allocation within the density range allowed in the applicable zoning district;
  - (b) Request by the applicant for a change to the alignment of right of way requirements of local streets;
  - (c) Request by the City or applicant for a change to the sizes or location of public facilities;

- (d) Request by the applicant for a change of scheduled phasing beyond the approved time limit for the phased development when the proposed change affects the construction of scheduled public improvements;
  - (e) Requests for Master Plan amendments initiated by the City based on the requirement to implement newly adopted state or federal regulations;
  - (f) A request by the applicant for a one time extension of the approved time limit for up to 3 years. Such extensions shall be granted provided the applicant has made reasonable progress in the implementation of the Master Plan and public services and facilities remain available;
  - (g) A request by the applicant to alter significant natural resources, wetlands, open space areas, archaeological and historic features beyond the scope of the approved Master Plan; or
  - (h) Other changes to the final approved Master Plan as requested by the applicant that the Director determines to be similar to the modifications set forth in this subsection.
- (3) Those modifications which affect the underlying basic assumptions of the approved Master Plan or that prohibit, restrict or significantly affect its implementation shall be processed under the Type III procedure, and include:
- (a) Zone Change or Discretionary Use applications initiated by the applicant;
  - (b) Requests for re-alignment or re-designation of arterial or collector streets initiated by the applicant;
  - (c) Inability of the City or the applicant to provide essential public infrastructure;
  - (d) Requests for Master Plan amendments initiated by the City based on the requirement to implement newly adopted state or federal regulations;
  - (e) A request by the applicant for extension of the time limit of the Master Plan beyond the approved time limit specified in Section 37.010(5) or the extension permitted in Section 37.060(2)(f), but in no case shall the extension exceed 15 years from the original Master Plan approval date; or
  - (f) Other changes to the final approved Master Plan as requested by the applicant that the Director determines to be similar to the modifications set forth in this subsection.

**37.070 ASSURANCE TO THE APPLICANT.**

- (1) Approval of the Master Plan shall assure to the applicant the right to proceed with the development and substantial conformity with the Master Plan, subject to such changes as may be approved

pursuant to Section 37.060. Changes to ordinances, policies and standards adopted after the date of approval of the Master Plan shall not apply to the development.

- (2) Phase approvals shall occur through the subdivision review process, Article 35, or the site plan review process, Article 31, as applicable.
- (3) The Master Plan shall be the basis for the evaluation of all phases of development on any issues which it addresses. Approval of development phases shall be granted subject to the terms and conditions of the Master Plan, but subject to the applicable Development Code provisions and City ordinances on issues which the Master Plan does not address.
- (4) Notwithstanding the preceding provision, the city is not obligated to provide public improvements affecting implementation of the Master Plan if public funds are not available.
- (5) The City is not required to approve development of any phase described in the Master Plan if such approval violates applicable Federal or State statutes or administrative rules.
- (6) The approved Master Plan shall be recorded at Lane County Deeds and Records and the original returned to the City.

**(Ord. 5633 05/04/92):** Sections deleted SIGNS 37.010; 37.020; 37.030; 37.040; 37.050.

**(Ord. 5764 11/07/94):** Sections added MASTER PLANS 37.010; 37.015; 37.020; 37.030; 37.040; 37.050; 37.060; 37.070.

**(Ord. 5867 12/1/97):** Sections 37.010; 37.040; 37.050.

**(Ord. 6133 07/18/05):** Sections 37.010, 37.020 and 37.040.

**ARTICLE 38**

**TREE FELLING STANDARDS**

38.010 PURPOSE

38.015 APPLICABILITY

38.020 REVIEW

38.030 PLOT PLAN REQUIREMENTS

38.040 STANDARDS

38.050 CONDITIONS OF APPROVAL

## **ARTICLE 38**

### **TREE FELLING STANDARDS**

#### **38.010 PURPOSE.**

This Article ensures that tree felling is in accordance with Metro Plan policies which call for the retention of natural vegetation, natural water features and drainageways, scenic quality, wildlife habitat and archaeological sites to the maximum extent possible on urbanizable land. Timber harvesting is secondary to preservation of other natural resources and cultural values within the Urban Growth Boundary. The natural amenities of developable properties are to be retained to enhance their future urban use in the Metropolitan Area General Plan, until these properties are ready for urban development. Significant tree removal is permitted only when specific development plans have been approved by the City, consistent with plan policies and City development regulations. Interim removal of trees may be permitted to the extent that such removal does not significantly detract from the natural and cultural amenities that make a particular site attractive for future urban development.

#### **38.015 APPLICABILITY.**

The provisions of this Article apply both within the city limits and the City's urbanizable area. A Tree Felling Permit shall be required prior to the felling of more than five trees 5" dbh (diameter at breast height) or larger within a period of 12 consecutive months from a lot/parcel of private property under common ownership consisting of 10,000 square feet or more of total area.

#### **EXCEPTIONS:**

No Tree Felling Permit shall be required in the following instances:

- (1) The action of the Director and/or Public Works Director or any public utility necessary to remove or alleviate an immediate danger to life or property, to restore utility service or to reopen a public street to traffic.
- (2) Any felling necessary to install or maintain improvements such as streets and sewers within publicly owned and accepted rights-of-way or utility easements pursuant to approved construction plans or encroachment permits.
- (3) Felling of trees that obstruct vision clearance at intersections as specified in Section 32.070 of this Code.
- (4) Where a Tree Felling Permit has been issued that includes a tree protection plan incorporating a procedure for tree removal, or designating specific trees to be removed within established building envelopes identified in an approved subdivision or partition, no additional Tree Felling Permit shall be required.

### **38.020 REVIEW.**

- (1) A Tree Felling Permit shall be reviewed under Type II procedure or in conjunction with a related development plan.
- (2) A complete application together with all required materials shall be submitted to the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

### **38.030 PLOT PLAN REQUIREMENTS.**

Application for a permit to fell a tree or trees shall include:

- (1) The name, address and telephone number of the applicant; species or common name of the tree(s); the reason for felling; a Plot Plan showing the location of trees to be removed and their sizes; the method of tree removal and the hauling route to be used; and
- (2) A description of any plan (Vegetation and Re-vegetation Report) to replace, landscape, or otherwise reduce the effect of the felling that addresses the applicable standards in Section 38.040 of this Article.
- (3) The Director or the Public Works Director may require the applicant to provide the services of a professional forester (approved by the City), licensed hydrologist or licensed landscape architect in order to address the standards in Section 38.040 of this Article for undeveloped property greater than 10 acres in size of 15 percent slope or above an elevation of 670 feet.

### **38.040 TREE FELLING STANDARDS.**

The Director, in consultation with the Public Works Director and the Fire Chief shall approve, approve with conditions or deny the request based on the following standards:

- (1) Whether the conditions of the trees with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular traffic safety warrants the proposed felling.
- (2) Whether the proposed felling is consistent with State standards, Metro Plan policies and City ordinances and provisions affecting the environmental quality of the area, including but not limited to, the protection of nearby trees and windbreaks; wildlife; erosion, soil retention and stability; volume of surface runoff and water quality of streams; scenic quality; and geological sites.

- (3) Whether it is necessary to remove trees in order to construct proposed improvements in accordance with an approved development plan, grading permits and construction drawings.
- (4) In the event that no Development Plan has been approved by the City, felling of trees shall be permitted on a limited basis consistent with the preservation of the site's future development potential as prescribed in the Metro Plan and City development regulations, and consistent with the following criteria.
  - (a) wooded areas associated with natural drainageways and water areas shall be retained to preserve riparian habitat and to minimize erosion;
  - (b) wooded areas that will likely provide attractive on-site views to occupants of future developments shall be retained;
  - (c) wooded areas along ridge lines and hilltops shall be retained for their scenic and wildlife value;
  - (d) wooded areas along property lines shall be retained to serve as buffers from adjacent properties;
  - (e) trees shall be retained in sufficiently large areas and dense stands so as to ensure against windthrow;
  - (f) large-scale clear-cuts of developable areas shall be avoided to retain the wooded character of future building sites, and so preserve housing and design options for future City residents.
- (5) Whether the applicant's proposed replanting of new trees or vegetation is an adequate substitute for the trees to be felled.
- (6) Whether slash left on the property poses significant fire hazard or liability to the City.
- (7) Whether the felling is consistent with the guidelines set forth in the Field Guide to Oregon Forestry Practices Rules published by the State of Oregon, Department of Forestry, as they apply to the northwest Oregon region.
- (8) Whether transportation of equipment to and equipment and trees from the site can be accomplished without a major disturbance to nearby residents.

**38.050 CONDITIONS OF APPROVAL.**

The Director may place conditions on the applicant's Plot Plan in order to meet the standards in Section 38.040 of this Article.

- (1) If issuance of the Tree Felling Permit is conditioned upon the applicant's proposed plan to replace the trees, landscape, or otherwise reduce the effects of the felling, the time within which the plan is to be completed shall be set forth on the permit.
- (2) The Director or the Public Works Director may require a surety bond to guarantee that any conditions imposed on tree felling are met and to insure against damage to City facilities.
- (3) Failure to comply with a condition of a Tree Felling Permit within the designated time is a violation of this Section.

**(Ord. 5407 10/19/87):** Sections 38.030; 38.040.

**(Ord. 5804 12/18/95):** Section 38.010; Section 38.020; Section 38.030; Section 38.040.

**(Ord. 5819 04/15/96):** Section 38.010(2).

**(Ord. 6133 07/18/05):** Title page; Sections 38.010 and 38.015.



**ARTICLE 39**

**THE SOLAR ACCESS GUARANTEE**

39.010 GENERAL

39.020 REVIEW

39.030 ADDITIONAL REQUIREMENTS

39.040 STANDARDS

39.050 RECORDATION

39.060 EFFECT AND ENFORCEMENT

39.070 TERMINATION

## **ARTICLE 39**

### **THE SOLAR ACCESS GUARANTEE**

#### **39.010 GENERAL.**

- (1) The Solar Access Guarantee provides protection from the shade cast by new vegetation planted after the date of application. The Solar Access Guarantee defines height limitations for new vegetation located within all zoning districts. Only lots located in LDR and MDR Districts are eligible to receive a Solar Access Guarantee.
- (2) No Solar Access Guarantee may restrict a lot or portion of a lot which is located more than 150 feet south of the solar energy system.
- (3) No Solar Access Guarantee may restrict a lot that has a slope facing within greater than 45 degrees east or west of true north south and exceeding 15 percent.
- (4) A Solar Access Guarantee becomes void if the use of the solar energy system feature is discontinued for more than 12 consecutive months or if the system solar feature is not installed and operative within 12 months of the filing date of the Solar Access Guarantee.

#### **39.020 REVIEW.**

- (1) The Solar Access Guarantee shall be reviewed under Type II procedure as modified by the provisions of this Article.
- (2) A Complete application together with all required materials shall be accepted by the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

#### **39.030 ADDITIONAL REQUIREMENTS.**

An application for the Solar Access Guarantee shall include:

- (1) The name and address of the applicant and property owner and the assessor map and tax lot map numbers of the property where the proposed Solar Access Guarantee is to be applied.
- (2) The hours and months for which solar access is sought.
- (3) A scaled drawing of the solar energy system feature, its dimensions, its height above ground level and its orientation.

- (4) A sunchart for the proposed location as seen from the center of the lower edge of the site of the solar energy system feature. If the solar energy system feature is more than 20 feet in length, a sunchart shall also be provided for the southeast and southwest corners of the lower edge of the solar energy system feature.
- (5) A Plot Plan showing lot lines and dimensions of the applicant's lot and neighboring lots which will be affected by the Solar Access Guarantee. The Plot Plan shall include the location of the solar energy system feature and the location of structures and trees on the applicant's lot and affected neighboring lots.
- (6) Demonstrate that the solar energy system feature will not be shaded under the provisions of the solar setback standards in accordance with Sections 16.050 and 16.060 of this Code.
- (7) Demonstrate that the solar energy system feature is installed or a written commitment to install the proposed solar energy system within one year of the effective date of the permit. Excepted from this provision are lots certified as Solar Lots in accordance with Article 34, Partition Standards, and Article 35, Subdivision Standards.
- (8) A solar envelope access height limit for each lot that would be subject to the proposed Solar Access Guarantee.
- (9) The names and addresses of all owners and registered lessees of properties that will be subject to the Solar Access Guarantee.

**39.040 STANDARDS.**

The Director shall approve, approve with conditions or deny the request based on the following standards:

- (1) The solar energy system shall have at least 4 hours per day of solar access between 9 a.m. and 3 p.m. during the period for which solar access protection is being sought. The hours and dates during which solar access is protected shall not exceed that defined by the solar heating hours provided under the solar setback standard in subsection 16.050 (5).
- (2) The solar energy system shall not be shaded under the solar setback standard in accordance with Section 16.050 of this Code.

**39.050 RECORDATION.**

Upon approval of the Solar Access Guarantee, the Director shall:

- (1) File with the Lane County Clerk in such form as required by State law, the Solar Access Guarantee including any exemptions to or limits on the solar access protected, Plot Plan, sunchart and solar envelopes.
- (2) Send notice to each property owner and occupant affected by the Solar Access Guarantee that it has been granted and recorded and that it may impose certain obligations on the property owner or occupant to trim vegetation in the future.

### **39.060 EFFECT AND ENFORCEMENT.**

- (1) The effective date of the Solar Access Guarantee shall be on the date that the Director grants approval. No one shall plant any non-exempt vegetation that shades a recorded solar energy system feature after receiving notice of a pending Solar Access Guarantee application or after issuance of the Guarantee, unless the vegetation is specifically exempted by the Guarantee or by this regulation, or is maintained and trimmed in a manner that complies with the Solar Access Guarantee.
- (2) In the event that non-exempt vegetation on a neighboring property is shading a solar energy system feature for which a Solar Access Guarantee has been granted, then the guarantee holder or the City, on complaint by the guarantee holder, shall give notice of the shading to the property owner or occupant of the property where the shading vegetation is located. If the property owner or occupant fails to remove or trim the shading vegetation within 30 calendar days after receiving the notice, an injunction may be issued upon complaint of the guarantee holder to the District Court. The injunction may order the property owner or occupant to trim the vegetation, and the court may order the violating property owner or occupant to pay any damages to the complainant, to pay court costs and to pay the complainant reasonable attorney's fees.

### **39.070 TERMINATION.**

The Director shall revoke the Solar Access Guarantee if the solar collector feature does not function for 12 consecutive months or if requested by the permittee or his or her successor in interest. The Director shall send the guarantee holder, the owners of all properties affected by the Solar Access Guarantee and the Lane County Clerk a Notice of Termination.

**(Ord. 5358 11/17/86):** Sections 39.010; 39.020; 39.030; 39.050.

**(Ord. 5407 10/19/87):** Sections 39.030; 39.040.

**(Ord. 5551 2/4/91):** Section 39.020.

**(Ord. 5561 4/15/91):** Sections 39.010; 39.030; 39.060.

**ARTICLE 40**

**SPRINGFIELD MIXED-USE ZONING DISTRICTS**

40.010 ESTABLISHMENT OF MIXED-USE ZONING DISTRICTS.

40.020 SCHEDULE OF USE CATEGORIES

40.030 LOT SIZE AND DIMENSION STANDARDS

40.040 LOT COVERAGE STANDARDS

40.050 SETBACK STANDARDS

40.060 HEIGHT STANDARDS

40.070 OFF-STREET PARKING STANDARDS

40.080 FENCE STANDARDS

40.090 SPECIAL USE STANDARDS

40.100 GENERAL DEVELOPMENT STANDARDS FOR MIXED-USE DISTRICTS

40.110 SPECIFIC DEVELOPMENT STANDARDS FOR MIXED-USE DISTRICTS

40.120 PHASED DEVELOPMENT

## ARTICLE 40

### SPRINGFIELD MIXED-USE ZONING DISTRICTS.

#### 40.010 ESTABLISHMENT OF MIXED-USE ZONING DISTRICTS.

In order to fully implement the policies of the Eugene-Springfield Metro Area General Plan (Metro Plan) and/or applicable refinement plans addressing mixed-use development, regulate the use of land, structures and buildings, and protect the public health, safety and welfare, the following zoning districts are established in this Article:

- (1) **MUC Mixed-Use Commercial District.** The MUC District implements areas designated for mixed-use on adopted refinement plans, specific area plans and specific development plan diagrams where a mix of commercial with residential uses is intended. Development within the MUC District shall have a commercial dominance, with residential and public uses also allowed. The primary development objectives of the MUC District are to expand housing opportunities; allow businesses to locate in a variety of settings; provide options for living, working, and shopping environments; facilitate more intensive use of land while minimizing potentially adverse impacts; and to provide options for pedestrian-oriented lifestyles. Lots in the MUC District shall generally have frontage on either an arterial or collector street.
- (2) **MUE Mixed-Use Employment District.** The MUE District implements areas designated for mixed-use on adopted refinement plans, specific area plans and specific development plan diagrams where a mix of light-medium industrial or special light industrial uses with commercial or medium-high density residential uses is intended. Development within the MUE District shall have an employment (industrial) emphasis, but may include commercial, public, and multi-family residential uses. The primary development objectives of the MUE District are to expand employment opportunities by allowing businesses to locate in a variety of locations, provide services for employees in close proximity to their work place, to provide options for living, working, and shopping environments; facilitate more intensive use of land while minimizing potentially adverse impacts; and to provide options for pedestrian-oriented lifestyles. Lots in the MUE District shall generally have frontage on either an arterial or collector street.
- (3) **MUR Mixed-Use Residential District.** The MUR District implements areas designated for mixed-use on adopted refinement plans, specific area plans and specific development plan diagrams where a mix of medium and high density residential with commercial uses is intended. The MUR District shall only be applied to properties that are contiguous with property designated Community Commercial, Mixed-Use Employment or Mixed-Use Commercial on the Springfield Zoning Map. Development within the MUR District shall have a multi-family residential emphasis, but may include small-scale retail, office and service uses when they are developed as part of a mixed-use development in order to increase housing opportunities in close proximity to designated commercial zones; support the retail, office and service uses of the adjacent commercial zone; and to provide options for pedestrian-oriented lifestyles. Lots in the MUR District shall generally have frontage on either an arterial or collector street.

- (4) **Applicability.** This Article and all of its provisions apply to the MUC, MUE, and MUR Districts shown on the Springfield Zoning Map.

Single family dwelling units in the MUR zone for which building permits were filed prior to the designation of an area for mixed-use development shall be exempt from Section 5.030 of this Code and from the standards of this Article for the purposes of reconstruction if such a dwelling unit is partially or completely destroyed or if the dwelling undergoes renovation. Room additions or other expansions typical of a single-family use shall also be allowed.

- (5) **Conflicts.**

- (a) In cases where the development standards of this Article conflict with standards found in other Articles in this Code, the standards of this Article shall prevail.

**Exception:** Standards in this Code pertaining to environmental protection, water quality protection and or public health and safety matters shall prevail over the standards in this Article.

- (b) Development standards found in adopted refinement plans, specific area plans and specific development plans shall prevail over those in this Article.

- (6) **Review Procedure.** All mixed-use developments shall be reviewed as a Type II Limited Land Use decision, in accordance with Article 3, as part of the Site Plan Review process specified in Article 31. The Director may also determine that a mixed-use development is subject to a higher level of review (i.e., Type III versus Type II), when it is in the public interest.

#### **40.020 SCHEDULE OF USE CATEGORIES**

The following uses shall be permitted in the districts as indicated subject to the provisions, additional restrictions and exceptions specified in this Code.

**'P'** = **PERMITTED USE**, subject to the standards of this Code; may be processed under Type I, II or III procedures (Please refer to Article 3 of this Code).

**"S"** = **SPECIAL USE**, subject to special locational and siting standards to be met prior to being deemed a permitted use; may be processed under Type I, II or III procedures (Please refer to Article 3 of this Code).

**"D"** = **DISCRETIONARY USE**, may or may not be permitted, based upon the application of general criteria; may be subject to special locational and siting standards to be met prior to being deemed a permitted use; processed under Type III procedures (Please refer to Articles 3 and 10 of this Code).

**-** = **NOT PERMITTED**

**SITE PLAN REVIEW SHALL BE REQUIRED** for all development proposals within all mixed use Districts unless specifically exempted elsewhere in this Code.



Districts			Categories/Uses
MUC	MUE	MUR	
<b>(1) Accessory Use Structures</b>			
-	P	S	Accessory Structures (16.100(1))
<b>(2) Agricultural And Animal Sales And Services:</b>			
-	P	P	(a) Agricultural cultivation of undeveloped land
P	-	-	(b) Garden supplies
<b>(3) Automotive, Marine And Mobile/Manufactured Home Sales, Service, Storage And Repair:</b>			
-	P	-	(a) Garage, repair
S	P	S	(b) Parking lots and parking structures (Section 40.100 (b)(1-2))
-	P	-	(c) Tires, batteries and accessories
<b>(4) Business And Professional Offices And Personal Services:</b>			
P	P	P	(a) Accountants, bookkeepers and auditors
P	P	P	(b) Advertising/marketing agencies
P	P	P	(c) Architects, landscape architects and designers
P	-	P	(d) Art studios, fine
P	-	P	(e) Art restoration
P	P	P	(f) Attorneys
P	P	-	(g) Audio/video production studio
P	-	P	(h) Authors/composers
P	P	P	(i) Banks, credit unions and savings and loans
P	P	P	(j) Barber and beauty shops
P	P	-	(k) Blue printing, Photostatting, and photo developing
P	-	-	(l) Business schools
P	P	P	(m) Business, labor, scientific and professional organizations and headquarters
P	P	-	(n) Catering services
P	P	P	(o) Clinics and research/processing laboratories
P	-	P	(p) Collection agencies
P	P	P	(q) Commodity contract brokers and dealers
P	P	P	(r) Computer and information services
P	P	P	(s) Dentists
P	-	P	(t) Detective and protective agencies
P	P	P	(u) Doctors
P	P	P	(v) Drafting, graphic and copy services
P	P	P	(w) Employment agencies and services
P	P	P	(x) Engineers and surveyors
P	P	P	(y) Financial planning, investment services
P	P	P	(aa) Graphic art services
P	P	-	(bb) Gymnastics instruction
P	-	-	(cc) House cleaning services
P	P	P	(dd) Insurance carriers, agents, brokers and services
P	-	P	(ee) Interior decorator and designers
P	P	-	(ff) Laundry, dry cleaners, including self-service, and ironing services
P	P	P	(gg) Loan companies, other than banks

Districts			Categories/Uses
MUC	MUE	MUR	
P	P	P	(hh) Locksmiths
P	P	P	(ii) Lumber brokers
P	P	P	(jj) Mailing services/mail order sales
P	P	P	(kk) Management and planning consultants
S	P	-	(ll) Manufactured unit as a temporary construction office, night watchperson's quarters or general office (36.160(1), (3) and (4))
P	P	-	(nn) Motion picture studio/distribution
P	-	P	(oo) Non-profit organizations
P	P	P	(pp) Opticians
P	-	P	(qq) Performing arts instruction
P	P	P	(rr) Photocopying
P	P	P	(ss) Photography studios
P	P	P	(tt) Planners, land use
P	P	-	(uu) Printing/publishing
P	P	P	(vv) Psychologists and counselors
P	-	P	(ww) Real estate sales and management
P	P	P	(xx) Scientific and educational research
P	P	-	(yy) Security systems services
P	P	-	(aaa) Self-defense studio
P	P	P	(bbb) Shoe repair
P	P	P	(ccc) Stenographers and secretarial services
P	P	P	(ddd) Stockbrokers
P	-	-	(eee) Swimming pool cleaning
P	-	P	(fff) Tailors
P	-	P	(ggg) Tanning salons
P	-	P	(hhh) Title companies
P	P	P	(iii) Telephone answering services
P	P	P	(jjj) Travel agencies
S	P	-	(kkk) TV and radio broadcasting studios (does not include antennae)
P	P	P	(lll) Typing services
P	-	-	(mmm) Window cleaning
<b>(5) Communications Facilities:</b>			
-	D	-	(a) Communications towers, including antennas and relay equipment. Certain Wireless Telecommunications Systems Facilities (Article 32). Refer to Section 32.130 for siting standards and review process in all commercial zoning districts.
-	D	-	
D	D	D	(b) Communications antennas for public agencies and emergency services
<b>(6) Day Care Facilities:</b>			
S	S	P	(a) Day Care Home - 1 to 5 children (18.110 (3)(a))
-	-	P	(b) Day Care Group Home - 6 to 12 children
S*	S*	S*	(c) Day Care Center - 13 or more children (abutting an arterial street) (16.100(4))
S*	S*	S*	(d) Day Care Center - 13 or more children

Districts			Categories/Uses
MUC	MUE	MUR	
			(abutting a collector or local street) (16.100(4))
S*	S*	P	(e) Adult Day Care - facilities up to 12 adults (18.110(3))
S*	S*	S*	(f) Adult Day Care - facilities with more than 13 adults (abutting an arterial street) (16.100(4))
S*	S*	S*	(g) Adult Day Care - facilities with more than 13 adults (abutting a collector or local street) (16.100(4))
<b>(7) Eating And Drinking Establishments:</b>			
P	P	-	(a) Cafeteria (serving employees only)
P	P	-	(b) Cocktail lounges
P	P	P	(c) Delicatessens and sit down restaurants including espresso shops
S	P	-	(d) Drive up restaurants and espresso shops (40.100(1)(a))
S	P	-	(e) Taverns and brew pubs (Section 18.110(5)(b))
<b>(8) Educational Facilities- Public And Private Elementary And Middle Schools:</b>			
-	-	P	(a) 1 to 5 students in a private home (in a 24 hour period)
-	D	D	(b) 6 or more students in a private home (Section 10.030(4))
-	D	D	(c) Private/public elementary and middle Schools (18.110(14))
-	D	-	(d) Secondary schools and colleges
<b>(9) Group Care Facilities:</b>			
-	-	P	(a) Foster homes for up to 5 children
-	-	S*	(b) Residential care facilities with more than 15 persons include: Group care homes, congregate care facilities, nursing homes and retirement homes (16.100(7))
<b>(10) Halfway Houses (See Special Use Standards for Group Care Facilities):</b>			
-	-	D	(a) Residential Facility - 6 to 15 persons
-	-	D	(b) Residential Home - 5 or fewer persons
-	-	D	(c) Shelter homes for abused and battered persons
<b>(11) Home Occupations:</b>			
S	S	S	(a) Home Occupations (16.100 (6))
<b>(12) Manufacture And/Or Assembly Of :</b>			
-	P	-	(a) Appliances
P	P	-	(b) Apparel and other finished products made from canvas, cloth, fabrics, feathers, felt, leather, textiles, wool, yarn and similar materials
-	P	-	(c) Communication equipment, including radio and television equipment
-	P	-	(d) Costume jewelry, novelties, buttons and misc. notions
-	P	-	(e) Cutlery, hand tools and hardware
-	P	-	(f) Electronic components and accessories
-	P	-	(g) Electronic transmission and distribution equipment
-	P	-	(h) Engineering, laboratory, scientific, and research instruments
-	P	-	(i) Finished wood manufacturing and assembly including cabinets and door frames

Districts			Categories/Uses
MUC	MUE	MUR	
-	P	-	(j) Furniture, including restoration
-	P	-	(k) Greeting cards, business forms and other business related printing
-	P	-	(l) Measuring, analyzing, and controlling instruments
-	P	-	(m) Medical, dental, and surgical equipment and supplies
-	P	-	(n) Medicinal chemicals and pharmaceutical products
-	P	-	(o) Metal fabrication and machine shops
-	P	-	(p) Musical instruments
-	P	-	(q) Prosthetic and orthopedic devices
-	P	-	(r) Office computing and accounting equipment
-	P	-	(s) Optical instruments, including lenses
-	P	-	(t) Perfumes and toiletries
-	P	-	(u) Photographic equipment and supplies
-	P	-	(v) Signs and advertising display
-	P	-	(w) Toys, sporting and athletic goods
-	P	-	(x) Watches, clocks, and related components
<b>(13) Other Industrial Uses:</b>			
-	S	-	(a) Industrial Parks (subdivisions)(21.130)
P	P	-	(b) Media productions, including TV and radio broadcasting, motion picture production and newspaper/book/periodical publishing
-	P	-	(c) Regional distribution headquarters, including indoor storage
-	P	-	(d) Research development and testing laboratories and facilities
-	P	-	(e) Accessory structures
-	P	-	(f) Administrative professional or business offices
<b>(14) Public Utility Facilities:</b>			
-	S	-	(a) High impact facilities (20.100(5)(a-b))
S	P	-	(b) Low impact facilities (18.110(4)(b))
<b>(15) Recreational Facilities:</b>			
P	P	-	(a) Arcades
P	P	-	(b) Art studios, performing
-	P	-	(c) Auditoriums
-	P	-	(d) Bingo parlors
-	P	-	(e) Bowling alleys
-	P	-	(f) Dance halls
P	P	P	(g) Exercise studios
P	P	-	(h) Gyms and athletic clubs
P	P	P	(i) Hot tub establishments
P	-	P	(j) Miniature auto race track (e.g., slot car track)
S	-	-	(k) Miniature golf (40.100(d))
S	P	-	(l) Movie theaters, indoor, <u>single screen</u> (40.100(d))
P	P	-	(m) Non Alcoholic Night Club

Districts			Categories/Uses
MUC	MUE	MUR	
P	P	-	(n) Off-track betting facility
P	P	P	(o) Parks, private and public
P	P	P	(p) Playground
P	P	P	(q) Play/tot lot
P	P	-	(r) Pool halls
P	P	-	(s) Recreation center
-	P	-	(t) Skating rinks
P	P	P	(u) Tennis, racquetball and handball courts
P	P	-	(v) Theater, legitimate <u>(live stage)</u>
<b>(16) Religious, Social And Civic Institutions:</b>			
P	-	D	(a) Branch educational facilities
P	-	D	(b) Charitable services
D	-	D	(c) Churches, mosques, temples and weekly religious school (18.110(14))
P	-	P	(d) Community and senior centers
P	-	-	(e) Fraternal and civic organizations
P	-	-	(f) Hospitals
P		D	(h) Public offices
-	D*	D*	(i) Private/Public Elementary and Middle Schools (18.110(14)) (21.040 (2))
<b>(17) Residential Uses In Areas Designated Mixed-Use In The Metro Plan Or Refinement Plans.</b>			
S	P	S	(a) Accessory structures (16.100(1))
P	-	P	(b) Attached single family dwellings including rowhouses (Section 18.110(6).
S	-	S	(c) Cluster Development (Section 16.100(3))
P	P	P	(d) Condominiums
-	-	P	(e) Duplexes (Section 16.100(5))
P	P	P	(f) Multiple family dwellings including triplexes, four-plexes, quads, quints, and apartment complexes over 4 units
<b>(18) Retail Sales:</b>			
P	-	P	(a) Antiques
P	-	P	(b) Apparel
P	-	P	(c) Art galleries and museums
P	-	P	(d) Art supplies
P	P	P	(e) Bakeries
P	-	P	(f) Bicycles
P	-	P	(g) Books
P	-	P	(h) Cameras and photographic supplies
P	-	P	(i) Candies, nuts and confectioneries
P	-	P	(j) China, glassware and metalware
P	-	-	(k) Cigars and cigarettes
P	P	-	(l) Computers, calculators and other office machines
P	P	P	(m) Convenience stores

Districts			Categories/Uses
MUC	MUE	MUR	
P	P	P	(n) Dairy products
P	-	-	(o) Department stores
P	-	P	(p) Drapery, curtains and upholstery
P	-	P	(q) Dry Goods and general merchandise
P	-	-	(r) Electrical supplies
P	-	P	(s) Fabrics and accessories
P	-	P	(t) Film drop off and pick up (not a drive-through)
P	-	-	(u) Fish
P	-	P	(v) Floor coverings
P	-	P	(w) Florists
P	-	P	(x) Fruits and vegetables
P	-	-	(y) Furniture
P	-	-	(z) Furriers
P	-	P	(aa) Groceries
P	-	-	(bb) Hardware
P	-	-	(cc) Hobby supplies
P	-	-	(dd) Household appliances
P	-	-	(ee) Jewelry
P	-	-	(ff) Liquor outlets (State)
P	-	-	(gg) Luggage and leather
P	-	-	(hh) Magazines and newspapers
P	-	-	(ii) Mail order houses
P	-	-	(jj) Meats
P	-	-	(kk) Medical and dental supplies
P	-	-	(ll) Musical instruments and supplies
P	-	-	(mm) Novelties and gifts
P	P	-	(nn) Office equipment
P	-	-	(oo) Paint, glass and wallpaper
P	P	P	(pp) Pharmacies
P	-	-	(qq) Pottery
P	-	-	(rr) Radios, televisions and stereos
P	-	-	(ss) Second hand and pawn shops
P	-	-	(tt) Sewing machines
P	-	P	(uu) Shoes
P	-	-	(vv) Small electrical appliances
P	-	P	(ww) Sporting goods
P	P	P	(xx) Stationary
P	-	-	(yy) Supermarkets
P	-	P	(zz) Toys
<b>(19) Small Scale Repair And Maintenance Services: (40.100(1)(d))</b>			
S	P	P	(a) Business machine repair
S	P	-	(b) Electrical appliance repair
S	P	-	(c) Furniture repair
-	P	-	(d) Janitorial services

Districts			Categories/Uses
MUC	MUE	MUR	
S	-	-	(e) Small engine repair
P	P	P	(f) Watch repair
<b>(20) Transient Accommodations:</b>			
P	-	S	(a) Bed and breakfast facilities
-	-	S	(b) Emergency shelter facilities (See MUR Special Use Standards for Group Care Facilities)
P	-	-	(c) Youth hostels
<b>(21) Transportation Facilities:</b>			
-	P	-	(a) Heliports
-	P	-	(b) Helistops
P	P	P	(c) Public transit station, without park & ride lot
<b>(22) Transportation Related, Non-Manufacturing:</b>			
-	P	-	(a) Key/card lock fuel facilities
<b>(23) Warehouse Commercial Retail And Wholesale Sales And Distribution:</b>			
-	P	-	(a) Cold storage lockers
-	P	-	(b) Electrical supplies and contractors
-	P	-	(c) Floor covering sales
-	P	-	(d) Indoor storage, other than mini-warehouses, and outdoor storage areas/yards
-	P	-	(e) Large electrical appliance sales
-	P	-	(f) Merchandise vending machine operators
-	P	-	(g) Plumbing and heating supplies and contractors
-	P	-	(h) Unfinished furniture
-	-	-	(i) Uses listed under automotive and retail which are wholesale uses
-	P	-	(j) Regional distribution headquarters, including indoor storage
-	-	-	(k) Warehouse/commercial uses engaged primarily in the wholesaling of materials to the construction industry
-	-	-	(l) Wholesale trade, warehousing, distribution and storage (to include mini-storage)
<b>(24) Secondary Uses Serving Or Related To On Site Commercial Or Industrial Uses:</b>			
P	P	-	(a) Manufacture or assembly of goods or products to be sold on premises
-	P	-	(b) Accessory structures
P	P	P	(c) Administrative professional or business offices
P	P	-	(d) Blueprinting, photostating, and photo developing
-	P	-	(e) Cafeteria (serving employees only)
P	P	P	(f) Daycare facilities (primarily serving employees on site)
-	P	P	(g) Developed recreation area (serving the development area)
-	P	-	(h) Heliports and helistops
P	P	P	(i) Financial institutions
-	P	-	(j) Manufactured home used as a night watch person's quarters (36.190(2))

Districts			Categories/Uses
MUC	MUE	MUR	
-	S	-	(k) Outdoor storage of materials directly related to a permitted use. (40.120(2)(c)(1-2))

#### 40.030 LOT SIZE AND DIMENSION STANDARDS

- (1) In the MUC District, the minimum lot size shall be the same as specified for commercial uses in Section 18.030 of this Code.
- (2) In the MUE District, the minimum lot size shall be the same as those specified for Light and Medium Industrial uses in Section 20.030 of this Code.
- (3) In the MUR District, the minimum lot size shall be the same as those specified for residential districts in Section 16.030 of this Code.

#### 40.040 LOT COVERAGE STANDARDS.

- (1) Lot coverage standards in the MUC District shall be limited only by standards (e.g. required parking, landscaping, etc.) specified in Articles 31 and 32 of this Code. Generally, there shall be no maximum lot coverage standard in the MUC District.
- (2) Lot coverage standards in the MUE District shall be limited only by standards (e.g. required parking, landscaping, etc.) specified in Articles 31 and 32 of this Code. Generally, there shall be no maximum lot coverage standard in the MUE District.
- (3) Lot coverage standards in the MUR District shall be the same as the standards specified in Section 16.040 of this Code.

#### 40.050 SETBACK STANDARDS

- (1) The setback standards for the MUC District shall comply with the requirements specified for commercial uses in Section 18.050 of this Code.

**Exception:** There shall be no minimum building setback requirement in the front, street side yard or through lot rear yard lot lines.

- (2) The setback standards for the MUE District shall comply with the requirements specified for industrial uses in Section 20.050 of this Code.
- (3) The setback standards for the MUR District shall comply with the requirements specified for residential uses in Section 16.050 of this Code.

#### 40.060 HEIGHT STANDARDS

- (1) The maximum height for buildings in the MUC District shall be 60 feet. Proposals for buildings exceeding 60 feet can be considered under Article 10 Discretionary Use where such proposals can be shown to meet the criteria for approval listed in Section 10.030 (1)-(3).



**Exception:** When a MUC District abuts an LDR, MDR or MUR District, the building height limitations of Subsection 18.060(1)-(3) shall apply.

- (2) The maximum height for buildings in the MUE District shall be 45 feet.

**Exception:** When a MUE District abuts an LDR, MDR or MUR District, the building height limitations of Subsection 21.080(1) (a) and (b) and (2) shall apply.

- (3) The maximum height for buildings in the MUR district shall be 35 feet.

**Exception:** When a MUR District abuts an LDR or MDR District, the building height limitations of Subsection 16.060(1) (a) and (b) and (2) shall apply.

#### **40.070 OFF-STREET PARKING STANDARDS.**

- (1) Parking requirements in Mixed-Use Districts are as follows:

- (a) Nonresidential requirements:

1. Surface parking shall meet the minimum parking requirement for the various use categories described in Section 18.070 of this Code for commercial uses and Section 20.070 of this Code for industrial uses. The Director may reduce the minimum number of parking spaces required, based on a parking generation study, without the need for a Variance. The study shall demonstrate how a proposal to reduce parking is justified by estimated peak use, easy pedestrian access, availability of transit service, and adjacent on-street parking. This reduction shall be limited to 20% of the established standard.
2. The maximum number of parking spaces allowed shall not exceed 120% of the minimum parking requirement for the various use categories described in Section 18.070 of this Code for commercial uses and Section 20.070 of this Code for industrial uses. The Director may increase the allowed number of parking spaces based on a parking generation study, using statistical analysis from the Institute of Transportation Engineering (ITE) Parking Generation Report without the need for a Variance. The study shall demonstrate how a proposal to increase parking is justified by estimated peak use, and how parking demand management techniques to reduce the needed number of spaces would be ineffective for the development.

- (b) Residential requirements: Minimum off-street parking standards for residential uses shall comply with the standards specified in Section 16.070 of this Code.

**Exception:** The Director may reduce the minimum residential parking standard when it is demonstrated that proposed housing is along a frequent service transit line, or is otherwise provided for by the code.

- (2) Exception Areas. The Downtown Exception Area shall be exempt from the parking space requirements of this Section.

**Exception:** Any voluntarily installed parking shall conform to the parking design standards specified in Sections 31.170 to 31.190 of this Code.

#### **40.080 FENCE STANDARDS.**

- (1) Fences in the MUC District shall be the same as the standards specified in Section 18.100 of this Code.

**Exception:** No barbed wire, razor wire or electrified fencing shall be permitted.

- (2) Fences within the MUE District shall be the same as the standards specified in Section 20.090 of this Code.
- (3) Fences within the MUR District shall be the same as the standards specified in Section 16.090 of this Code.

**Exception:** No barbed wire, razor wire or electrified fencing shall be permitted.

#### **40.090 SPECIAL USE STANDARDS**

- (1) Special use standards for the MUC District shall be the same as those specified in Section 18.110 of this Code.

**Exceptions:**

- (a) In MUC Districts, drive-up restaurants and espresso shops shall be designed so that circulation and drive-up windows are not adjacent to sidewalks or between buildings and the street, to the maximum extent practicable.
- (b) Parking Lots and Parking Structures, Public and Private.
  1. In MUC Districts surface parking lots abutting public streets shall include perimeter landscaping and shade trees as specified in Sections 18.050 and 31.140 (3) of this Code.
  2. Parking structures located within 20 feet of pedestrian facilities including but not limited to public or private streets, pedestrian accessways, greenways, transit stations, shelters, or plazas, shall provide a pedestrian-scale environment on the façade facing the pedestrian facility. One or more of the following techniques may be used:
    - a. Provide retail or office uses on the ground floor of the parking structure facing the pedestrian facility;
    - b. Provide architectural features that enhance the ground floor of a parking structure adjacent to the pedestrian facility, such as building articulation, awnings, canopies, building ornamentation and art; and/or

- c. Provide pedestrian amenities in the transition area between the parking structure and pedestrian facility, including landscaping, trellises, seating areas, kiosks, water features with a sitting area, plazas, outdoor eating areas, and drinking fountains.

(c) Residential Uses.

1. In areas designated for mixed-use in adopted refinement plans, specific area plans, and specific development plans, multiple family development shall be required to meet development standards as specified in the local refinement plan. MDR and HDR District standards specified in Article 16 of this Code shall be complied with where local refinement plans do not specify development standards, or in areas where no local refinement plan has been prepared. All multiple family developments shall meet the standards specified in Section 16.110 of this Code.
2. Cluster Development. Development standards specified in Section 16.100 (3) of this Code shall apply to cluster developments in the MUC District.

- (d) Small scale repair and maintenance services. In MUC Districts these services shall take place entirely indoors, and buildings shall be constructed and utilized to ensure that noise or odor do not disturb the normal operation and tranquility of neighboring residential and business area.

- (2) Special use standards for uses within the MUE District shall be the same as those specified in Section 20.100 of this Code.

**Exception:** Subsection of 20.100 (3) of this Code shall not apply in the MUE District.

- (3) Special use standards for uses within the MUR District shall be the same as those specified in Section 16.100 of this Code as they apply to MDR and HDR development.

**Exceptions:**

- (a) Professional offices specified in Section 16.100 (11) (a-f) of this Code shall be exempt from those special use standards, but shall meet the standards for development specified in Subsection 40.120 (3) (c) of this Code.
- (b) The MUR District allows uses that are not allowed in the MDR and HDR Districts. Permitted uses are listed in 40.010 of this Code. Nonresidential uses that are not "professional office" related but have "S" designations in 40.010 of this Code, shall comply with the development standards listed in Subsection 40.120 (3)(c).
- (c) Residential and Day Care Uses shall comply with the special use standards listed in Subsection 16.100(4) of this Code.

#### 40.100 GENERAL DEVELOPMENT STANDARDS FOR MIXED-USE DISTRICTS.

(1) Building Design Standards. Mixed use zoning districts require special attention to building design because of the intermixing of land uses and higher intensity of development that can occur in such areas. New structures and improvements to facades requiring building permits shall provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Blank walls shall be avoided to the maximum extent practicable by complying with the following minimum requirements. The following standards are intended to be specific and quantifiable while allowing for flexibility in design.

(a) Ground floor windows shall be required for all civic and commercial uses. All elevations of buildings abutting any street shall provide at least 50 percent of their length (e.g. a 100-ft.-wide building facade shall have a total of at least 50 linear ft. of windows) and at least 25 percent of the ground floor wall area as windows and/or doors that allow views into lobbies, merchandise displays, or working areas. On corner lots this provision shall apply to both elevations.

**Exception:** Elevations of buildings adjacent to alleys or vehicle accessways used primarily for service and delivery access shall be exempt from this requirement.

(b) Ground floor windows shall be required for all industrial uses. The primary entrance elevation of a building abutting a street shall provide at least 30 percent windows at the pedestrian level. On corner lots, this provision shall apply to both elevations with street frontage. The windows shall be measured in linear fashion (e.g. a 100-ft.-wide building facade shall have a total of at least 30 linear ft. of windows and/or doors on the ground floor that allow views into lobbies, merchandise displays, or working areas).

(c) Along the vertical face of a structure, offsets shall occur at a minimum of every 50 feet by providing at least **one** of the following:

1. Recesses including but not limited to entrances and floor area with of a minimum depth of 4 feet.
2. Extensions including but not limited to entrances and floor area with a minimum clearance of 4 feet, a minimum depth of 4 feet, and a maximum length of an overhang shall be 25 feet.
3. Offsets or breaks in roof elevation with a minimum of 3 feet or more in height.

(d) In order to break up vast expanses of single element building elevations, building design shall include a combination of architectural elements and features including but not limited to offsets, windows, entry treatments, wood siding, brick, stucco, textured concrete block, etc.

(e) In order to provide differentiation between the ground floor and upper stories, building design shall include bays or balconies for upper levels, and awnings, canopies, or other

similar treatments for lower levels. Variation in building materials, trim, paint, ornamentation, windows, or other features such as public art, may also be used.

- (f) External modifications proposed for structures listed on the Springfield Historic Inventory shall comply with the applicable standards specified in Article 30. Historic Overlay District.
- (2) **Building Orientation and Maximum Setbacks.** To the greatest extent practicable, all new buildings in a mixed-use development shall be oriented toward both exterior and internal streets in a manner that frames and defines both streets and pedestrian areas along those streets. Buildings in mixed-use developments shall not be separated from fronting streets. Parking shall be located behind buildings, internal to development on a site. For existing development sites, outparcel buildings between a large parking lot and the street shall be used to help define the streetscape, and lessen the visual impact of the parking lot from the street.
- (a) Public entrances to all new buildings in the MUC District shall be visible from the street and oriented so that pedestrians have a direct and convenient route from the street sidewalk to building entrances.
  - (b) At least one major pedestrian entrance shall be oriented to each street that the building abuts. Corner pedestrian entrances may be used to provide entrance orientation to two streets. Buildings abutting a street governed by an access management policy shall provide for a pedestrian entrance to the street, but not a vehicle entrance on that street.
  - (c) Buildings shall not be set back from streets or plazas.

**Exceptions:** Street setbacks may be approved by the Director when:

1. The building design incorporates public seating, plazas, or other usable public space as specified in Subsection (7) of this section;
  2. The building design incorporates landscaped stormwater quality facilities within the setback area that also enhance the pedestrian scale, orientation and interest;
  3. Necessary to preserve existing healthy mature trees; or
  4. Necessary to accommodate handicapped access requirements.
- (3) **Weather Protection.** New commercial or residential development shall provide a weather-protected area, including but not limited to awnings or canopies, at least 6 feet wide, along the portion of the building abutting sidewalks and/or plazas. Weather protection shall follow building offsets to eliminate long expanses of awnings and or canopies.
- (4) **Landscaping and Screening.** Mixed-use developments shall provide landscaping and screening in accordance with Sections 31.140 and 31.160 of this Code and the following standards:
- (a) Street trees shall be required consistent with Section 32.050 of this Code. Species shall be compatible with the design features specified in Subsection (7) of this section and

shall provide continuity with nearby landscaping. The Director may grant a one-for-one reduction in the number of street trees required when a development preserves healthy, mature trees located within 10 feet of the sidewalk. Required street trees shall be placed in planter strips between sidewalks and curbs as specified in Section 32.040 and 32.050 of this Code, or in individual tree pits. If individual tree pits are utilized, each pit shall be a minimum of 64 square feet per tree, with a minimum width of 4.5 feet.

- (b) Screening of parking areas, drives, mechanical equipment and trash receptacles shall be as specified in Section 31.160 of this Code. In addition:
  - 1. No receptacles shall be allowed within the front setback areas abutting residential zoning districts.
  - 2. All ground-mounted utility equipment not installed underground shall be placed to reduce visual impact or screened with walls or landscaping.
  - 3. Notwithstanding the timelines specified in Section 31.140 of this Code, plants shall be sized to attain 50 percent coverage in 2 years and 100 percent coverage in 4 years.
- (c) Irrigation systems shall be required to support landscaping. Drought-resistant plants shall be encouraged. See Sections 31.050 (1) (o) and 31.140 (4) of this Code.
- (d) Parking areas, drives, and mechanical equipment shall be screened as per Section 31.160 of this Code. Dumpsters and other large trash receptacles shall be screened from on and offsite view by placement of a solid fenced or walled enclosure, from 5 to 6 feet in height. No receptacles are allowed within front setback areas abutting Residential zoning districts. All ground-mounted utilities equipment not placed underground shall be placed to reduce visual impact or screened with walls or landscaping. Plants shall be sized to attain 50 percent coverage in 2 years and 100 percent coverage in 4 years.
- (5) Street Connectivity and Internal Circulation. In mixed use developments:
  - (a) Streets and accessways of any one development or site shall interconnect with those of adjacent developments or sites. Internal street or circulation patterns that isolate a development from all adjacent developments, and only allow access to fronting arterial or collector streets, shall be prohibited.

**Exception:** The Director may determine that topography and/or existence of natural features of the development site would be better accommodated with an alternative circulation pattern.

- (b) Streets and accessways shall align and connect to each other to create a direct and convenient pattern of circulation that is consistent with the City's existing street and block pattern in the area. The maximum block perimeter shall be 1,400 feet.

- (c) A mixed use development’s street network (both public and private on-site streets) shall connect directly to neighborhood streets in the surrounding area, providing multiple paths for pedestrian, bicycle, and vehicular movement to and through the development area. In this way, trips made from the surrounding residential neighborhood to the mixed use development will be possible without requiring travel along a major thoroughfare or arterial.
  - (d) Outparcel buildings should be connected to and served from the internal streets of the primary development area of which they are a part.
  - (e) Pedestrian paths and sidewalks shall connect all building entrances with each other and with public rights-of-way in a manner that is direct and convenient for the pedestrian.
- (6) Neighborhood Compatibility.

Minimum standards adjacent to Low Density Residential Districts:

- (a) Architectural compatibility between new development and adjacent LDR development, including but not limited to similar roof forms, windows, trim, and materials, shall be required to the maximum extent practicable.
- (b) Lighting shall be arranged and constructed not to produce direct glare on adjacent LDR development as specified in Subsection 31.160 (3) of this Code.
- (c) Site obscuring landscaping shall be required including but not limited to the retention of existing vegetation; installation of a 6-foot minimum height, site-obscuring fence with shade trees planted a maximum of 30 feet on center (2- inch caliper at planting); and/or other landscaping to provide visual buffering.
- (d) Mechanical equipment shall be screened from view from adjacent LDR properties and the street as specified in Subsection (4)(b) of this Section. Mechanical equipment shall be buffered so that noise does not typically exceed 50 decibels as measured at the LDR property line. The City may require a noise study certified by a licensed acoustical engineer.

(7) Pedestrian Amenities

- (a) All new structures and substantial improvements to existing buildings shall provide pedestrian amenities, as specified in this Subsection. The number of pedestrian amenities provided shall comply with the following sliding scale.

<b>Size of Structure or Substantial Improvement</b>	<b>Number of Amenities</b>
<5,000 sq. ft.	1
5,000 – 10,000 sq. ft.	2
10,000 – 50,000 sq. ft.	3
>50,000 sq. ft.	4

- (b) Acceptable pedestrian amenities include:
1. Sidewalks incorporating ornamental paving treatments, including but not limited to concrete masonry unit pavers, brick, or stone, which are 50% wider than required by this Code.
  2. A public outdoor seating plaza adjacent to or visible and accessible from the street (minimum useable area of 300 square feet).
  3. Sidewalk planters between sidewalk and building including stormwater swales.
  4. Street tree density more extensive than required by this Article.
  5. Streetscape scale container planters.
  6. Installation of 3” caliper size or larger to fulfill the street tree requirement.
  7. Public art including but not limited to sculptures, fountains, clocks, or murals with a value equal to or greater than one (1) percent of construction value of the structure.
  8. Pocket parks with a minimum usable area of 300 square feet.
- (c) Guidelines for the siting, construction and character of pedestrian amenities:
1. Amenities shall be visible and accessible to the general public from a fully improved street. Access to pocket parks, plazas, and sidewalks shall be provided via a public right-of-way or a public access easement.
  2. The size or capacity of pedestrian amenities shall be roughly proportional to their expected use, including use by employees, customers, residents, and other visitors. The Director may alter minimum area standards for pocket parks and plazas based on this guideline.
  3. Amenities shall be consistent with the character and scale of surrounding developments. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials shall be suitable for outdoor use, easily maintained, and have at least a 10-year expected service life.
  4. Bus stops, as a pedestrian amenity, shall conform to standards of the Lane Transit District.



## 40.110 SPECIFIC DEVELOPMENT STANDARDS FOR MIXED-USE DISTRICTS

### (1) MUC Development Standards.

#### (a) Preservation of the Commercial Land Supply

1. 100 percent of a new mixed use building footprint may be developed for commercial uses.
2. A minimum of 60 percent of the ground floor area within a new building in the MUC District shall be dedicated to commercial uses to ensure that commercial land is preserved for primarily commercial purposes. Up to 100 percent of any building may be developed for residential uses so long as 60 percent of the total ground floor area within the development area is devoted to commercial uses.

**Exception:** This provision shall not apply when commercial uses are proposed for an existing residential building within a commercial district that was within a commercial district prior to the adoption of the MUC District.

**Exception:** 100 percent of all residential uses shall be on the second story or above in the area designated Downtown Mixed-Use in the Springfield Downtown Refinement Plan.

3. The commercial uses on an MUC site shall be developed prior to or concurrently with other proposed uses.

**Exception:** This provision shall not apply to residential and/or limited manufacturing uses that are in existence as of the adoption of the MUC District.

#### (b) Maximum Footprint for Retail Uses. The maximum building footprint for a single commercial use shall be 50,000 square feet.

#### (c) Minimum Floor Area Ratio. A minimum floor area ratio (FAR) of .40 shall be required for all new development or redevelopment in the MUC District. FAR is defined for this purpose as the amount of gross floor area of all buildings and structures on the building lot divided by the total lot area.

### (2) MUE Development Standards

#### (a) Preservation of the Industrial Land Supply

1. A minimum of 60 percent of the gross floor area within a MUE District shall be dedicated to industrial uses to ensure that industrial land is preserved for primarily industrial purposes.

**Exception:** Pre-existing structures and uses shall be covered under the provisions of Article 5 of this Code that addresses continuing non-conforming uses.

2. "Businesses and Professional Offices and Personal Services" listed in Section 40.020(4) of this Article shall not have a ground floor area of more than 5,000 square feet for any one use.
3. The industrial uses on an MUE site shall be developed prior to or concurrently with any other commercial or residential uses.

**Exception:** Commercial and/or residential uses that are in existence as of the adoption of this MUE District.

- (b) Minimum Floor Area Ratio. A minimum floor area ratio of .25 is required for all new development or redevelopment in the MUE District.
- (c) On-Site Design Standards specified in Section 21.120 of this Code shall apply to development in the MUE District with the following exception:
  1. Outdoor storage is allowed, but storage areas shall not be permitted in front or street-side yards.
  2. Outdoor storage shall be screened from the view of adjacent properties and from public rights-of-way as specified in Section 31.160(2) of this Code. Painted structural screens shall match the building color scheme of the development area.
  3. The minimum landscaped open space and the maximum impermeable surface standards specified in Section 21.120 (2) of this Code shall be reduced to 25 percent and 75 percent respectively.

### (3) MUR Development Standards

- (a) Preservation of the Residential Land Supply
  1. A minimum of 80 percent of the gross floor area within a MUR district shall be dedicated to multi-unit residential uses to ensure that medium and high density land is preserved for primarily residential purposes.

**Exception:** Pre-existing structures and uses shall be covered under the provisions of Article 5 of this Code that addresses continuing non-conforming uses.

2. The residential uses on an MUR site shall be developed prior to or concurrently with any other commercial or industrial uses.

**Exception:** Commercial and/or industrial uses that are in existence as of the adoption of this MUR District.

- (b) Minimum/Maximum Residential Densities.
  1. Minimum residential densities for strictly residential development within an MUR district shall be 20 units per gross acre.

2. Minimum residential densities for developments that include mixed uses within an MUR Zone shall be 12 units per gross acre.

**Exception:** If less than 20 units per gross acre are provided, the development shall include a minimum of 10 percent of the total gross floor area in nonresidential uses.

3. There shall be no maximum residential densities established for the MUR District. Building heights shall regulate maximum densities.

(c) Nonresidential Uses.

1. Nonresidential uses in the MUR District shall not exceed 5,000 sq. ft. of ground floor area for each separate use and shall be limited to a maximum of 20 percent of the total gross floor area in the development area.
2. Nonresidential uses developed as part of a mixed use building that includes housing shall be developed to maintain a minimum density of 12 dwelling units per acre. When a development site is composed of two or more phases, each phase shall also meet this standard.

**Exception:** Civic uses shall not be a permitted use in the MUR District.

(d) All development in the MUR District complies with the standards specified in Section 16.110 Multi-Unit Design Standards.

**Exception:** Section 16.110 (e) 1 of this Code exempts multi-unit developments in mixed-use buildings from the minimum open space standards.

#### 40.120 PHASED DEVELOPMENT.

- (1) If development is planned to occur in phases, a phased development plan shall be submitted concurrently with the Site Plan application specified in Section 31.020 of this Code and shall include the following information:
  - (a) The North arrow and property boundaries and dimensions.
  - (b) Existing buildings and dimensions with distances from property lines and other buildings.
  - (c) The location of future right-of-way dedications based on TransPlan, the adopted Local Street Network Plan and the block length and size standards specified in Section 40.100(5) of this Article.
  - (d) A re-division plan at the minimum density required by this subsection, for any lot that is large enough to further divide or a plot plan showing building footprints for MUC minimum densities.

- (e) The location of natural resources, regulated wetlands, natural drainage/stormwater management areas and wooded areas showing how future development will address preservation, protection or removal.
  - (f) Adopted public facilities plans.
  - (g) The intended use, residential, commercial, and/or industrial and size in square feet of each building.
  - (h) The ratio of the square footage of each intended use, residential, commercial, and/or industrial to the total square footage of the buildings in each phase of the development.
- (2) Site plan review shall include the monitoring of the ratio of uses to ensure that the proposed development maintains the ratio of:
- (a) Commercial and non-commercial uses as specified in Subsection 40.120(1)(a) of this Article; or
  - (b) Industrial and non-industrial uses as specified in Subsection 40.120(2)(a) of this Article; or
  - (c) Residential and non-residential as specified in Subsection 40.120(3)(a) of this Article.

**(Ord. 6015 06/03/2002):** Article 40 Adopted

**ARTICLE 41**

**NODAL DEVELOPMENT OVERLAY DISTRICT (NDO)**

41.010 ESTABLISHMENT OF THE NODAL DEVELOPMENT OVERLAY

41.020 ALLOWED USES AND SPECIAL USE LIMITATIONS.

41.030 LOCATION STANDARDS

41.040 MINIMUM DENSITY AND GENERAL DEVELOPMENT STANDARDS

41.050 DEVELOPMENT STANDARDS FOR SINGLE FAMILY AND MULTI-UNIT RESIDENTIAL  
USES

41.060 SPECIFIC DEVELOPMENT STANDARDS FOR COMMERCIAL, LIGHT-MEDIUM  
INDUSTRIAL, SPECIAL LIGHT INDUSTRIAL, AND MIXED- USES

## ARTICLE 41

### NODAL DEVELOPMENT OVERLAY DISTRICT

#### 41.010 ESTABLISHMENT OF THE NODAL DEVELOPMENT OVERLAY

- (1) **PURPOSE** The Nodal Development Overlay District (/NDO) is established to work in conjunction with underlying zoning districts to implement transportation related land use policies found in the Eugene-Springfield Area Transportation Plan (TransPlan) and in the Eugene-Springfield Metro Area General Plan. The /NDO District also supports “pedestrian-friendly, mixed-use development” as outlined in the State Transportation Planning Rule.

Design standards for the /NDO District are structured to foster the essential characteristics of pedestrian-friendly, human scale development that define "nodal development." These include:

- (a) Design elements that support pedestrian environments and encourage transit use, walking and bicycling;
- (b) Transit access within walking distance (generally 1/4 mile) of anywhere in the node;
- (c) Mixed uses and a core commercial area so that services are available within walking distance;
- (d) Public spaces, such as parks, public and private open space, and public facilities that can be reached without driving; and
- (e) A mix of housing types and residential densities that achieve an overall net density of at least 12 units per acre.

It is important to note that the Nodal Development Overlay District works using the design and development standards found in Article 40—Mixed-Use Zoning Districts, as a basis for achieving pedestrian-friendly design. As such, there are frequent references in this article to standards found in Article 40. The overlay district is needed to add those special standards and prohibitions that help define a nodal development area under TransPlan.

- (2) **APPLICABILITY** The Nodal Development Overlay District provisions and standards supplement those of the applicable underlying zone and other applicable overlay zones. Where the /NDO District and base zone provisions conflict, the more restrictive controls. The overlay zone applies to all property where /NDO is indicated on the Springfield Nodal Overlay Map, except where the property is an historic property according to Article 30 of this code. The /NDO District requirements described in this Article apply to the following:

- (a) New development on vacant land.
  - (b) New structures on already developed sites, such as conversion of a parking area to a structure or demolition of a structure and construction of a new structure.
  - (c) An expansion of 50% or more of the total existing building square footage on the development site.
  - (d) The /NDO standards in this Article do not apply to a building alteration.
  - (e) Single-Family dwelling unit for which building permits were filed prior to the designation of an area for nodal development shall be exempt from Section 5.030 of this Code and from the standards of this Article for the purposes of reconstruction if such a dwelling unit is partially or completely destroyed or if the dwelling undergoes renovation. Room additions or other expansions typical of a single-family use shall also be allowed.
- (3) **REVIEW PROCEDURE** All multi-unit residential, commercial and industrial development proposals within the Nodal Development Overlay District shall be reviewed as Type II Limited Land Use decisions, in accordance with Article 3, as part of the Site Plan Review process specified in Article 31. The Director may also determine that a development within the Nodal Development Overlay District is subject to a higher level of review (i.e., Type III versus Type II), when it is in the public interest

**41.020 ALLOWED USES AND SPECIAL USE LIMITATIONS.**

- (1) **Allowed Uses.** The table below shows the schedule of allowed uses within each base zone. With some exceptions, the activities allowed within the base zone are also allowed within the /NDO District. The /NDO District adds the flexibility of mixing compatible uses on a given site. Mixed-use development is encouraged within the /NDO District. Certain auto oriented uses listed in subsection two (2) below, are prohibited within the District.

<b>Base Zone</b>	<b>Allowed Use Categories</b>
NC, CC, MRC, GO, MUC, MS	Those uses allowed within Mixed-Use Commercial MUC District in Article 40.020 of this code.
LMI, SLI, HI, MUE	Those uses allowed within Mixed-Use Employment MUE District in Article 40.020 of this code.
MDR, HDR, MUR	Those uses allowed within Mixed-Use Residential MUR District in Article 40.020 of this code.

LDR	Those uses allowed within the Low Density Residential zone as described in Article 16.020 of this code.
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**(2) Prohibited Uses.**

- (a) Car washes.
- (b) Auto Parts stores.
- (c) Recreational vehicle and heavy truck sales/rental/service.
- (d) Motor vehicle sales/rental/service.
- (e) Service stations, including quick servicing.
- (f) Tires, sales/service.
- (g) Transit park and ride, major or minor, except under a shared parking arrangement with another permitted use.
- (h) Agricultural machinery rental/sales/service.
- (i) Boats and watercraft sales and service.
- (j) Equipment, heavy, rental/sales/service.
- (k) Manufactured dwelling sales/service/repair.

**41.030 LOCATION STANDARDS**

When establishing the location and boundaries of a /NDO District, the following criteria shall be considered:

- (1) The /NDO District shall be applied to the mixed-use centers or "nodes" identified by the City in response to its responsibility under TransPlan.
- (2) All parcels included within a /NDO District should be located within 1/4 mile of a transit stop, and shall have near its center a commercial or employment core area.

**41.040 MINIMUM DENSITY AND GENERAL DEVELOPMENT STANDARDS**

The General Development Standards for Mixed-Use described in Section 40.100 describe the pedestrian-friendly and transit oriented design standards that shall apply to mixed use and nodal development. These standards shall apply to development within the /NDO District. In addition to those standards found in Section 40.100, the following shall apply:

**(1) Minimum Density and Floor Area Ratio (FAR).**

FAR= Means the amount of gross floor area of all buildings and structures on a building lot divided by the total lot area. A two story building that covers 50% of a lot would have a FAR of 1.0. Typical suburban FAR's range from 0.3 to 1.0 in mixed-use centers.

- (a) Where the base zone is LDR, new subdivisions shall achieve a minimum residential density of



6 units per net acre. Minimum residential density in MDR or MUR shall be 12 units per net acre; in HDR it shall be 25 units per net acre. The combined net residential density within a node or mixed-use center shall be 12 units per acre or more.

- (b) Where the base zone is NC, CC, MRC, MUC, or GO, the minimum floor area ratio (FAR) shall be .40.
- (c) Where the base zone is LMI, CI or MUE, the minimum FAR shall be 0.25.

**(2) Building Setbacks.**

- (a) Buildings occupied by commercial and industrial uses shall be set back a maximum of 20 feet from the street. There is no minimum setback from the street for commercial and industrial uses.
- (b) Residential uses shall be set back a maximum 25 feet from the street.
- (c) Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standards on only one of the streets.

**(3) Parking Between Buildings and the Street.**

- (a) Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and a street.
- (b) For sites that abut a street, parking shall be located at the rear of the building or on one or both sides of a building when at least 40 percent of the site frontage abutting the street (excluding required interior yards) is occupied by a building and/or an enhanced pedestrian space.

**Exception:** These parking standards shall not apply where the base zone is LDR.

**41.050 SPECIFIC DEVELOPMENT STANDARDS FOR SINGLE FAMILY AND MULTI-UNIT RESIDENTIAL USES**

**(1) Detached Single Family, 2-Unit Attached Single Family, & Duplexes**

- (a) Building Orientation and Connectivity to the Fronting Street

Dwelling units shall have a front door opening directly to the fronting street. A minimum 3-foot wide walkway shall connect the front door to the street. The walkway shall be

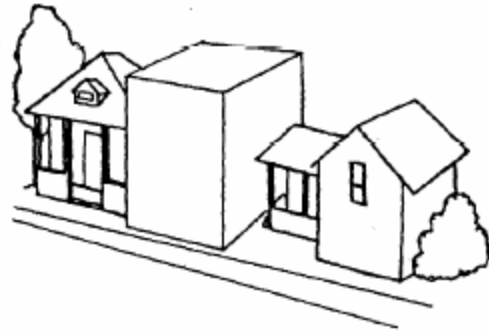
constructed of a permanent hard surface (not gravel) and located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.

- (b) **Garage Doors.** Garage door placement and design shall meet the following conditions:
1. Garage door openings facing a fronting street shall not exceed 40% of the width of the house facade.
  2. The garage facade shall be set back a minimum of 4 feet from the house facade. The minimum setback of the garage facade is reduced to 0 feet if the house facade has a porch, 50 square feet or more in size, encroaching into the setback.
- (c) **Windows.** A minimum area of 15 percent windows and/or dwelling doors shall be required on facades facing fronting streets, sidewalks, and multi-use paths (including garage facades). Gabled areas do not need to be included in the base wall calculation when determining the minimum 15 percent calculation for windows/doors.
- (d) **Design Variety.** Each home shall incorporate a minimum of three (3) of the following seven (7) building design features. Applicants shall indicate which options they are proposing on plans submitted for building permits. While not all of the design features are expressly required, the inclusion of as many as possible is strongly encouraged.
1. **Roof Pitch & Design.** A minimum 4 to 12 roof pitch.
  2. **Eaves.** Eaves with a minimum 18-inch overhang.
  3. **Building Materials.** At least two (2) different types of building materials (including, but not limited to stucco and wood, brick and stone, etc.) or a minimum of two different patterns of the same building material (e.g., scalloped wood and lap siding, etc.) on facades facing streets. These requirements are exclusive of foundations and roofs, and pertain only to the walls of a structure.
  4. **Trim.** A minimum of 2.25-inch trim or recess around windows and doors that face the street. Although not expressly required, wider trim is strongly encouraged.
  5. **Increased Windows.** A minimum area of 20 percent windows and/or dwelling doors on facades facing streets, sidewalks, and multi-use paths (including garage facades). Gabled areas do not need to be included in the base wall calculation when determining the minimum 20 percent calculation for windows/doors.

6. Architectural Features. At least one architectural feature included on a dwelling facade(s) that faces the street. For the purposes of this provision, architectural features are defined as bay windows, covered porches greater than 60 square feet in size, second floor balconies, dormers related to living space, or habitable cupolas. If a dwelling is oriented such that its front facade (facade with the front door) is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the facade of the dwelling that faces the sidewalk and contains the front door.
  7. Architectural Details. Architectural details used consistently throughout the construction of the dwelling facades that face streets. For the purposes of this provision, architectural details are defined as exposed rafter or beam ends, eave brackets, gridded windows or windows with divided lites, or pergolas/trellis work integrated into building facades. Other architectural details may be approved by the Director. If a dwelling is oriented such that its front facade (facade with the front door) is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural details may be counted if they are located on the facades of the dwelling that face the sidewalk.
- (e) Compatibility. New detached single family, 2-unit attached single family, and duplexes constructed within the nodal development overlay district should be generally compatible with existing homes. The goal is to reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings, such as building details, massing, proportions, and materials. To foster compatible residential development at the higher densities sought by this Article, the following standards shall apply.
1. Front Yard Setbacks for Buildings in Established Residential Areas. When an existing single family residence is located within 25 feet of the subject site and fronts on the same street as a proposed building, a front yard setback similar to that of the nearest single family residence shall be used. "Similar" means the setback is within 5 feet of the setback of the nearest single family residence. For example, if the existing single family residence has a front yard setback of 20 feet, then the new building shall have a front yard setback between 15 and 25 feet. If there are two adjacent single family residences fronting on the same street, then an average measurement shall be taken using the two adjacent residences. In no case shall the front yard setback be less than 10 feet. This standard shall not cause a front yard setback to exceed 25 feet.



Similar Setback



Not This

Illustration taken from the Infill and Development Handbook, Oregon TGM Program Sept. 1999

2. **Building Height Transition.** Taller buildings shall step-down to provide a height transition to existing single story buildings. This standard applies to new and vertically expanded buildings within 25 feet (as measured horizontally) of an existing single story building. The standard is met when the height of the taller building or portion of the taller building does not exceed the height of the shorter building by more than 5 feet within the 25 foot horizontal zone. This horizontal zone is called the height transition zone.

When the owner of an existing single story home also owns an adjacent vacant lot, the height transition zone between the vacant lot and a new taller building shall be 15 feet as measured from the property line between the vacant lot and the new building.

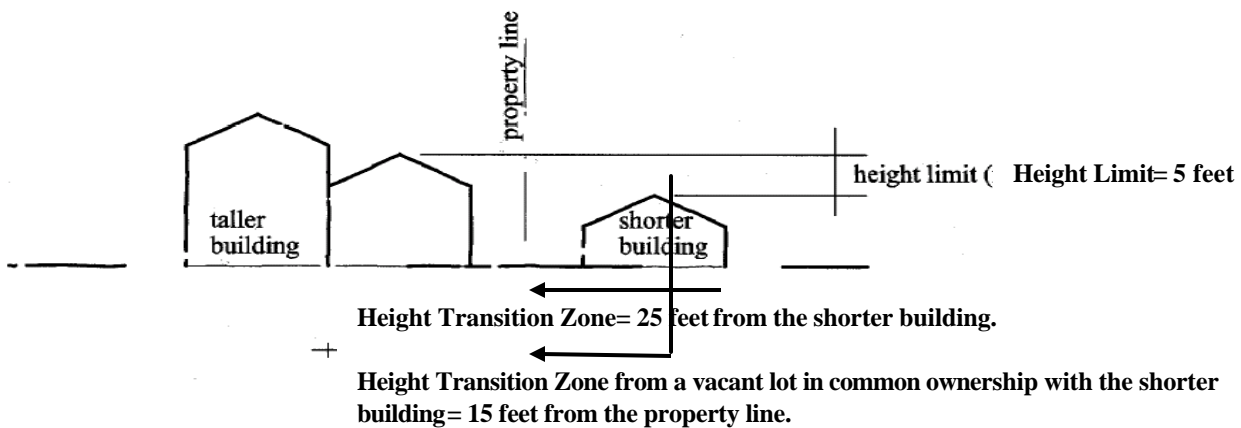


Illustration taken from the Infill and Development Code Handbook, Oregon TGM Program Sept. 1999

3. **Massing and Scale.** The scale, proportions, massing and detailing of any proposed building shall be in proportion to that of the block face where the building will be located. Proposed new low density residential development in the /NDO District shall comply with the design guidelines shown in A-C below:

- a. Scale. Relate the size and proportions of new structures to the scale of adjacent buildings. Avoid buildings that in height, width, or massing, violate the existing scale of the area.



Illustration taken from the Infill and Development Code Handbook, Oregon TGM Program Sept. 1999

- b. Massing. Break up uninteresting boxlike forms into smaller, varied masses. Avoid single monolithic forms that are not relieved by variations in massing.

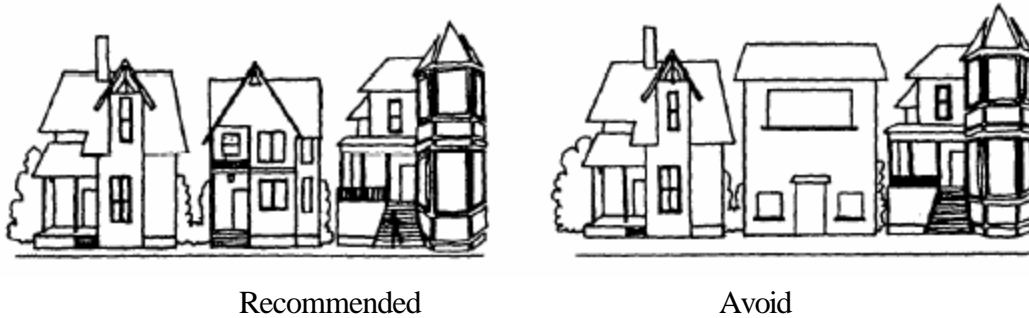


Illustration taken from the Infill and Development Code Handbook, Oregon TGM Program Sept. 1999

- c. Roof Shapes. Relate new roof forms to those found in the area. Avoid roof shapes, directional orientation, pitches, or materials that would cause the building to be out of character with quality buildings in the area.



Illustration taken from the Infill and Development Code Handbook, Oregon TGM Program Sept. 1999

- (2) **Multi-Unit Residential Uses** (e.g. attached single family dwellings 3 units or greater, town-homes, row-houses, triplexes, four-plexes, apartments, etc.)

Multi-unit residential dwellings shall comply with the design standards specified in Article 16.110-Multi-Unit Design Standards and in Article 40.110(3) Mixed Use Residential.

#### **41.060 SPECIFIC DEVELOPMENT STANDARDS FOR COMMERCIAL, INDUSTRIAL, AND MIXED-USES**

Specific development standards for commercial, industrial and mixed-uses within the /NDO District shall conform to those standards set forth in Article 40.110.

- (1) **Commercial and Civic Uses.** Commercial uses shall comply with the special development standards specified in Article 40.110 (1).
- (2) **Light Industrial and Special Light Industrial (Campus Industrial) Uses.** Industrial uses shall comply with the development standards specified in Article 40.110 (2).
- (3) **Mixed-Uses.** For mixed use developments, the dominant use of the building or development (dominant is defined as the use represented by the greatest floor area) shall determine the applicable development standards. If the dominant use is residential, the applicable subsection section of 41.050 Development Standards For Single Family And Multi-Unit Residential Uses shall apply. If the dominant use is commercial, section 41.060(1) Development Standards for Commercial and Civic Uses shall apply. If the dominant use is industrial, section 41.060(2) Development Standards for Light Industrial and Special Light Industrial Uses shall apply.

**(Ord. 6015 06/03/2002):** Article 41 Adopted

<b>DEVELOPMENT CODE FEE SCHEDULE</b>		
	<b>City Limits</b>	<b>Urban Growth Boundary</b>
<i>Application</i>	<i>Fee</i>	<i>Fee</i>
Pre-Application Meeting (Conference)	\$353	\$424
Pre-Application Report (50% credit) ##	\$1,824	\$1,824

	<b>City Limits</b>	<b>Urban Growth Boundary</b>
<i>Application</i>	<i>Fee</i>	<i>Fee</i>
Pre-Application Meeting (Conference)	\$353	\$424
Pre-Application Report (50% credit) ##	\$1,824	\$1,824

<b>TYPE I REVIEW</b>	<b>City Limits</b>	<b>Urban Growth Boundary</b>
<i>Application</i>	<i>Fee</i>	<i>Fee</i>
Accessory Dwelling Unit	\$492	N/A
Subdivision or Partition Re-Plat or Plat	\$241	\$241
Time Extension for Certain Improvements	\$165	\$203
Property Line Adjustment	\$241	\$321
Partition Plat	\$942	\$942
Subdivision Plat	\$1,530	N/A
Manufactured Dwelling Park-Space Line Adjustment	\$193	\$214
Manufactured Home-Temporary Residential Use	\$251	\$251
Land Fill and Alteration (plus a volume fee) ♣	\$284 + volume	\$284 + volume
Minimum Development Standards	\$492	N/A
Site Plan Review Modification - Minor	\$364	\$396
Land Use and Zoning Compatibility Statement	\$59	\$59
Plan Review	\$59	\$59
Final Site Plan Review/Development Agreement	#	#
Final Site Plan Inspection for Occupancy	\$118	\$118
Floodplain Development Fee ♣	\$428 ###	\$642 ###
Historic Commission Review Under Type I	\$54	\$134
DWP Overlay District Development	\$433	\$647
Department of Motor Vehicle License	\$210	\$210
Department of Motor Vehicle – Renewal	\$110	\$110

**NOTE:** Type I applications are not subject to a separate postage fee.

# 10% of the fee charged for the Site Plan Review

## If the subsequent development application substantially conforms to the pre-application report, then up to 50% of the cost of the pre-application fee can be credited to the development application fee (i.e. subdivision or site plan).

### For subdivisions there shall be a \$54 fee per lot and for partitions and site plan reviews a \$107 fee per acre in addition to the base fee. For development areas over 5 acres a \$10,700 deposit is required.

♣ **Any LDAP, Floodplain, or Tree Felling permit processed after land use activity conducted without required City approvals shall be charged a non-refundable fee of \$1,070 for parcels less than one acre, \$2,675 for parcels more than one acre and equal to or less than 5 acres, and \$5,350 for parcels greater than 5 acres. In addition the following provisions apply:**

- a) For development areas greater than 5 acres, there shall be an additional fee of \$107 per acre plus a \$10,700 **refundable** deposit required;
- b) For tree felling without City approval, there shall be a **non-refundable** fee of \$107 per unauthorized felled tree.

This fee schedule shall be implemented whether or not the City pursues other remedies available to it through state, local or federal laws.

<b>TYPE II REVIEW</b>	<b>City Limits</b>	<b>Urban Growth Boundary</b>
<i>Application</i>	<i>Fee</i>	<i>Fee</i>
Modification of Provisions	\$1,648	\$1,648
HS Hospital Support Overlay District	\$856(*)	N/A
HD Hillside Development Overlay District	\$1,766(**)	\$2,001(**)
Site Plan Review	\$1,140 (****)	\$1,335(****)
Site Plan Review Modification – Major (*****)	\$1,140(****)	\$1,335(****)
Partition – Tentative Plan	\$1,600	\$2,062
Subdivision – Tentative Plan	\$2,610 + \$107/lot	\$3,175 + \$107/lot
Subdivision or Partition Tentative Re-Plat	\$241	\$321
Manufactured Dwelling Medical Hardship ♦	\$187	\$187
Manufactured Dwelling Park	\$2,894	N/A
Solar Access Guarantee	\$401	\$401
Tree Felling Permit ♣	\$535	\$540
Expedited Land Division	(***)	(***)
Historic Commission Review Under Type II	\$161	\$321

(\*) Development in the HS Overlay District that requires Site Plan Review shall be charged only the Site Plan Review Fee. Development in this District that requires Discretionary Use approval shall be subject only to the fee the Discretionary Use/Site Plan Review.

(\*\*) This fee applies only to land divisions in the Hillside Overlay District (Article 26) and is in addition to the land division review fee.

(\*\*\*) The fee for an Expedited Land Division (ELD) shall be twice the fee calculated for a regular land division plus an appeal fee established in ORD 197.360 to defray costs in the event the decision is appealed. If the decision is not appealed, the appeal fee for the ELD shall be refunded. **A separate postage fee of \$117 is required for an ELD.**

(\*\*\*\*) Site Plan \$1,140 for less than 5000 sq. ft. impervious surface; fee for greater than 5000 sq. ft. is \$1,140 plus \$107 per additional 1000 sq. ft.

(\*\*\*\*\*) Major Modification entails re-notification of surrounding property owners and DRC meeting.

♦ The Director may waive the fee upon verification of low-moderate income status of the applicant.

♣ **Any LDAP, Floodplain, or Tree Felling permit processed after land use activity conducted without required City approvals shall be charged a non-refundable fee of \$1,070 for parcels less than one acre, \$2,675 for parcels more than one acre and equal to or less than 5 acres, and \$5,350 for parcels greater than 5 acres. In addition the following provisions apply:**

- a) For development areas greater than 5 acres, there shall be an additional fee of \$107 per acre plus a \$10,070 **refundable** deposit required;
- b) For tree felling without City approval, there shall be a **non-refundable** fee of \$107 per unauthorized felled tree.

This fee schedule shall be implemented whether or not the City pursues other remedies available to it through state, local or federal laws.

**Note:** All Type II applications except where noted in this Appendix are subject to a separate postage fee of \$58.00.

**Note:** Any request to prioritize and expedite the review of a particular application submittal out of the order in which applications were received shall be approved at the discretion of the Director and shall be charged a **non-refundable** fee of \$5885 or two times the application fee, whichever is greater; where the development area is greater than ten acres an additional fee of \$107 per acre will be charged.





<b>TYPE IV REVIEW</b>	<b>City Limits</b>	<b>Urban Growth Boundary</b>
<i>Application</i>	<i>Fee</i>	<i>Fee</i>
Annexation (Same fee schedule as Boundary Commission)	N/A	<b>\$730 per acre</b> plus processing fee (See Boundary Commission Fee Schedule)
Extraterritorial Extensions (Same fee schedule as Boundary Commission)	N/A	See Boundary Commission Fee Schedule
Metro Plan Amendment;		
Type I Plan Amendment	\$7,656	\$8,817
Type II Plan Amendment	\$3,157	\$3,627
Establishment of an Historic Landmark District	\$2,873	\$3,301
Amendment of Refinement Plan: Text/Diagram	\$3,713	\$4,264
Amendment of Development Code Text	\$2,172	\$2,172
Vacation;		
Easements	\$958	\$958
Rights-of-Way, Subdivision Plats, and Other Public Properties	\$1,391	\$1,391
Street Name Change	\$1,391	\$1,391
Appeal of Planning Commission Decision to City Council	\$899	N/A

**Note:** All Type III and Type IV applications are subject to a separate postage fee of \$117.

Citizen-initiated plan and code amendments may be subject to an additional postage fee to meet the requirements of Ballot Measure 56.

**Note:** Any request to prioritize and expedite the review of a particular application submittal out of the order in which applications were received shall be approved at the discretion of the Director and shall be charged a non-refundable fee of \$5,885 or two times the application fee, whichever is greater; where the development area is greater than ten acres an additional fee of \$107 per acre will be charged.

**Note:** The annexation fee of **\$730.00 per acre** shall be prorated for parcels smaller than one acre based on a percentage of an acre. Parcels larger than one acre having a fraction of an acre shall be rounded up to the next highest number.

**(Ord. 5358 11/17/86)**

**(Ord. 5407 10/19/87)**

**(Ord. 5466 03/06/89)**

**(Ord. 5551 02/04/91)**

**(Ord. 5582 07/01/91)**

**(Ord. 5632 05/04/92)**

**(Ord. 5701 06/21/93)**

**(Ord. 5737 05/02/94)**

**(Ord. 5819 04/15/96)**

**(Ord. 5827 06/17/96)**

**(Ord. 5943 11/01/99)**

**(Ord. 5962 05/15/00)**

**(Ord. 5973 02/20/2001)**

**(Ord. 5984 Approved 06/18/2001 Effective 07/01/2001)**

**(Ord. 5993 Approved 2/4/2002 Effective 3/1/2002)**

**(Ord. 6019 Approved 7/1/02 Effective 8/1/02) Addition of Accessory Dwelling Unit Type I**

**(Ord. 6027 Adopted 12/2/2002 Effective 1/1/2003)**

**(Ord. 6048 Adopted 4/7/2003 Effective 5/7/2003) Annexation Fee per acre.**