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# City of Carlton

# Development Code

**October 2003**

**Amended by Ordinance 623 7/2004;  
Ordinance 642 11/2005;  
and Ordinance 647 5/2006**

**Prepared for the:  
CITY OF CARLTON, OREGON**

**Printed:** October 2003

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**Funded by:**

*This document was partially funded by a grant from the State of Oregon acting by and through The Oregon Department of Land Conservation and Development.*

## **PROVISIONS NOT USED IN CARLTON ORDINANCE**

**OAR 166-200-0095, Planning and Development Records  
Last Updated, September 15, 2000**

**(1) Comprehensive Plan Records.** Records indicating the types of uses and activities allowed in particular land designations. Used to guide long term city growth and development and to comply with state and federal laws. Usually contains public hearings records, plans, amendments, staff reports, periodic review records, maps, photographs, and other related records.

Minimum retention: Permanent

**(2) Conditional Use Records.** Applications and decisions related to requests for certain land uses within a zone that require special review and approval. May include applications, site plans, zoning maps, staff reports, administrative action reports, and related records.

Minimum retention: 10 years after expiration, revocation, or discontinuance of use.

**(3) Design and Development Review Records.** Reviews of exterior renovations or new construction. Used to ensure integration of visual standards. Records also may include applications, site plans, staff reports, maps, review and appeal records, tape recordings, and related documents. Three-dimensional exhibits such as sample boards of brick, tile, and other building materials are not public records.

Minimum retention:

- (a) Minutes, agendas, resolutions, indexes, and exhibits:  
Permanent.
- (b) Other records: 5 years.

**(4) Flood Plain Permit Records.** Permits issued for construction within a flood plain zone. Records also may include elevation certificates, applications, review records, check lists, and other documents. Permit information usually includes date, permit holder's name and address, U.S. map number, type of structure, and related data.

Minimum retention:

- (a) Permits and elevation certificates: 10 years after expiration, revocation, or discontinuance of use;
- (b) Other records: 10 years.

**(5) Historic Structures Inventory Records.** Records documenting the results of inventory projects to designate historic properties within the city. Inventory is in conjunction with Oregon Land Conservation and Development Commission Goal 5 procedures. Information usually includes street address, legal description,

neighborhood, owner's name and address, date constructed, historic and architectural significance, and references used.

Minimum retention: Permanent.

**(6) Land Use Hearings Records.** Records documenting hearings or appeals to a planning commission decision reached concerning subdivisions, variances, and changes to the zoning code and comprehensive plan. May refer to conditional uses, zone changes, partitions, code variances, and other proposed actions. Records may include applications, hearings minutes, findings of fact, agendas, exhibits such as maps, reports, photographs, etc., tape recordings, and related records.

Minimum retention:

- (a) Minutes, agendas, findings of fact, and exhibits: Permanent;
- (b) Other records: 5 years.

**(7) Partition Records.** Records documenting the partitioning of land into two or three parcels. Records often contain applications, staff reports, technical notes, approval orders, maps, and related records.

Minimum retention:

- (a) If approved and city conditions met: Permanent;
- (b) If not: 10 years after expiration or revocation.

**(8) Planning Commission Meeting Records.** Records documenting the proceedings of the commission responsible for comprehensive community planning and development, transportation, utility services and other subjects, as described in Oregon's Public Meetings Law (ORS 192.610 to 192.710). Records may include minutes, agendas, indexes, tape recordings, and exhibits. Exhibits often include applications, staff reports and recommendations, plats, maps, photographs, materials distributed by citizens, and other records.

Minimum retention:

- (a) Minutes, agendas, resolutions, indexes, and exhibits: Permanent;
- (b) Audio or visual recordings: 1 year after minutes prepared;
- (c) Other records: 5 years.

**(9) Sign Review Records.** Records documenting review of sign construction. Often contains descriptions, drawings, photographs, reports, applications, and related records.

Minimum retention: Life of the structure.



**(10) Subdivision Records.** Records documenting actions on requests to divide one piece of land into four or more lots. Often includes applications, site locations, descriptions of requests, site plans, staff reports, appeals reports, decision statements, maps, and related records.

Minimum retention:

- (a) If approved and city conditions met: Permanent;
- (b) If not approved: 10 years after expiration or revocation.

**(11) Temporary Use Records.** Records documenting action on permits for temporary activities in commercial and industrial zones such as allowing temporary placement of structures incidental to construction. Records often contain applications, permits, staff reports, technical notes, approval orders, and other documents.

Minimum retention: 5 years after permit expiration.

**(12) Variance Records.** Applications and decisions in cases of minor deviations from code requirements. Often includes applications, site locations, and description of requests, site plans, zoning maps, staff reports, and related records.

Minimum retention: 10 years after expiration, revocation, or discontinuance of use.

**(13) Zone Change Records.** Applications and decisions related to rezoning land within the scope of an existing comprehensive plan. Often includes applications, staff reports, technical notes, approval orders, and related records.

Minimum retention:

- (a) Applications, findings of fact, and decision documents: Permanent;
- (b) Other records: 10 years after approval or denial.

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## **EXPEDITED LAND DIVISIONS**

**197.360** "Expedited land division" defined; applicability. (1) An expedited land division:

(a) Is an action of a local government that:

(A) Includes land that is zoned for residential uses and is within an urban growth boundary.

(B) Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.

(C) Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:

(i) Open spaces, scenic and historic areas and natural resources;

(ii) The Willamette River Greenway;

(iii) Estuarine resources;

(iv) Coastal shore lands; and

(v) Beaches and dunes.

(D) Satisfies Minimum Street or other right-of-way connectivity standards established by acknowledged land use regulations or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules.

(E) Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site.

(b) Is a land division that:

(A) Will create three or fewer parcels under ORS 92.010; and

(B) Meets the criteria set forth for an action under paragraph (a)(A) to (D) of this subsection.

(2) An expedited land division as described in this section is not a land use decision or a limited land use decision under ORS 197.015 or a permit under ORS 215.402 or 227.160.

(3) The provisions of ORS 197.360 to 197.380 apply to all elements of a local government comprehensive plan and land use regulations applicable to a land division, including any planned unit development standards and any procedures designed to regulate:

(a) The physical characteristics of permitted uses;

(b) The dimensions of the lots or parcels to be created; or

(c) Transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.

(4) An application to a local government for an expedited land division shall describe the manner in which the proposed division complies with each of the provisions of subsection (1) of this section. [1995 c.595 s.7]

Note: 197.360 to 197.380 were added to and made a part of ORS chapter 197 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**197.365** Application for expedited land division; notice requirements; procedure. When requested by an applicant for an expedited land division, in lieu of the procedure set forth in its comprehensive plan and land use regulations, the local government shall use the following procedures for an expedited land division under ORS 197.360:

(1)(a) If the application for expedited land division is incomplete, the local government shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

(b) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(2) The local government shall provide written notice of the receipt of the completed application for an expedited land division to any state agency, local government or special district responsible for providing public facilities or services to the development and to owners of property within 100 feet of the entire contiguous site for which the application is made. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under ORS 197.375, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community planning organization recognized by the governing body and whose boundaries include the site.

(3) The notice required under subsection (2) of this section shall:

(a) State:

(A) The deadline for submitting written comments;

(B) That issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period; and

(C) That issues must be raised with sufficient specificity to enable the local government to respond to the issue.

(b) Set forth, by commonly used citation, the applicable criteria for the decision.

(c) Set forth the street address or other easily understood geographical reference to the subject property.

(d) State the place, date and time that comments are due.

(e) State a time and place where copies of all evidence submitted by the applicant will be available for review.

(f) Include the name and telephone number of a local government contact person.

(g) Briefly summarize the local decision-making process for the expedited land division decision being made.

(4) After notice under subsections (2) and (3) of this section, the local government shall:

(a) Provide a 14-day period for submission of written comments prior to the decision.

(b) Make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the substantive requirements of the local government's land use regulations. An approval may include conditions to ensure that the application meets the applicable land use regulations. For applications subject to this section, the local government:

(A) Shall not hold a hearing on the application; and

(B) Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the local government's basis for the determination.

(c) Provide notice of the decision to the applicant and to those who received notice under subsection (2) of this section within 63 days of the date of a completed application. The notice of decision shall include:

(A) The summary statement described in paragraph (b)(B) of this subsection; and

(B) An explanation of appeal rights under ORS 197.375. [1995 c.595 s.8]

Note: See note under 197.360.

**197.370** Failure of local government to approve or deny application within specified time.

(1) Except as provided in subsection (2) of this section, if the local government does not make a decision on an expedited land division within 63 days after the application is deemed complete, the applicant may apply in the circuit court for the county in which the application was filed for a writ of mandamus to compel the local government to issue the approval. The writ shall be issued unless the local government shows that the approval would violate a substantive provision of the applicable land use regulations or the requirements of ORS 197.360. A decision of the circuit court under this section may

be appealed only to the Court of Appeals.

(2) After seven days' notice to the applicant, the governing body of the local government may, at a regularly scheduled public meeting, take action to extend the 63-day time period to a date certain for one or more applications for an expedited land division prior to the expiration of the 63-day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of ORS 197.360 to 197.380, including the mandamus remedy provided by subsection (1) of this section, shall remain applicable to the expedited land division, except that the extended period shall be substituted for the 63-day period wherever applicable.

(3) The decision to approve or not approve an extension under subsection (2) of this section is not a land use decision or limited land use decision. [1995 c.595 s.9]

Note: See note under 197.360.

**197.375** Appeal of decision on application for expedited land division; notice requirements; standards for review; procedure; costs. (1) An appeal of a decision made under ORS 197.360 and 197.365 shall be made as follows:

(a) An appeal must be filed with the local government within 14 days of mailing of the notice of the decision under ORS 197.365 (4), and shall be accompanied by a \$300 deposit for costs.

(b) A decision may be appealed by:

(A) The applicant; or

(B) Any person or organization who files written comments in the time period established under ORS 197.365.

(c) An appeal shall be based solely on allegations:

(A) Of violation of the substantive provisions of the applicable land use regulations;

(B) Of unconstitutionality of the decision;

(C) That the application is not eligible for review under ORS 197.360 to 197.380 and

should be reviewed as a land use decision or limited land use decision; or

(D) That the parties' substantive rights have been substantially prejudiced by an error in procedure by the local government.

(2) The local government shall appoint a referee to decide the appeal of a decision made under ORS 197.360 and 197.365. The referee shall not be an employee or official of the local government. However, a local government that has designated a hearings officer under ORS 215.406 or 227.165 may designate the hearings officer as the referee for appeals of a decision made under ORS 197.360 and 197.365.

(3) Within seven days of being appointed to decide the appeal, the referee shall notify the applicant, the local government, the appellant if other than the applicant, any person or organization entitled to notice under ORS 197.365 (2) that provided written comments to the local government and all providers of public facilities and services entitled to notice under ORS 197.365 (2) and advise them of the manner in which they may participate in the appeal. A person or organization that provided written comments to the local government but did not file an appeal under subsection (1) of this section may participate only with respect to the issues raised in the written comments submitted by that person or organization. The referee may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument. The referee shall provide the local government an opportunity to explain its decision, but is not limited to reviewing the local government decision and may consider information not presented to the local government.

(4)(a) The referee shall apply the substantive requirements of the local government's land use regulations and ORS 197.360. If the referee determines that the application does not qualify as an expedited land division as described in ORS 197.360, the referee shall remand the application for consideration as a land use decision or limited land use decision. In all other cases, the referee shall seek to identify means by which the application can satisfy the applicable requirements.

(b) The referee may not reduce the density of the land division application. The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure that the application satisfies the land use regulations, within 42 days of the filing of an appeal. The referee may not remand the application to the local government for any reason other than as set forth in this subsection.

(5) Unless the governing body of the local government finds exigent circumstances, a referee who fails to issue a written decision within 42 days of the filing of an appeal shall

receive no compensation for service as referee in the appeal.

(6) Notwithstanding any other provision of law, the referee shall order the local government to refund the deposit for costs to an appellant who materially improves his or her position from the decision of the local government. The referee shall assess the cost of the appeal in excess of the deposit for costs, up to a maximum of \$500, including the deposit paid under subsection (1) of this section, against an appellant who does not materially improve his or her position from the decision of the local government. The local government shall pay the portion of the costs of the appeal not assessed against the appellant. The costs of the appeal include the compensation paid the referee and costs incurred by the local government, but not the costs of other parties.

(7) The Land Use Board of Appeals does not have jurisdiction to consider any decisions, aspects of decisions or actions made under ORS 197.360 to 197.380.

(8) Any party to a proceeding before a referee under this section may seek judicial review of the referee's decision in the manner provided for review of final orders of the Land Use Board of Appeals under ORS 197.850 and 197.855. The Court of Appeals shall review decisions of the referee in the same manner as provided for review of final orders of the Land Use Board of Appeals in those statutes. However, notwithstanding ORS 197.850 (9) or any other provision of law, the court shall reverse or remand the decision only if it finds:

- (a) That the decision does not concern an expedited land division as described in ORS 197.360 and the appellant raised this issue in proceedings before the referee;
- (b) A basis to reverse or remand the decision described in ORS 36.355 (1); or
- (c) That the decision is unconstitutional. [1995 c.595 s.10]

Note: See note under 197.360.

**197.380** Application fees for expedited land division. Within 120 days of September 9, 1995, each city and county shall establish an application fee for an expedited land division. The fee shall be set at a level calculated to recover the estimated full cost of processing an application, including the cost of appeals to the referee under ORS 197.375, based on the estimated average cost of such applications. Within one year of establishing the fee required under this section, the city or county shall review and revise the fee, if necessary, to reflect actual experience in processing applications under chapter 595, Oregon Laws 1995. [1995 c.595 s.11]



Note: Legislative Counsel has substituted "chapter 595, Oregon Laws 1995" for the words "this 1995 Act" in section 11, chapter 595, Oregon Laws 1995, compiled as 197.380. Specific ORS references have not been substituted pursuant to 173.160. These sections may be determined by referring to the 1995 Comparative Section Table located in Volume 15 of ORS.

Note: See note under 197.360.

# **Chapter 1**

# **GENERAL**

# **ORDINANCE**

# **PROVISIONS**

## **Chapter 2**

# **ZONING AND**

# **DEVELOPMENT PROVISIONS**

## **Chapter 3**

# **APPLICATION AND REVIEW PROVISIONS**

## CHAPTER 1

## GENERAL ORDINANCE PROVISIONS

Section 1.100 GENERAL PROVISIONSSection 1.101 TITLESection 1.102 PURPOSE

- 1.102.01 General
- 1.102.02 Conformance Required
- 1.102.03 Enforcement
- 1.102.04 Interpretation
- 1.102.05 Severability
- 1.102.06 Conflicting Ordinances

Section 1.103 ESTABLISHMENT OF ZONING DISTRICTS

- 1.103.01 Districts
- 1.103.02 Boundaries

Section 1.200 DEFINITIONS

- 1.200.01 Grammatical Interpretation
- 1.200.02 Definitions
- 1.200.03 Definition Designs

Section 1.300 FILES AND RECORDS RETENTION

- 1.300.01 Purpose
- 1.300.02 General
- 1.300.03 Records Retention

**1.100 GENERAL PROVISIONS****1.101 TITLE**

This Ordinance shall be known and may be referred to as the **City of Carlton, Development Code 2000**.

**1.102 PURPOSE**

**1.102.01 General**

This Ordinance is enacted to:

- A. Implement the goals and policies of the **City of Carlton, Comprehensive Plan 2000; June 2001 [Reprint]**
- B. Provide methods of administering and enforcing the provisions of this Ordinance; and
- C. Promote the public health, safety, and general welfare of the community.

**1.102.02 Conformance Required**

The use of all land, as well as the construction, reconstruction, enlargement, structural alteration, movement, use, or occupation of any structure within the City of Carlton shall conform to the requirements of this Ordinance.

**1.102.03 Remedies for Unlawful Structures or Land Use**

- A. No person shall locate, construct, maintain, repair, alter, or use a building or other structure or use or transfer land in violation of this City of Carlton Development Code or any ordinance lawfully adopted by the City of Carlton.
- B. In the event a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or any land is, or is proposed to be, used, in violation of an ordinance or regulation designed to implement the City of Carlton Development Code, the City of Carlton or a person whose interest in real property in the city is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, stop order or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use.
- C. In addition to the enforcement provisions set forth in this Development Code, a person violating any of the provisions of this ordinance may be cited into the City of Carlton Municipal Court, or any other court of competent jurisdiction to adjudicate such violation, and:
  - 1. Upon the first conviction thereof be punishable by a fine not to exceed the sum of \$150.00.

2. Upon the second conviction thereof, be punishable by a fine not to exceed the sum of \$300.00.
3. Upon the third or further conviction thereof, be punishable by a fine not to exceed the sum of \$300.00, or by imprisonment for a period not to exceed thirty (30) days, or both.

Each day's violation of any provision of this ordinance shall constitute a separate offense, punishable as set forth in this section. The penalties imposed by this section are in addition to and not in lieu of any other remedies.

#### **1.102.04 Interpretation**

The provisions of this Ordinance shall be interpreted as minimum requirements. Where this Ordinance imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this Ordinance shall control.

When there is doubt regarding the intent of this Ordinance as interpreted by the City Staff, the Planning Commission may issue an interpretation of the question if they have first determined that such interpretation is within their power and is not a legislative act.

The Planning Commission may request an interpretation of this Ordinance by the City Council.

#### **1.102.05 Severability**

The provisions of this Ordinance are severable. Should any section, clause, or provision of this Ordinance be adjudged invalid by a court of competent jurisdiction, that decision shall not affect the validity of any remaining portion of the Ordinance.

#### **1.102.06 Conflicting Ordinances**

City of Carlton Ordinance No. 350 as amended, Zone Code; Ordinance No. 549 as amended, Subdivision Code; Ordinance No. 473 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

## 1.103 ESTABLISHMENT OF ZONING DISTRICTS

### 1.103.01 Districts

For the purposes of this Ordinance, the incorporated area of the City of Carlton, Oregon, is hereby divided into the following zoning districts:

	<u>Plan</u>	
	<u>Designation</u>	
	<u>Zoning District</u>	
	<u>Name</u>	<u>Section</u>
	Residential [Low Density]	
Suburban Residential (SR)	2.101	
	Residential [Manufactured]	
Manufactured Home (MH)	2.102	
	Residential [High Density]	
Multi-Family Residential (MR)	2.103	
	Commercial	
Commercial Business (CB)	2.104	
	Commercial	Commercial
Industrial (CI)	2.105	
	Industrial	General
Industrial (IG)	2.106	
	Public Facility	Public
	Public Facility (PF)	2.107
Agricultural	Agricultural Holding (AH)	2.108
Residential [Mixed Density]	Mixed Density Residential (MX)	2.110

For the purposes of this Ordinance, the following overlay zones are placed in certain areas of the City of Carlton:

Flood Hazard Overlay Zone (FH)	2.111
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### 1.103.02 Boundaries



A. The zoning district boundaries are shown on the official zoning map of the **City of Carlton Zoning Map for 2000**. This map is hereby made a part of this Ordinance by reference.

Any future changes to the zoning of land within the City of Carlton that are approved under the provisions of this Ordinance shall be annotated on an amending Zoning Map.

B. In interpreting the location of such boundaries on the Zoning Map, the Planning Commission shall rely on the **City of Carlton, Comprehensive Plan 2000** and the following guidelines for the location of zoning district boundaries; section lines; property lines; lot lines; center lines of streets, alleys, streams, or railroad right-of-ways; City boundaries; or other planning criteria determined appropriate by the Planning Commission. Any decision of the Planning Commission regarding the location of a zoning district boundary may be appealed to the City Council pursuant to the general procedures outlined for appeal requests in **Section 3.205**.

C. Whenever any public right-of-way is lawfully vacated, and the lands formerly served as a land use district boundary, the lands formerly within the vacated right-of-way shall be allocated proportionately between the subject land use districts.

## **1.200 DEFINITIONS**

### **1.200.01 Grammatical Interpretation.**

Words used in the masculine include the feminine, and feminine the masculine. Words used in the present tense include the future; the singular number includes the plural. The word "shall" is mandatory and not directory. The word "may" is permissive. All terms in this code have their commonly accepted, dictionary meaning unless they are specifically defined in the following section or the context in which they are used clearly indicates to the contrary.

### **1.200.02 Definitions.**

The following words and phrases, when used in this Ordinance, shall have the meanings set forth in this Chapter, except in those instances where the context clearly indicates a different meaning. Definitions marked with a # are further illustrated in **Subsection 1.200.03**.

**Access:** The way or means by which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to property. A private access is an access not in public ownership and is controlled by means of deed, dedications or easement.

**Access Classification:** A ranking system for streets used to determine the appropriate degree of access management. Factors considered include functional classification, the adopted plan for the roadway, subdivision or abutting properties, and existing level of access control.

**Access Management:** The process of providing and managing access to land development while preserving the regional flow of traffic in term of safety, capacity, and speed.

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

**Accessory Use:** A use incidental, appropriate and subordinate to the main use of the parcel, lot or structure.

**Addition:** A modification to an existing building or structure, which increases the site coverage.

**Adjoining:** Contiguous or abutting, exclusive of street width. It shall include the terms adjacent, abutting, or contiguous.

**Administrative Review:** A decision affecting land use within the City, which is based on the application and/or enforcement of existing standards contained in Ordinance.

**Alteration, Structural:** Any change in the exterior dimensions of a building or a change or repair which would affect or materially change a supporting member of a building, such as a bearing wall, column, beam, or girder.

**Annexation:** The incorporation of a land area into the City with a resulting change in the boundaries of the City.

**Appeal:** A request for a review of the decision-making authority's action on an application or interpretation.

**Applicant:** The owner of record or contract purchaser who submits an application for approval of a permit or land use action.

**Area of Special Flood Hazard:** The land in the flood plain subject to a one percent or greater chance of flooding in any given year.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

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

**Bed and Breakfast:** A structure designed and occupied as a residence and in which sleeping rooms are provided on a daily or weekly basis for use by travelers or transients for a charge or fee paid for the rental or use of the facilities. An operator of a Bed and Breakfast must be a permanent, full time resident of the structure where the use takes place.

**Bike Lane:** A 4 to 6 foot portion of a roadway that has been designated by striping and pavement markings for the preferential or exclusive use of bicyclists.

# **Block:** A parcel of land bounded by three (3) or more streets, railroad right-of-ways, waterways, or combination thereof.

**Boarding, Lodging, or Rooming House:** A building where lodging with or without meals is provided for compensation for not more than five (5) persons in addition to members of the family occupying such building.

**Building:** A structure having a roof and built for the support, shelter, or enclosure of persons, animals, or property of any kind.

# **Building Height:** The vertical distance from a reference datum measured to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following; whichever yields a greater height of building:

A. The elevation of the highest adjoining sidewalk or ground surface

within five-foot horizontal distance of exterior wall of building when such sidewalk or ground surface is not more than ten feet above lowest grade.

B. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in (a.) of this subsection is more than ten feet above lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

**Building Line:** A line established by plat or ordinance a certain distance from a lot line or the street right-of-way beyond which a building cannot extend. The equivalent of a setback line.

**Building Official:** An individual empowered by the City Council to administer and enforce the State Building Code [ORS 456.806 (1)].

**Building, Primary:** A building in which is conducted a principal or main use of the building site on which it is situated.

**Building Site:** A parcel, lot, or plot of land occupied or to be occupied by a principal use and accessory uses and/or building or group of buildings, which parcel, lot, or plot of land complies with all the requirements of this ordinance relating to building sites.

**Cabana:** A stationary structure that may be prefabricated or demountable, with two or more walls, used in conjunction with a manufactured home to provide additional living space and meant to be moved with the manufactured home.

**Campground:** A premises under one ownership where persons camp or live in any manner other than a permanent building constructed entirely of wood or more lasting materials, excepting a recreational vehicle park.

**Carport:** A stationary structure consisting of a roof with its supports and not more than one wall or storage cabinet substituting for a wall and used for covering a vehicle parking space.

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

**Change of Use:** Any use that differs from the previous use.

**City:** The City of Carlton, Oregon.

**Clinic:** A facility for examination and treatment of human ailments by a group of physicians, dentists, or other licensed practitioners on an out patient basis and not involving overnight housing of patients.

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

**Commission:** The Planning Commission of the City of Carlton, Oregon.

**Common Area:** An area, feature, or building or other facility within a development designed and intended for the use or enjoyment of all occupants of the development or for the use and enjoyment of the general public.

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

**Comprehensive Plan:** The Comprehensive Plan of the City of Carlton, Oregon including all adopted supporting documents.

**Conditional Use:** A use that requires a Conditional Use Permit, See **Section 3.103.**

**Condominium:** Property submitting to the provisions of ORS Chapter 100.

**Conforming:** In compliance with the regulations of this Ordinance.

**Conveyance:** The carrying capacity of all or a part of the flood plain. It reflects the quantity and velocity of floodwaters. Conveyance is measured in cubic feet per second (CFS). If the flow is 30,000 CFS at a cross section, this means that 30,000 cubic feet of water pass through the cross section each second.

**Council:** The City Council of Carlton, Oregon.

**Critical Feature:** An integral and readily identifiable part of a flood

protection system, without which the flood protection provided by the entire system would be compromised.

**Cross Access:** A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

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

**Dedication:** The limited grant by a property owner allowing the use of property by the public for specified purposes.

**Density:** A measure of the number of dwelling units per gross acre.

**Development:** Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, drilling, and site alteration such as that due to grading, paving, or excavation.

**Driveway:** A minor private way used by vehicles and pedestrians to gain access from an approved public access or right-of-way onto a lot or parcel of land.

**Dwelling:** A structure or portion thereof that is used for human habitation including permanent provisions for living, sleeping, eating, cooking and sanitation.

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

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

**Dwelling, Single Family:** A detached building containing one dwelling unit designed exclusively for occupancy by one (1) family.

**Dwelling Unit:** One or more habitable rooms designed for occupancy by one family.

**Easement:** A grant of right to use an area of land for a specific purpose.

**Employees:** All persons normally working on the premises during the largest shift. The Planning Commission shall determine the estimated number of employees of a new business and the number of employees of an established business shall be determined from an examination of the payroll.

**Encroachment:** Any obstruction in the flood plain that affects flood flows.

**Face:** To front upon

**Family:** An individual or two or more persons related by blood or marriage, including adopted children or those pending adoption, or a group of not more than five persons who need not be related by blood or marriage living as one housekeeping unit.

**Farming:** The use of land for purposes defined in ORS Chapter 215.

**Fence:** An unroofed barrier or an unroofed enclosing structure or obstruction constructed of any materials including but not limited to, wire, wood, cement, brick, and plastic.

**Fence, Sight Obscuring:** A fence or evergreen planting arranged in such a way as to obstruct vision.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

**Flood Insurance Rate Map:** [*FIRM*] The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (flood plain) and the risk premium zones.

**Flood Insurance Study:** [*FIS*] 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.

**Flood Plain:** Lands that are subject to a one (1) percent or greater chance of flooding in any given year or a Regional Flood.

**Flood Proofing:** A combination of structural or non-structural provisions, changes, or adjustments to structures, land or waterways for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.

**Floodway:** The normal stream channel and the adjacent land areas that must be reserved in order to convey the waters of a Regional Flood without cumulatively increasing the water surface elevation more than one foot

**Floodway Fringe:** The area of a flood plain lying outside of the floodway, but subject to periodic inundation.

**Floor Area:** The gross horizontal area under a roof of all floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

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

**Frontage:** That dimension of a property that abuts a public or private street right-of-way.

**Functional Area (Intersection):** That area beyond the physical intersection of two streets that comprises decision and maneuver distance, plus any required vehicle storage length.

**Functional Classification:** A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

**Garage, Private:** An accessory building or portion of a main building used for the parking or temporary storage of automobiles in which no business, occupation, or service is provided.



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

# **Grade:** The average elevation of the finished ground at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation opposite the center of the wall shall constitute the ground elevation.

**Group Care Home:** A home or private institution maintained and operated for the care, boarding or training of one or more persons.

**Guest House:** A detached accessory building used as sleeping quarters for guests of the occupants of the main dwelling on a non-commercial basis and having no cooking facilities.

**Historic Site:** A site or structure, generally 50 years old or older, listed in the **Comprehensive Land Use Plan** as a historic or cultural resource. An inventory of properties done in conjunction with Oregon Land Conservation and Development Commission Goal 5 to include properties listed individually in the National Register of Historic Places established and maintained under the National Historic Preservation Act of 1966 (P.L. 89-665); or a contributing property in a National Register Historic District, or property designated by local ordinance as an individual historic property or as a contributing property in a historic district and that the State Historic Preservation Officer (SHPO) finds is eligible for listing in the National Register of Historic Places. Such designation is subject to the provisions of ORS 197.772.

**Home Occupation:** A lawful occupation carried on by a resident of a dwelling as a secondary use within the same dwelling. The residential character of the property is maintained in a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term. A home occupation shall not include the outside storage of equipment or materials.

**Homeowners Association:** An association operating under recorded land agreements through which each lot owner of a planned development, condominium development, subdivision or other described land are automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

**Hospital:** An establishment that provides sleeping and eating

facilities to persons receiving medical, obstetrical, or surgical care with nursing service on a continuous basis.

**Hotel:** Any building in which lodging is provided to guests for compensation and in which no provision is made for cooking in individual rooms.

**Improvement:** Any permanent structure that becomes part of, placed upon, or is affixed to property.

**Industrial:** Any enterprise involving the manufacturing, processing, or assembly of semi-finished or finished products from raw materials or similar treatment or packaging of previously prepared materials.

**Joint Access (or Shared Access):** A driveway connecting two or more contiguous sites to the public street system.

**Junk Yard:** The use of more than 200 square feet of the area of any lot for the storage of salvage materials, including scrap metals or other scrap materials, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether or not such uses are conducted as a business for profit or otherwise.

**Kenel:** Any lot or premises, on which four (4) or more dogs and/or cats over the age of six months are kept for sale, lease, boarding, or training.

**Land Division:** The process of dividing land to create lots or parcels.

**Livestock:** Domestic animals of types customarily raised or kept on farms.

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

**Lot:** A unit of land created by a subdivision or partitioning of land. Except where otherwise stated, the term "lot" includes the term "parcel."

# **Lot, Corner:** A parcel abutting on two intersecting streets, other than an alley. In the event a street front lot line is a curve at its point of intersection with a side lot line, the tangent to the curve at that point shall be considered the direction of the front lot line.

# **Lot, Flag:** A parcel of land taking access by a relatively narrow strip of land between the major portion of the parcel and the point of public access to the parcel, all of which is in the same ownership or title.

# **Lot, Interior:** A parcel other than a corner lot.

# **Lot, Through:** An interior lot having frontage on two streets.

**Lot Area:** The total area of a parcel, measured in a horizontal plane within the boundary lines. For flag lots, the access strip shall not be included in lot area for the purposes of minimum lot area requirements of this Ordinance.

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

# **Lot Depth:** The horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line.

**Lot Frontage:** The distance between the two side lot lines measured at the minimum front setback line, parallel to the street line.

**Lot Line, Front:** The property line separating the lot from a street, other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley.

**Lot Line, Rear:** A property line that is opposite and most distant from the front lot line. In the case of an irregular, triangular or other-shaped lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line.

**Lot Line, Side:** Any property line that is not a front or rear lot line.

**Lot Line Adjustment:** The relocation of a common property line between two abutting properties that does not involve the creation of a new lot or parcel.

**Lot of Record:** A lawfully created lot or parcel established by plat, deed, or contract as duly recorded in Yamhill County property records.

# **Lot Width:** The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

**Lowest Floor:** The lowest floor of the lowest enclosed area, including basement, of a building or structure. For purposes of **Section 2.111**, Flood Plain Management only, 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.

**Manufactured Home:**

- A. A residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
- B. A mobile home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- C. A manufactured home, a structure with a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), as amended August 22, 1981 and constructed after June 15, 1976.

**Manufactured Home Park:** Any place where four or more manufactured homes 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 or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental, lease, or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

**Marginal Access Street:** A public or private drive that generally parallels a public street between the right-of way and the front building setback line. The marginal access street provides access to private properties while separating them from the arterial street.

**Master Plan:** A sketch or other presentation showing the ultimate location of lot lines and other details of layout such that future division may readily be made without violating the requirements of this Ordinance. It is

intended that the lot lines and other details of future subdivision or partition be advisory only, and shall not be binding on the applicant or city; however, any restriction of building within future street locations may be imposed and be set forth in recorded deed restrictions

**Mini Warehouse Storage:** An area or areas located within an enclosed building or structure designed and intended to be used for the rental of storage units to individuals for the safekeeping of personal items.

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

**Motel:** A building or group of buildings on the same lot containing rooms designed for lodging, with or without cooking facilities, which are available for rent and in which each lodging unit is separate. The term includes auto courts, tourist courts, tourist homes, and motor lodges.

**New Construction:** Any remodeling of an existing structure, any construction of a new structure, or any placement of a manufactured home or building requiring a building or placement permit initiated on or after the effective date of this Ordinance.

**Non Conforming Structure or Use:** A lawfully existing structure or use at the time this Ordinance or any amendments thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

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

**NWI/LWI Maps:** A National Wetland Inventory [NWI] Map or, if available, a Local Wetland Inventory [LWI].

**Official Zoning Map:** The map or maps upon which the zoning districts in the City of Carlton are indicated.

**Outdoor Storage:** The keeping, not within a building, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four hours.

**Owner:** The owner of record of real property as shown on the latest tax rolls or deed records of Yamhill County, and includes a person who furnishes evidence that they are purchasing a parcel of property under a written recorded or unrecorded land sale contract.

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

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

**Parking Space:** An enclosed or unenclosed surfaced area, exclusive of maneuvering and access area, permanently reserved for the temporary storage of an automobile and connected with a street or alley by a surfaced driveway that affords ingress and egress for automobiles.

**Partition:** To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition" does not include:

- A. Divisions of land resulting from lien foreclosures, divisions of land resulting from contracts for the sale of real property, and divisions of land resulting from the creation of cemetery lots; or
- B. A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way 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)(p) to (r).

**Pedestrian Circulation System:** Pedestrian connection(s) between entrance(s) of the proposed development and adjacent street(s), the parking area,

and the existing or future development on adjacent properties.

**Pedestrian Connection:** A continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian connections may be soft-surfaced pathways. On undeveloped parcels intended for redevelopment, pedestrian connections may also include right-of-way or easements for future pedestrian improvements.

**Pedestrian Facilities:** Improvements that provide for public pedestrian foot traffic including sidewalks, walkways, crosswalks and other improvements, such as lighting or benches, which provide safe, convenient and attractive walking conditions.

**Pedestrian Plaza:** A small semi-enclosed area usually adjoining a sidewalk or a transit stop that provides a place for pedestrians to sit, stand, or rest. They are usually paved with concrete, paving stones or similar material and include seating, pedestrian scale lighting and similar improvements. Low walls or planters and landscaping are usually provided to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas.

**Pedestrian Scale Lighting:** Light standards or placement no greater than 14 feet in height located along walkways.

**Pedestrian Way:** A right-of-way for pedestrian traffic.

**Permit:** Any form of written approval pertaining to the use of land.

**Permitted Use:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district as provided in the development code.

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

**Place of Worship:** A church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place used for activities customarily associated with the practices of the religious activity, including worship services, religion classes,

weddings, funerals, child care and meal programs.

**Planned Unit Development:** A type of development of a site which, as a single project, is based on a design which incorporates all elements of land, structures and uses in conformance with the applicable standards of this Ordinance.

**Planning Commission:** The Planning Commission of Carlton, Oregon.

**Plat:** The final map which is a diagram, drawing, re plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition.

**Portable accessory structure:** A structure intended for the shelter or storage of self-propelled vehicles, which is comprised of a self-supporting assemblage of material and is not permanently attached to a footing and foundation in compliance with the Uniform Building Code.

**Professional Office:** An office occupied by an accountant, architect, artist, attorney at law, professional engineer, land surveyor, land use planner, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts, or other professional business similar in type, scale and character.

**Quasi-Judicial Review:** An action or decision that requires substantial discretion or judgment in applying the standards or criteria of this ordinance.

**Ramada:** A stationary structure having a roof extending over a manufactured home, which may also extend over a patio or parking space and is used principally for protection from the elements.

**Recreational Vehicle:** A vacation trailer or other vehicular or portable unit which is either self-propelled, towed or is carried by a motor vehicle and which is intended for temporary human occupancy and is designed for vacation or recreational purposes but not residential use.

**Recreational Vehicle Park:** Any area operated and maintained for the purposes of parking or providing space for overnight use by recreational vehicles.



**Remodeling** Means any structural improvement or addition made to an existing structure which adds more than 20% to the useable floor area; or adds more than 500 square feet to the useable floor area; or which permit value exceeds 35% of the current year assessed improvement value.

**Reserve strip:** A strip of land, usually one foot in width, deeded to the city, reserved across the end of a street or alley at the boundary of a subdivision or partition; or a strip of land deeded to the city between a dedicated street and adjacent property; in either case reserved or held by the city for future street extension or widening, or to prohibit access from property adjacent to a street.

**Residential Care Facility:** A facility 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 six to fifteen individuals who need not be related. Staff persons required meeting 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.

**Residential Home:** A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five 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 resident of the residential facility.

**Retail Trade:** The process of selling to the consumer for direct consumption and not for resale.

**Right of Way:** Land that is owned in fee simple by the public and usually used for transportation facilities.

**School, Elementary; Middle School or High School:** An institution public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.

**School, Trade or Commercial:** A building where the instruction is given to pupils for a fee in money or otherwise, which fee is the principal reason for the existence of the school.

**Service Station:** Any lot used primarily for the retail sales of motor vehicle fuels and lubricants for delivery on premises, and minor automobile repair and service.

**Setback:** The distance between a specified lot line and the foundation or exterior wall of a building or structure.

# **Sign:** Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way. Sign does not include house numbers. For purposes of **Section 2.206**, the following definitions apply:

**Alteration:** Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration.

# **Area:** The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including the total area of all sign faces.

**Awning:** A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.

**Building Face:** The single wall surface of a building facing a given direction.

**Building Frontage:** The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined. A service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.

**Canopy Sign:** A sign hanging from a canopy or eaves, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade.

**Flashing Sign:** A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.

**Freestanding Sign:** A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

**Incidental Signs:** A sign that is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed.

**Indirect Illumination:** A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.

**Internal Illumination.** A source of illumination from within a sign.

**Message Sign:** A sign that can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature.

**Monument Sign:** A square or rectangular sign that sits directly on the ground without pole or uprights.

**Multi-faced Sign:** A sign that has two (2) or more sign faces, contained in a single sign structure.

**Mural:** An illustration (with or without words or numbers) that is painted or otherwise applied (without projections) to an outside wall of a structure.

**Nonconforming Sign:** Any sign that lawfully exists prior to the effective date of this ordinance but which due to the requirements adopted herein, no

longer complies with the height, area and placement regulations or other provisions of these regulations.

**Owner:** As used in these regulations, "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed.

**Official Sign:** A sign erected by a governmental agency or its designee, setting forth information pursuant to law.

**Portable Sign:** Any sign that is not originally designed, regardless of any subsequent modification, to be permanently affixed to a building, structure, or the ground. These signs primarily include, but are not limited to, A frame or sandwich board signs; signs attached to wood or metal frames and designed to be self-supporting and movable, including trailer mounted reader boards. Portable signs are considered temporary signs as defined and used in this ordinance.

**Projecting Signs:** A sign the face of which is not parallel to the wall on which it is mounted, projecting more than 8 inches from a structure.

**Real Estate Sign:** A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space.

**Roof Line:** Either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)

**Roof Sign:** A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign.

**Rotating/Revolving Sign:** A sign, all or a portion of which, moves in some manner.

**Sign Face:** Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "Sign Area."

**Sign Height:** Height is measured from the grade of the curb line lowest to the base of the sign to the highest portion of the sign, sign structure or frame; whichever is greater highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the ground level shall be used to measure the height.

**Sign Structure:** The supports, uprights, braces, framework and other structural components of the sign.

**Temporary Sign:** A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support.

**Wall Sign:** A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 8 inches. A sign painted on an awning in which the face of the sign is approximately parallel to the wall shall also be considered a wall sign.

**Significant Change in Trip Generation:** A change or expansion in the use of property, land, structures or facilities causing an increase in the trip generation of the property exceeding: (1) local-10 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under local jurisdiction; or (2) State exceeding 25 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under state jurisdiction.

**Space, Manufactured Home:** An area reserved exclusively for the use of a single manufactured home.

**Start of Construction:** The date a building permit is issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement occurs within 180 days of the permit date.

**Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top most story shall be that portion of a building included between the upper surface of the top most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade as defined herein, such basement or cellar shall constitute a story.

# **Street:** The entire width between the boundary lines of a public or private way of travel for the purpose of providing ingress and egress for vehicular and pedestrian traffic and the placement of utilities to one or more lots, parcels, areas, or tracts of land. A private way is excluded that is created to provide

ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

**Alley:** A thoroughfare not more than 20 feet and not less than 10 feet in width, which has been dedicated or deeded to the public for public use providing a secondary means of access to abutting property.

**Arterial:** A street of considerable continuity that is used primarily for through traffic and interconnection between major areas and designated on the current Carlton Comprehensive Plan.

**Boundary:** A street that abuts the boundary of a development or site of a land use action.

**Collector:** A street supplementary to the arterial street system, used partly by through traffic and partly for access to abutting properties and designated on the current Carlton Comprehensive Plan.

**Cul de sac (dead end):** A short street with one end open to traffic and the other terminated by a vehicle turn around.

**Frontage Road:** A service road parallel and adjacent to an arterial street providing access to abutting properties, but protected from through traffic.

**Local Access Street:** A street intended primarily for access to abutting properties, but protected from through traffic.

**Private Street:** A street or right-of-way serving a subdivision or planned unit development that is not dedicated to the public or accepted by the City

**Structural Alteration:** Any change to the supporting members of a structure, including foundation bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

**Structure:** That which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner.

**Stub out (Stub street):** A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

**Subdivision:** To divide a tract of land into four or more lots within

a single calendar year when such land exists as a unit or contiguous units under a single ownership at the beginning of the year.

**Substantial Improvement:** The cost of any repair, reconstruction or improvement of a structure equal to or greater than fifty percent (50%) of its market value before such alteration occurred.

**Tax Lot:** A lot designation created by the County Assessor for the purpose of levying property taxes.

**Temporary Use:** A use that is 1) seasonal or directed toward a specific event; or 2) occasioned by an unforeseen event.

**Trailer (Travel or Vacation):** See Recreational Vehicle.

**Travel Trailer Parks:** See Campground, or, Recreational Vehicle Park.

**Unstable Soil:** Any soil type, as defined by the U.S. Natural Resources Conservation Service and identified in the Comprehensive Plan, which has severe limitations for development due to potential flooding, erosion, structural instability or inadequate sewage waste disposal.

**Urban Growth Boundary:** An adopted boundary around the City which defines the area in which the City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Yamhill County.

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

**Veterinary Clinic:** A facility designed to contain treatment and temporary care facilities for the cure and prevention of ailments or injuries of domestic animals, including both domestic pets and farm animals, under the direction of a licensed veterinarian.

# **Vision Clearance Area:** A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lines measured from the corner intersection of the right of way lines. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the right of way lines will be extended in a straight line to a point of intersection.

**Visual obstruction:** Any fence, hedge, tree, shrub, device, wall or structure between the elevations of three and eight feet above the adjacent curb height or above the elevation of the street edge where there is no curb, as determined by the City engineer, as so located at a street, drive, or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on said streets, drives, or alleys.

**Walkway** A right-of-way deeded, dedicated, and designated for the use of nonmotorized vehicles and pedestrians.

**Warehouse:** A place for the safekeeping of goods and materials necessary for the functioning of an industrial or commercial enterprise.

**Wholesale:** The bulk sale of goods for resale to a person other than the direct consumer.

**Yard:** An open space on a lot that is unobstructed from the ground upward except as otherwise provided in this ordinance.

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

# **Yard, Rear:** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto at the nearest point of the foundation of the main structure.

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

# **Zero Side Yard:** No required set back from the adjacent property line.

## **1.300 FILES AND RECORDS RETENTION**

### **1.300.01 Purpose**

The preservation of land use records essential to meet the needs of the City of Carlton and to conform to the requirements Secretary of State, Archives



## Division.

### 1.300.02 General

The following constitutes the minimum records retention for various categories of land use records. When the requirements of the Secretary of State, Archives Division, are greater, those guidelines shall prevail.

Records may be created and retained in a variety of media and physical formats, including but not limited to paper, microfilm, sound recordings, video recordings, magnetic tape and disk, and optical disk.

### 1.300.03 Records Retention

A. Council Meeting Records. Records documenting the proceedings of the council and may include minutes, agendas, tape recordings, exhibits, materials distributed by citizens, and other records.

#### **Minimum retention:**

1. Minutes, agendas, resolutions, and exhibits: Permanent.
2. Audio or visual recordings: 1 year after minutes prepared.
3. Other records: 5 years.

B. Planning Records. Records relating to General or comprehensive Plan Amendments, Land Use Map Changes, Annexations, Development Code amendments and code interpretations. Any other documents adopted to guide long term city growth and development of the city. May include public hearings records, plans, amendments, staff reports, periodic review records, maps, and other related records.

#### **Minimum retention: Permanent**

C. Historic Structures Inventory Records. Records documenting the results of inventory projects to designate historic properties within the city in conjunction with Oregon Land Conservation and Development Commission Goal 5 procedures.

**Minimum retention: Permanent.**

D. Zone Change Records. Applications and decisions related to rezoning land. May include applications, staff reports, technical notes, approval orders, and related records.

**Minimum retention:**

1. Findings of fact, and decision documents: Permanent.
2. Other records: 10 years after approval or denial.

E. Subdivision and Planned Unit development Records. May include applications, site locations, site plans, staff reports, appeals reports, decision statements, maps, and related records.

**Minimum retention:**

1. If approved and city conditions met: Permanent;
2. If not approved: 10 years after expiration or revocation.

F. Partition and lot line adjustment Records. Applications, staff reports, technical notes, approval orders, maps, and related records.

**Minimum retention:**

1. If approved and filed: Permanent.
2. If not: 10 years after denial, expiration or revocation.

G. Conditional Use Permit Records. Applications and decisions related to conditional use permit requests. May include applications, site plans, staff reports, and related records.

**Minimum retention: 10 years after expiration, revocation, or discontinuance of use.**

H. Variance Records. May include applications, site plans, descriptions of requests, site plans, staff reports, and related records.

**Minimum retention:** 10 years after expiration, revocation, or discontinuance of use.

I. Development Review Records. Records also may include applications, site plans, staff reports, maps, and related documents. Three-dimensional exhibits such as sample boards of brick, tile, and other building materials are not public records.

**Minimum retention:** 5 years.

J. Sign Review Records. May include, descriptions, drawings, photographs, reports, applications, and related records.

**Minimum retention:** Life of the structure.

K. Temporary Use Records. Records documenting actions relating to Home Occupations, fence permits, and non-conforming uses. May include applications, permits, staff reports, approval orders, and other documents.

**Minimum retention:** 5 years after discontinuance of use.

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### **2.200 GENERAL DEVELOPMENT STANDARDS**

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- 2.404.01     [Permitted Uses](#)

**2.101**                      **SUBURBAN RESIDENTIAL (SR)****2.101.01**                      **Purpose**

The Suburban Residential (SR) District preserves existing single-family residential areas and provides for future single-family residential housing opportunities The SR District is consistent with the Residential Comprehensive Plan designation.

**2.101.02**                      **Permitted Uses**

The following uses are permitted in the SR District:

- A. Single-family dwelling, including a single-family manufactured home subject to **Section 2.303**.
- B. Duplex dwelling on a corner lot.
- C. Public park and recreation area.
- D. Planned unit development subject to the provisions of **Section 2.302**.
- E. Child care facilities, as defined by Oregon Revised Statutes Chapter 657A.
- F. Residential care homes, as defined by this ordinance. All residential care homes shall be duly licensed by the State of Oregon.
- G. Home Occupation, subject to the provisions of Section 2.305.

### **2.101.03 Conditional Uses**

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with **Section 3.103**.

- A. Place of Worship
- B. Public or private school
- C. Community building
- D. Utility facility including utility right-of-ways
- E. Bed and Breakfast

### **2.101.04 Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the SR District except for modifications permitted under **Section 2.402**.

- A. Minimum Lot Area

- |    |                         |                   |
|----|-------------------------|-------------------|
| 1. | Single-family dwelling: | 7,500 square feet |
|    | Duplex:                 | 9,000 square feet |

2. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

B. Minimum Yard Setback Requirements. All principal and accessory structures shall maintain the following minimum yard setbacks:

- |    |                                |         |
|----|--------------------------------|---------|
| 1. | Front Yard                     | 20 feet |
| 2. | Rear Yard                      | 15 feet |
| 3. | Side Yard (interior)           | 5 feet  |
|    | Side Yard (adjacent to street) | 20 feet |

4. Nonconforming structures: Regardless of the above the minimum distance between a proposed structure and an existing structure on another parcel shall be 10 feet.

C. Maximum Structure Height 35 feet

D. Minimum Lot Width at Building Line 75 feet

## **2.101.05 Development Standards**

All development in the SR District shall comply with the applicable provisions of **Section 2.400**. In addition, the following specific standards shall apply:

A. Accessory structures. Accessory structures as provided for in **Section 2.210**.

B. Off street parking. Parking shall be as specified in **Section 2.203**.

C. Subdivisions and partitions. Land divisions shall be reviewed in accordance with the provisions of **Section 3.108** or **3.109**.

D. Lot Coverage. The following shall mean the maximum permitted lot coverage, including coverage by public and private parking areas or garages:

- Maximum lot coverage: 35%
- Maximum parking area coverage: 30%
- Combined maximum lot and parking area coverage: 65%

E. Yards and Lots. Yards and lots shall conform to the standards of **Section 2.209**.

F. Signs. Signs shall conform to the requirements of **Section 2.206**.

G. Driveways. Driveways shall be separated from an intersection by at least 50 feet or one-half the lot frontage, whichever is greater.

**2.102 MANUFACTURED HOME (MH)**

**2.102.01 Purpose**

The Manufactured Home (MH) District provides areas for the development of residential manufactured home parks to increase the choice and mixture of single-family housing opportunities. The MH District is consistent with the Residential Comprehensive Plan designation.

**2.102.02 Permitted Uses**

The following uses are permitted in the MH District:

- A. Single-family dwelling; including a single-family manufactured home subject to **Section 2.303**.
- B. Public park and recreation area
- C. Planned unit development subject to the provisions of **Section 2.302**
- D. Child care facilities, as defined by Oregon Revised Statutes Chapter 657A.
- E. Residential care homes, as defined by this ordinance. All residential care homes shall be duly licensed by the State of Oregon.
- F. Home occupation, subject to the provisions in Section 2.305.

**2.102.03 Conditional Uses**

The following uses are permitted as conditional uses, provided that such uses are

approved in accordance with **Section 3.103**.

- A. Manufactured Home Park subject to the provisions of **Section 2.304**
- B. Place of Worship
- C. Public or private school
- D. Community building
- E. Utility facility including utility right-of-ways

#### **2.102.04 Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the MH District except as provided for Manufactured Home Parks under **Section 2304** or for modifications permitted under **Section 2.402**.

##### A. Minimum Lot Area

1. Single-family dwelling: 7,500 square feet

2. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

##### B. Minimum Yard Setback Requirements All principal and accessory structures shall maintain the following minimum yard setbacks:

1. Front Yard 20 feet

2. Rear Yard 15 feet

3. Side Yard (interior) 5 feet  
Side Yard (adjacent to street) 20 feet

C. Maximum Structure Height 35 feet

D. Minimum Lot Width at Building Line 75 feet

#### **2.102.05 Development Standards**

Except as otherwise provided for Manufactured Home Parks under **Section 2304**, all development in the MH District shall comply with the applicable provisions of **Section 2.400**. In addition, the following specific standards shall apply:

A. Accessory structures. Accessory structures as provided for in **Section 2.210**.

B. Off street parking. Parking shall be as specified in **Section 2.203**.

C. Partitions. Land divisions shall be reviewed in accordance with the provisions of **Section 3.108**.

D. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:

Maximum lot coverage: 35%

Maximum parking area coverage: 30%

Combined maximum lot and parking area coverage: 65%

E. Yards and Lots. Yards and lots shall conform to the standards of **Section 2.209**.

F. Signs. Signs shall conform to the requirements of **Section 2.206**.

G. Driveways. Driveways entering public streets shall be separated from an intersection by at least 50 feet or one-half the lot frontage, whichever is greater.

## **2.103 MULTI-FAMILY RESIDENTIAL (MR)**

### **2.103.01 Purpose**

The Multi-Family Residential (MR) District provides opportunities for higher density housing in close proximity to substantial commercial and public development where full urban services are available. The MR District is consistent with the Residential Comprehensive Plan designation.

### **2.103.02 Permitted Uses**

The following uses are permitted in the MR district:

- A. Duplex dwelling, Multi-family dwellings, Manufactured Home Parks subject to **Section 2.304**.
- B. Public park and recreation area
- C. Planned unit development subject to the provisions of **Sections 2.302**.
- D. Boarding, lodging, or rooming house.
- E. Child care facilities, as defined by Oregon Revised Statutes Chapter 657A.
- F. Residential care homes and Residential Care facilities, as defined by this ordinance. All residential care homes and residential care facilities shall be duly licensed by the State of Oregon.
- G. Home occupation, subject to the provisions of Section 2.305.

### **2.103.03 Conditional Uses**

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with **Section 3.103**.

- A. Place of Worship
- B. Public or private school
- C. Community building
- D. Utility facility including utility right-of-ways
- E. Single-family Dwelling, including a single-family manufactured home subject to **Section 2.303**.
- F. Bed and Breakfast

### **2.103.04 Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the MR District except for modifications permitted under **Section 2.402**.

- A. Minimum Lot Area



- |                               |    |   |                   |
|-------------------------------|----|---|-------------------|
|                               | 1. | Single-family dwelling:                           | 6,000 square feet |
| Duplex:                       |    | 8,000 square feet                                 |                   |
| Multi-family dwelling, 3 unit |    | 9,500 square feet                                 |                   |
|                               |    | plus 1,500 square feet per unit in excess 3 units |                   |
2. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

B. Minimum Yard Setback Requirements. All principal and accessory structures shall maintain the following minimum yard setbacks:

- |    |                                |         |
|----|--------------------------------|---------|
| 1. | Front Yard                     | 20 feet |
| 2. | Rear Yard                      | 15 feet |
| 3. | Side Yard (interior)           | 7½ feet |
|    | Side Yard (adjacent to street) | 20 feet |
- C. Maximum Structure Height 35 feet

### 2.103.05 Development Standards

All development in the MR District shall comply with the applicable provisions of **Section 2.400**. In addition, the following specific standards shall apply:

- A. Accessory structures. Accessory structures as provided for in **Section 2.210**.
- B. Off street parking. Parking shall be as specified in **Section 2.203**.
- C. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of **Section 3.108** or **3.109**.
- D. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:
- |  |     |
|--|-----|
| Maximum building coverage:                           | 40% |
| Maximum parking area coverage:                       | 30% |
| Combined maximum building and parking area coverage: | 70% |

- E. Multi-family residential uses (three or more units) shall be subject to the Site Design Review procedures of **Section 3.104**.
- F. Landscaping. Multi-family dwelling developments shall provide a minimum landscaped area equal to 25 percent of the gross site area. Landscaping improvements shall be installed and maintained in accordance with **Section 2.207**.
- G. Signs. Signs shall conform to the requirements of **Section 2.206**.
- H. Driveways. Driveways shall be separated from an intersection by at least 50 feet or one-half the lot frontage, whichever is greater.

## **2.104 COMMERCIAL BUSINESS (CB)**

### **2.104.01 Purpose**

The Commercial Business (CB) District provides an area for the establishment of an designed commercial core. It provides a broad range of commercial uses appropriate within a shopping district, and a visual attraction for visitors.

### **2.104.02 Permitted Uses**

The following uses are permitted outright in the Commercial Business District, subject to the Site Design Review in accordance with **Section 3.104**:

- A. Residences that are located on the second story above a permitted use commercial building
- B. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; and, miscellaneous offices such as detective agencies, drafting services or contractors offices
- C. Professional offices including, but not limited to, medical, dental, engineering and legal services.
- D. Art gallery, artisan's or craftsman's studio, photographic studio, picture framing

- E. Banks and other financial institutions
- F. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types retail activities
- G. Restaurants, delicatessen, taverns, snack shops and other types of eating and drinking establishments
- H. Bakery, butcher shop, candy manufacturing when retail sales are provided on the premises
- I. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use
- J. Service related businesses such as barber shops, beauty shops, advertising agencies, printing or photocopying, dancing or music school, health and fitness club, or other activities where the primary activity is the providing of a service to retail customers
- K. Bed and breakfast.
- L. Place of worship, club lodge, or fraternal organizations

**2.104.03 Conditional Uses**

The following conditional uses are allowed in the Commercial Business District subject to obtaining a conditional use permit per **Section 3.103** and completing a Site Design Review in accordance with **Section 3.104**:

- A. Automobile, truck, motorcycle, trailer, recreational vehicle and boat sales or repair.
- B. Retail tire sales, service and repair; tire recapping, service and repair, paint and body shop.
- C. Automobile service station, including towing services and vehicle washing and polishing facilities, and services.

- D. Parts and accessory sales for automobiles, trucks, motorcycles, trailers, recreational vehicles and boats.
- E. Lumberyard and contracting supplies for lumber, stone, masonry or metal (sales only).
- F. Special trade contracting facilities such as; floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting.
- G. Welding shop and blacksmith where activities are conducted wholly within a building.
- H. Newspaper, periodical, publishing and printing.
- I. Tractor and farm equipment, logging equipment sales and service.
- J. Veterinary clinics.
- K. Drive-in restaurant
- L. Cabinet shop, conducted wholly within a building
- M. Tent and awning shop
  - N. Public utility buildings and structures
  - O. Theaters, including movie theaters
- P. Public automobile parking as specified in **Section 2.203**.
- Q. Wineries, and wine sales and tasting rooms operated in conjunction with a winery.

#### **2.104.04 Limitations on Use**

- A. All business, services, processing, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
  - 1. Off-street parking or loading
  - 2. Drive-through windows or service stations

3. Temporary display and sales of merchandise, not exceeding three days in any seven day period, provided it is under cover of a projecting roof and does not interfere with pedestrian, bicycle, or automobile circulation

4. Business which, in all cases, require outdoor storage of merchandise, e.g., automobile, RV sales lots, or gas stations

B. Not more than 50 percent of the floor area of the building and not more than 25 percent of the lot area of the commercial enterprise shall be used in the manufacturing, processing, or compounding of products.

## 2.104.05 Dimensional Standards

The following minimum dimensional standards, with the exception of modifications permitted under **Section 2.402**.

- A. Minimum lot area: None
- B. Minimum yard setbacks:
1. Front Yard No front yard setback permitted except as provided in paragraph D below.
  2. Rear Yard
 

None	Adjoining a non-residential district	
	Adjoining a residential district	15 feet
  3. Side Yard
 

Adjoining a street	No side yard setback permitted except as provided in paragraph D below.	
None	Adjoining a non-residential district	
feet	Adjoining a residential district	10
- C. Maximum structure height: 35 feet

D. A set back from the street line may be permitted subject to Design Review for a pedestrian plaza, landscaping, or similar purpose. No outside storage, driveways, loading or parking shall be allowed.

## **2.104.06 Development Standards**

All developments in the CB District shall comply with the applicable provisions of **Section 2.400**. In addition, the following specific standards shall apply:

A. Off-Street Parking. Off street parking, if provided, shall be located at the rear of the property in accordance with **Section 2.203**.

B. Signs. Signs in the CB District shall be subject to the provisions of **Section 2.206**.

C. Subdivisions and Partitions. All land divisions shall be reviewed in accordance with the provisions of **Section 3.108** or **3.109**.

D. Design Review. All new development and expansion of an existing structure or use in the Commercial Business District shall be subject to the Site Design Review procedures of **Section 3.104**.

E. Landscaping. All required yard areas shall be landscaped in addition for each multi-family dwelling in excess of two units an additional 500 square feet of landscaped yard shall be required. Landscaping improvements shall be installed and maintained in accordance with **Section 2.207**.

## **2.105 COMMERCIAL INDUSTRIAL (C I)**

### **2.105.01 Purpose**

The Commercial Industrial (CI) District provides areas for a range of commercial light manufacturing, wholesale, transportation, and service uses. To assure compatibility between these uses and adjacent residential and industrial uses, special design standards are specified.

### **2.105.02 Permitted Uses**

The following uses are permitted in the C I District, subject to a Site Design

Review in accordance with **Section 3.104**:

- A. All uses permitted in the CB District, **Subsection 2.104.02**.
- B. All conditional uses in the CB District, **Subsection 2.104.03**.
- C. Warehouses including mini-warehouse storage; assembly, including light manufacturing, processing, packaging, treatment, fabrication of goods or merchandise; laboratories, offices, bottling and distribution centers, light repair facilities, wholesale businesses, and similar uses. These uses must be located and arranged according to a plan providing for aesthetic and other conditions in harmony with the neighborhood, and not be offensive or obnoxious by reason of emission of odor, dust, smoke, gas, light, noise or vibration. All proposed uses must be approved by the Planning Commission.

### **2.105.03 Conditional Uses**

The following conditional uses are allowed in the Commercial Industrial District subject to obtaining a conditional use permit per **Section 3.103** and completing a Site Design Review in accordance with **Section 3.104**: Public utility structures, such as pump stations, reservoirs, and electric substations.

### **2.105.04 Limitations on Use**

All business, services, processing, or merchandise displays shall be conducted wholly within an enclosed building except for the following:

1. Off-street parking or loading
2. Drive-through windows or service stations
3. Temporary display and sales of merchandise provided it is under cover of a projecting roof and does not interfere with pedestrian, bicycle, or automobile circulation
4. Business which, in all cases, require outdoor storage of merchandise, e.g., automobile, RV sales lots, or gas stations

### **2.105.05 Dimensional Standards**

The following minimum dimensional standards, with the exception of

modifications permitted under **Section 2.402**.

- A. Minimum lot area: None
- B. Minimum yard setbacks:
1. Front Yard
 

Adjoining a non-residential district	None
Adjoining a residential district	20 feet
  2. Rear Yard
 

Adjoining a non-residential district	None
Adjoining a residential district	20 feet
  3. Side Yard
 

Adjoining a non-residential district	None
Adjoining a residential district	20 feet
- C. Maximum structure height: 45 feet

## **2.105.06 Development Standards**

All developments in the CI District shall comply with the applicable provisions of **Section 2.400**. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Off street parking shall be as specified in **Section 2.203**.
- B. Signs. Signs shall be subject to the provisions of **Section 2.206**.
- C. Subdivisions and Partitions. All land divisions shall be reviewed in accordance with the provisions of **Section 3.108** or **3.109**.
- D. Design Review. All new development and expansion of an existing structure or use shall be subject to the Site Design Review procedures of **Section 3.104**.
- E. Landscaping. Landscaping improvements shall be installed and maintained in all yard areas in accordance with **Section 2.207**.



F. **Screening.** Screening shall be required for the following:

1. All outdoor storage areas shall be screened by a six-foot sight-obscuring fence or wall.
2. Where a commercial use abuts a residential zone, a six-foot sight-obscuring fence or wall shall be installed along the full length of the property line. This requirement shall not cause the placement of a fence or wall in the vision clearance area.

**2.106 GENERAL INDUSTRIAL (IG)**

**2.106.01 Purpose**

The General Industrial (IG) District provides land for and to encourage the grouping together of warehousing, manufacturing, and other industrial uses which, because of their normal characteristics, would be relatively objectionable when operated in close proximity to business commercial and residential uses.

**2.106.02 Permitted Uses**

A. Public utility and public service installations, including repair and storage facilities and personal wireless service facilities.

B. Warehouses including mini-warehouse storage; assembly, including light manufacturing, processing, packaging, treatment, fabrication of goods or merchandise; laboratories, offices, bottling and distribution centers, light repair facilities, wholesale businesses, and similar uses. These uses must be located and arranged according to a plan providing for aesthetic and other conditions in harmony with the neighborhood, and not be offensive or obnoxious by reason of emission of odor, dust, smoke, gas, light, noise or vibration. All proposed uses must be approved by the Planning Commission.

**2.106.03 Conditional Uses**

The following uses may be allowed in an IG district subject to obtaining a conditional use permit per **Section 3.103**.

A. Junk Yard.

- B. Bulk storage of flammable liquids or gases.
- C. Concrete or asphalt batch plants.
- D. Chemical, fertilizer, insecticide, or paint product manufacturing.
- E. Extraction and processing of minerals, rocks, sand, gravel, or other earth products.

#### **2.106.04 Prohibited Uses**

##### **A. Rendering plants**

B. Any other use which is or can be operated in such a manner as to create a dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt, or other forms of air pollution; electrical or other disturbance; glare; or other substance, condition or element in such amount as to adversely affect the surrounding area or premises.

#### **2.106.05 Limitations on Use**

The following special development limitations shall apply:

- A. Outside storage abutting or facing a residential or commercial zone shall be enclosed by a sight-obscuring fence or wall.
- B. Requirements:
  - 1. The fence or wall shall obstruct the storage from view on the sides of the property abutting or facing these zones and shall be at least six feet in height or the maximum height of the stored materials, whichever is greater.
  - 2. The fence or wall shall be of such material and design that it will reduce noise emanating from the site; and have an appearance and be maintained so as not to detract from the adjacent residences or commercial activities.
  - 3. The fence or wall shall be free of advertising, graffiti or extraneous markings.

- C. Outside storage in a required yard shall not exceed 8 feet in height.

## 2.106.06 Dimensional Standards

The following minimum dimensional standards, with the exception of modifications permitted under **Section 2.402**.

- A. Minimum Lot Size: None

- B. Setback Requirements:

1. Front yard

Adjoining a non-residential district	None
Adjoining a residential district	20 feet

2. Side yard

Adjoining a non-residential district	None
Adjoining a residential district	20 feet

3. Rear yard

Adjoining a non-residential district	None
Adjoining a residential district	20 feet

- C. Maximum Building Height shall not exceed 45 feet except a greater height may be approved as part of a conditional use permit.

## 2.106.07 Development Standards

All development in the General Industrial District shall comply with the applicable provisions of **Section 2.400**. In addition, the following specific standards shall apply:

- A. Off street parking. Off street parking shall conform to the standards of **Section 2.203**.

- B. Signs. Signs shall conform to the provisions of **Section 2.206**.

C. Design Review. All new development or expansion of existing structures or uses shall be subject to the Site Design Review procedures of **Section 3.104**.

D. Subdivisions and Partitions. All land divisions shall be reviewed in accordance with the provisions of **Section 3.108** or **3.109**.

E. Landscaping. Landscaping improvements shall be installed and maintained in all yard areas accordance with **Section 2.207**.

## **2.107 PUBLIC FACILITY (PF)**

### **2.107.01 Purpose**

The Public Facility (PF) District provides for the location of large public and semi-public lands, buildings, facilities and uses in a manner that will not unreasonably disrupt or alter areas of the community.

### **2.107.02 Permitted Uses**

The following uses are permitted in the PF District and subject to a Site Design Review:

A. Publicly owned buildings and facilities such as city halls, community centers, libraries, schools, fire stations and police stations

B. Public outdoor recreation facilities such as parks, swimming pools, golf courses and playgrounds

C. Public utility structures and buildings, such as pump stations, communication or transmission towers, reservoirs, electric substations, water and sewage treatment facilities and necessary right-of-way for identified public utilities; including office or administrative buildings

D. Lands designated for public open space such as nature preserves or scenic areas

E. Uses clearly accessory and subordinate to the above

### **2.107.03 Reserved**

### **2.107.04 Reserved**

**2.107.05 Dimensional Standards**

The following dimensional standards, with the exception of modifications allowed under **Section 2.402**, shall be required for all development in the Public Facility District:

- A. Minimum lot area: None
- B. Minimum yard setbacks:
1. Front yard
    - a. Adjoining a non-residential districts None
    - b. Adjoining a residential district 20 feet
  2. Side yard
    - a. Adjoining a non-residential districts None
    - b. Adjoining a residential district 20 feet
  3. Rear yard
    - a. Adjoining a non-residential districts None
    - b. Adjoining a residential district 20 feet
- C. Maximum Building Height: 45 feet

**2.107.06 Development Standards**

All development in the Public Facility District shall comply with the applicable provisions of **Section 2.400**. In addition, the following specific standards shall apply:

- A. Off street parking. Off street parking shall conform to the standards of **Section 2.203**.
- B. Signs. Signs shall conform to the provisions of **Section**

**2.206.**

C. Design Review. All new development or expansion of existing structure or use shall be subject to the Site Design Review procedures of **Section 3.104**.

D. Subdivisions and Partitions. All land divisions shall be reviewed in accordance with the provisions of **Section 3.108** or **3.109**.

E. Landscaping. Landscaping improvements shall be installed and maintained in all yard areas accordance with **Section 2.207**.

**2.108 AGRICULTURAL HOLDING (AH)****2.108.01 Purpose**

The Agricultural Holding (AH) District allows an orderly phasing of urban development of land. It is a holding district that allows agricultural uses to continue until such time that the agricultural lands are needed for urban uses and public facilities and services are available. Conversion of AH property to a non-agricultural use requires a zone change in accordance with **Section 3.110**.

**2.108.02 Permitted Uses**

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

- A. Raising or harvesting crops; for the feeding, breeding, and management of livestock; for dairy; or for any other agricultural or horticultural use or any combination thereof. Includes the preparation of the products raised thereon for man's use and disposal by marketing or otherwise.
- B. Wineries, and wine sales and tasting rooms when operated in conjunction with a winery.
- C. One single-family dwelling or a single-family manufactured home subject to **Section 2.303** for owners, operators, or help required to carry out a use specified in **Subsection 2.108.02 (A)** contingent upon the availability of sewer and water services.
- D. Accessory buildings as are needed and normally required in connections with a use specified in **Subsection 2.108.02 (A)**.

### 2.108.03 Conditional Uses

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with **Section 3.103**.

- A. The establishment of more than one dwelling in conjunction with farm use
- B. Utility facility including utility right-of-ways

### 2.108.04 Limitations on Use

- A. The term Livestock, as used in this District, shall not include swine.
- B. No Livestock shall be kept on parcels of less than three (3) acres.
- C. Poultry or bees shall not be kept on parcels of less than one (1) acre.
- D. The total livestock permitted per parcel shall be limited to the square footage of the parcel divided by the minimum area required for each animal listed as follows:
 

1.	Livestock	25,000 square feet per animal over 6 months of age.
2.	Poultry	500 square feet per animal.
3.	Bees	1,000 square feet per colony
- E. If a residence is located on a parcel described in (D) above, the lot area per animal shall be in addition to a 7,500 square foot per residence requirement.
- F. Animal shelters shall not be located closer than seventy (70) feet to an abutting street or non-agricultural district.

### 2.108.05 Dimensional Standards

The following minimum dimensional standards, with the exception of modifications permitted under **Section 2.402**, shall be required for all development in the Agricultural Holding District.

feet	A.	Minimum lot area:	7,500 square
	B.	Minimum yard setbacks:	
	1.	Front Yard	20 feet
		2.	Rear Yard 15 feet
		3.	Side Yard (interior) 5 feet
			Side Yard (adjacent to street) 20 feet
	C.	Maximum structure height:	45 feet

## 2.108.06 Development Standards

All developments in the AH District shall comply with the applicable provisions of **Section 2.400**. In addition, the following specific standards shall apply:

- A. Accessory structures Accessory structures as provided for in **Section 2.210**.
- B. Off-Street Parking. Off street parking, as specified in **Section 2.203**.
- C. Signs. Signs shall be subject to the provisions of **Section 2.206**.
- D. Partitions. Land divisions shall be reviewed in accordance with the provisions of **Section 3.108**.

## 2.110 MIXED DENSITY RESIDENTIAL (MX) ZONE

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



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

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

- A mixing of residential housing types including detached single-family dwellings, apartments, and townhouses.
- Studio apartment units in the same structure with single-family dwellings or their detached garage.
- Generally regular geometric network of streets, alleys and blocks arranged to provide easy orientation and alternative routes for each destination.
- A hierarchy of streets, including narrow streets convenient for a balanced mix of pedestrians and automobiles, and wider streets to carry greater traffic.
- Well-configured squares, gardens, and open spaces woven into street and block patterns and dedicated to collective social activity, recreation and visual enjoyment.

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

- A. The intent of the MX Zone is to achieve an overall density of nine (9) dwelling units per net acre of residential land.
- B. To reflect the demand for rental and higher-density housing within the region, at least 25 percent of the units must be either in multi-family or attached single-family structures, e.g., townhomes or duplexes.
- C. To meet the continuing demand for single-family housing while reducing land costs, the majority of residential land in each neighborhood should be for higher-density single-family housing, either detached (generally between six (6) to nine (9) dwellings per net acre) or attached (generally between nine (9) to twelve (12) dwellings per net acre).

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

- A. Residential dwellings, including single-family, manufactured homes, and multifamily structures.
- B. Open Space Uses.
- C. Residential Care Homes and Facilities. All residential care homes and residential care facilities shall be duly licensed by the State of Oregon.
- D. Child care facilities, as defined by this ordinance, with ORS 657A.030 and 657A.250 to 657A.450.

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

- A. Manufactured Dwelling Park, in accordance with the provisions of Section 2.304.

### 2.110.05 **Building Setbacks.**

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

### 2.110.06 **Lot Requirements.**

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

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

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

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

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

### 2.110.08 **Building Orientation.**

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

B. Applicability. This section applies to:

1. Single Family attached townhomes, which are subject to Site Development Review (2 or more attached units);

2. Multi-Family Housing;

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

1. Compliance with the setback standards in Section 2.110.025.

2. All buildings shall have their primary entrance(s) oriented to the street. Multi-family buildings entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street. In this case, at least one entrance shall be provided not more than 20 feet from the closest sidewalk or street.

3. Off-street parking, drives or other vehicle areas shall not be placed between buildings and streets where building placement complies with this standard.

## **2.110.09 Architectural Guidelines and Standards**

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

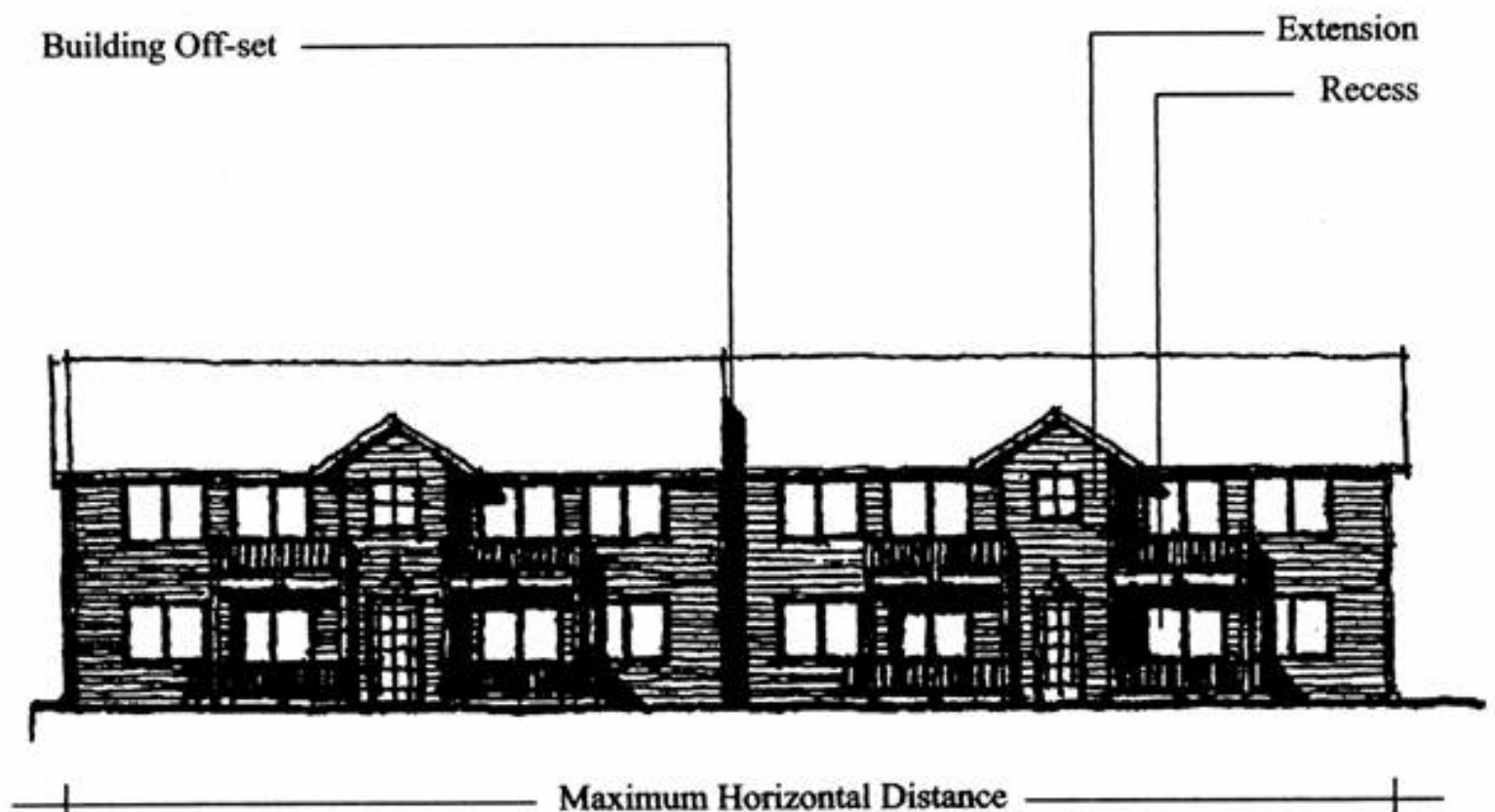
B. Applicability. This section applies to all of the following types of buildings, and shall be applied during Site Design Review:

1. Single family attached townhomes, which are subject to Site Design Review (2 or more attached units)];

2. Multi-family housing; and
3. Duplexes and Triplexes.

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

**Figure 2.110(1) – Building Form (Multifamily Housing Example)**



1. **Building Form.** The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed 160 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in Figure 2.110(1). Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:

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

2. Eyes on the Street. All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of 50 percent of front (i.e., street-facing) elevations, and a minimum of 25 percent of side and rear building elevations, as applicable, shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

**Figure 2.110(2a) – Examples of Architectural Details (Continued on next page)**

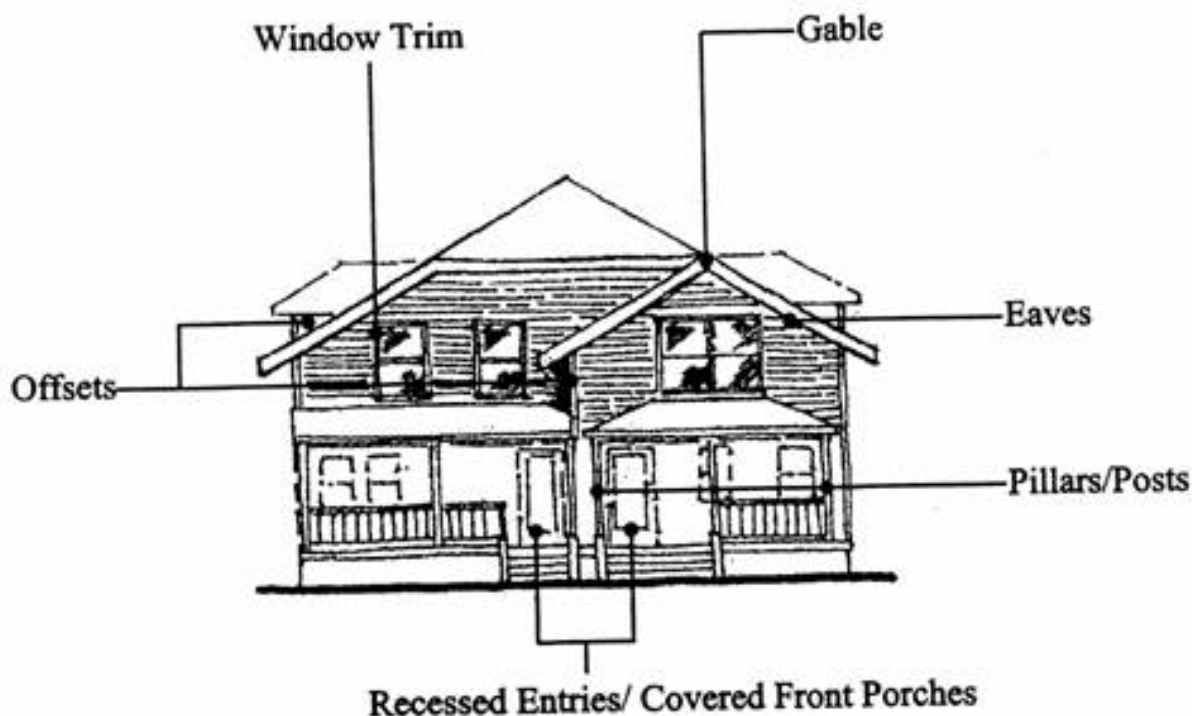
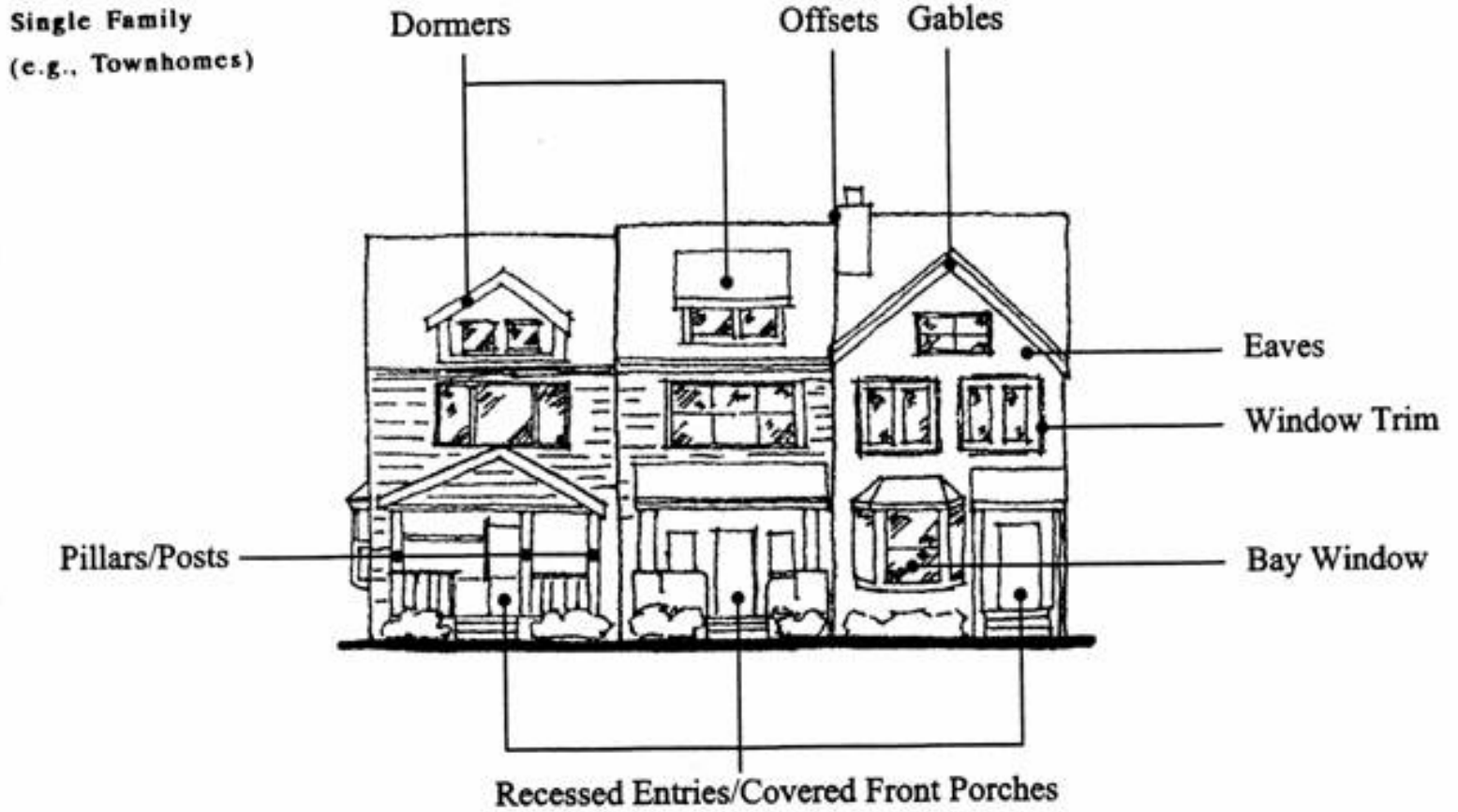


Figure 2.110(2) – Examples of Architectural Details (Continued)



**Multi-Family Housing**

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

- a. Dormers
- b. Gables
- c. Recessed entries



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

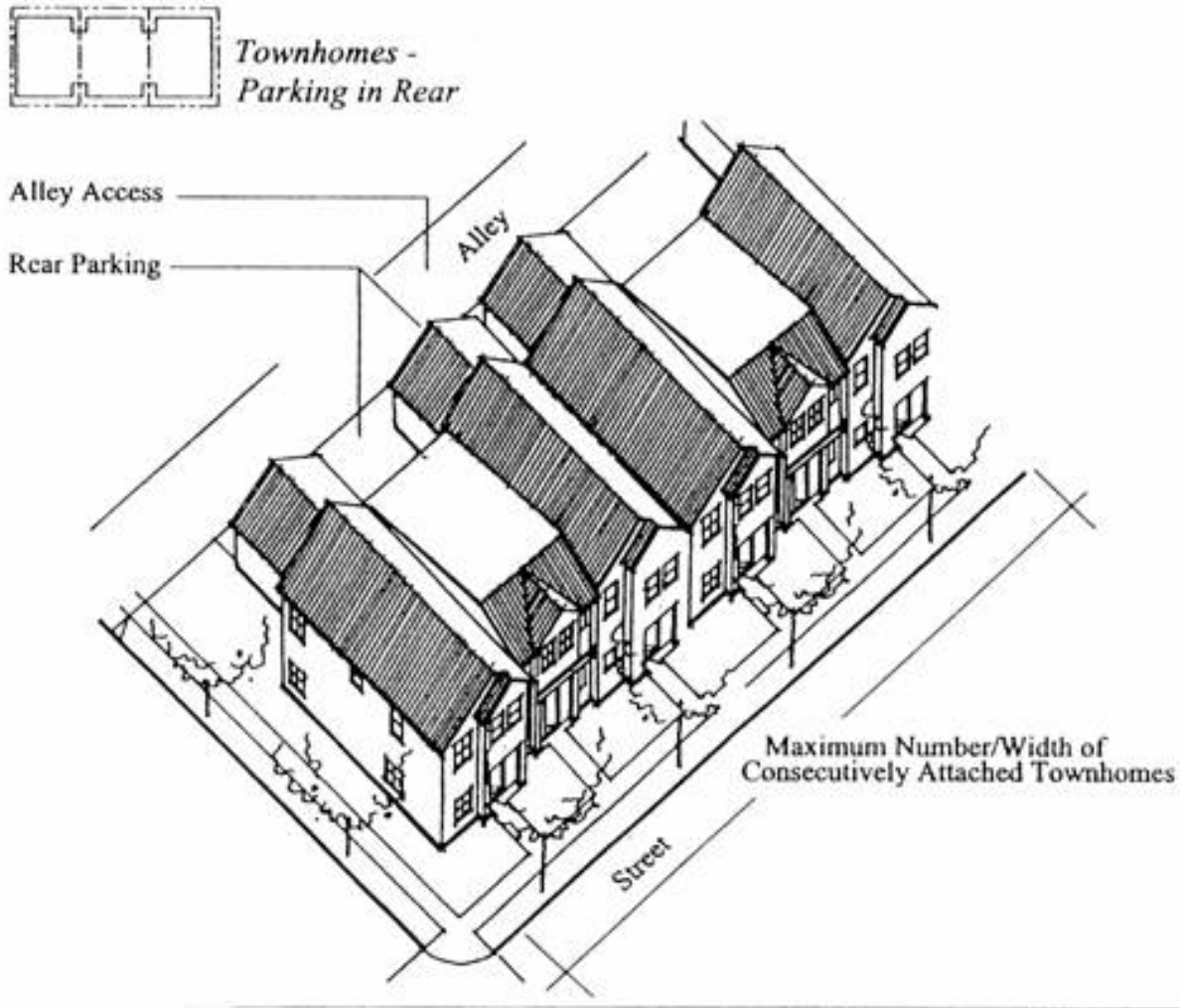
## **2.110.010 Special Standards for Certain Uses**

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

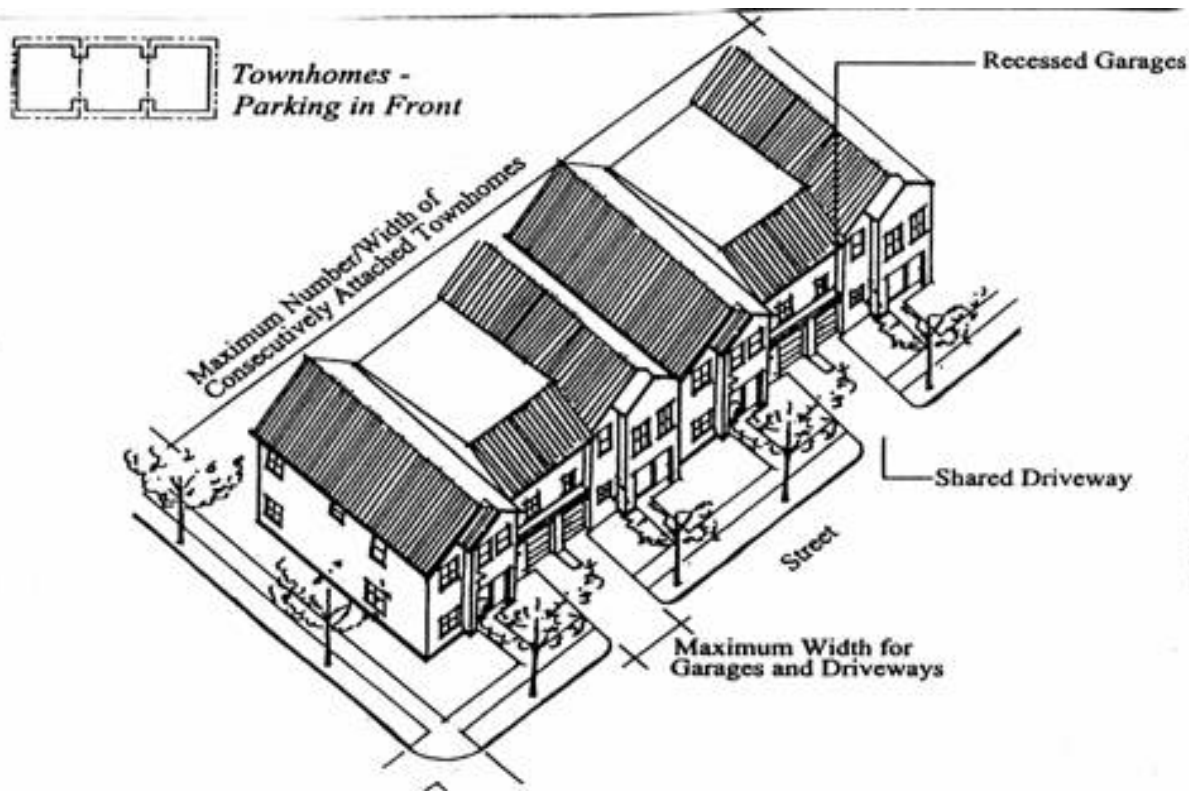
1. Building Mass Supplemental Standard. Within the Mixed Residential (MX) District, the maximum number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed four (4) units, or 80 feet (from end-wall to end-wall), whichever is less.

2. Townhome, duplex and triplex subdivisions (4 or more lots) may receive vehicle access from a rear alley. Alley(s) shall be created at the time of subdivision approval. Alleys are not required when existing development patterns or topography make construction of an alley impracticable (See #3 for standards). As necessary, the city shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Section 2.211 for access and circulation.

***Figure 2.110 (4) - Townhomes and Multiplex Housing With Alley Access***



**Figure 2.110(5) - Townhomes and Multiplex Housing With Street Access**



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

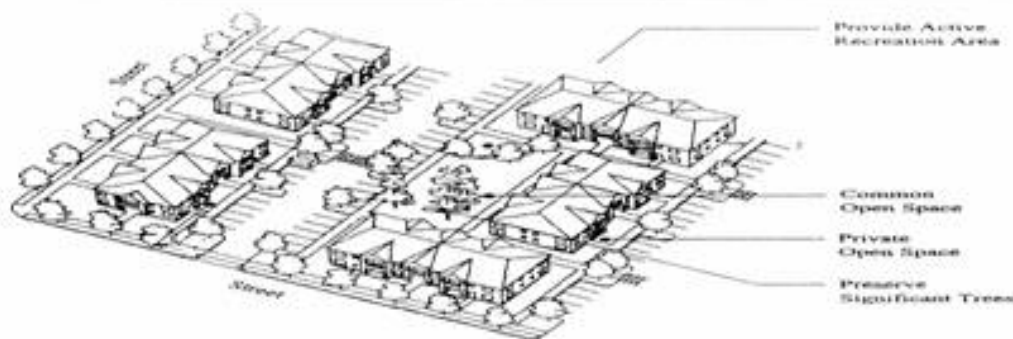
- a. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.
- b. The maximum allowable driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of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

developer shall record an access and maintenance easement/agreement to benefit each lot, before building permit issuance.

4. Common Areas. “Common areas” (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city before building permit approval.

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

**Figure 2.110(6) – Multifamily Housing (typical site layout)**



1. Building Mass Supplemental Standard. Within the Mixed Residential (MX) Zone, the maximum width or length of a multiple family building shall not exceed 160 feet (from end-wall to end-wall).

2. Common open space standard. Inclusive of required setback yards, a minimum of 15 percent of the site area shall be designated and permanently reserved as usable common open space in developments that are at least three (3) acres in size with more than 10 multi-family or attached single-family dwellings as specified by Section 2.110.10(B). The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school

grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

3. Private open space standard. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following standards:

a. A minimum of 50 percent of all ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);

b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches measuring at least 24 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade; and

c. Private open space areas shall be oriented toward common open space areas and away from adjacent single-family residences, trash receptacles, parking and drives to the greatest extent practicable.

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

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

## **2.111 FLOOD PLAIN MANAGEMENT (FP)**

### **2.111.01 Purpose**

The purpose of the Flood Plain Management Overlay Zone is to:

- A. Restrict or prohibit 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. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters.
- D. Control filling, grading, dredging and other development that may be subject to or increase flood damage.
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

### **2.111.02 Applicability**

This ordinance shall apply to all Areas of Special Flood Hazards identified on the Flood Insurance Study and Flood Insurance Rate Maps [FIRM] within the jurisdiction of the City of Carlton, Yamhill County, Oregon, and on file at the office of the City Recorder.

### **2.111.03 Warning and Disclaimer**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Carlton, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

#### **2.111.04 Development Procedures**

Before any start of construction or development shall occur in areas of special flood hazard; a plot plan, drawn to scale, showing the nature, location, dimension, and topographic lines of the area in question, must be submitted to the Planning Commission for a hearing and approval. The plan shall include as a minimum:

- A. Actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- B. The elevation (in relation to mean sea level) to which any new or substantially improved structure has been flood-proofed.
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the flood proofing criteria of this section.
- D. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

#### **2.111.05 General Standards**

In all areas of special flood hazards, the following standards are required:

##### **A. Anchoring**

All new construction and substantial improvements 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 may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

##### **B. Construction Materials and Methods**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be



constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### C. Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters 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 floodwaters; and,

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### D. Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

4. Base flood elevation data shall be provided for subdivision and planned unit development proposals.

#### E. Review of Building Permits

Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

## **2.111.06 Specific Standards**

In all areas of special flood hazards where base flood elevation data has been provided the following provisions are required:

### **A. Residential Construction**

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation.

### **B. Nonresidential Construction**

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood-proofed so that below the base flood level the structure walls shall be substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.

### **C. Manufactured Homes**

All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this Section.

### **D. Floodways**

Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the

velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If subsection (1.) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section and Section 2.111.05.
3. Prohibit the placement of any manufactured housing, except in an existing mobile home park or existing mobile home subdivision.

## **2.111.07 Other Considerations**

### **A. Use Of Other Base Flood Data**

When base flood elevation data has not been provided in accordance with **Subsection 2.111.02**, the Planning Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer this Section.

### **B. Alteration of Watercourses**

1. Adjacent affected communities and the Oregon State Water Resources shall be notified prior to any alteration or relocation of a watercourse, and evidence of such notification shall be submitted to the Federal Insurance Administration.
2. Maintenance shall be required within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

### **C. Interpretation of FIRM Boundaries**

Interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted

consistent with the standards of Section 1910.6 of the rules and regulations of the National Flood Insurance Program (24 CFR 1909, etc.).

## **2.200 GENERAL DEVELOPMENT STANDARDS**

### **2.201 GENERAL PROVISIONS**

#### **2.201.01 Purpose**

The purpose of this Section is to:

- A. Carry out the Comprehensive Plan with respect to development standards and policies.
- B. Insure that natural features of the landscape, such as landforms, natural drainage ways, trees and wooded areas, are preserved as much as possible and protected during construction.
- C. Promote energy conservation and efficiency in development through site planning and landscaping.
- D. Promote and maintain healthy environments and minimize development impacts upon surrounding properties and neighborhoods.

#### **2.201.02 Application of Standards**

- A. The standards set forth in this Section shall apply to partitions; subdivisions; planned unit developments; commercial and industrial projects; single family dwellings, duplexes, and multi family structures.

Developments outside the City which will tie into or take access from City streets, or increase the flow or change the point of discharge to the City storm drainage system shall be subject to the improvement standards set forth in this ordinance to the extent necessary to mitigate the impacts to these systems.

- B. The application of these standards to a particular development shall be modified as follows:

1. Development standards that are unique to a particular use, or special use, shall be set forth within the district.

2. Those development standards which are unique to a particular district shall be set forth in the Section governing that district.

C. No public works construction shall be undertaken until an agreement is executed between the developer and the City specifying the period within which required improvements and repairs shall be completed, as well as referencing the terms and conditions under which the City has approved the development. The agreement shall be in the form acceptable to the City Attorney.

### 2.201.03 Application of Public Facility Standards

Standards for the provision and utilization of public facilities or services available within the City of Carlton shall apply to all land developments in accordance with the following table of reference. No development permit shall be approved unless the following improvements are provided for prior to occupancy or operation, or unless future provision is assured in accordance with **Subsection 3.208**.

**Public Facilities Improvement Requirements Table**

	Fire Hydrant	Streets	Water Hookup	Sewer Hookup	Storm Drain	Street Lights
Single Family Dwelling & Duplex	No	C-2	Yes	Yes	Yes	No
Multifamily Dwelling	C-1	Yes	Yes	Yes	Yes	Yes
New Commercial Building	C-1	Yes	Yes	Yes	Yes	Yes
Commercial Expansion	C-1	C-3	Yes	Yes	Yes	Yes
New Industrial Building	C-1	Yes	Yes	Yes	Yes	Yes
Industrial Expansion	C-1	C-3	Yes	Yes	Yes	Yes
Partition, Subdivisions, PUD, or Manufactured Home Park	C-1	Yes	Yes	Yes	Yes	Yes

**Legend:** No = Not required Yes = Required C = Conditional, as noted:

C 1. Fire Hydrants for Commercial, Industrial Expansions, or Residential Uses: One or more fire hydrants are required as per the Uniform Building Code and Uniform Fire Code or if adequate fire flows are not available to the site. If the existing water lines are insufficient to provide adequate fire flows, water lines shall be upgraded to provide sufficient capacity at the developer's expense.

C 2. New Single-Family Dwellings or Duplexes: are responsible for sidewalk construction across all

property frontages including curb and gutter where necessary. In addition, if so required by the City Engineer, a  $\frac{3}{4}$  street improvement to city street standards for all boundary streets (See Section 2.401.05).

C 3. Street Improvements for Commercial or Industrial Expansions: The City will require improvement to full City standards when the use meets any of the following criteria:

- a. The expanded use generates an average of 100+ trips per day as documented in the Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or
- b. The expanded use includes at least weekly shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight; or
- c. The subject use expands by at least 25%.

## **2.201.04 Design Standards**

The design of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the City, and all improvements for which City approval is required, shall comply with the requirements of the most recently adopted **Standard Specifications for Public Works Construction in the City of Carlton**.

## **2.202 STREET STANDARDS**

### **2.202.01 Purpose**

- A. To provide for safe, efficient, and convenient vehicular movement in the City.
- B. To provide adequate access to all proposed and anticipated developments in the City.
- C. To provide adequate area in all public rights of way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of way.

### **2.202.02 Scope**

The provisions of this Section shall be applicable to:

- A. The creation, dedication, or construction of all new public or private streets, pedestrian facilities, and bikeways in all subdivisions, partitions, or other developments in the City.
- B. The extension or widening of existing public or private street rights of way, easements, or street improvements including those which may

be proposed by an individual or the City, or which may be required by the City in association with other development approvals.

C. The construction or modification of any utilities, bikeways, or sidewalks in public rights of way or private street easements.

D. The planting of street trees or other landscape materials in public rights of way.

### **2.202.03 General Provisions**

The following provisions shall apply to the dedication, construction, improvement, or other development of all public streets in the City, and are intended to provide a general overview of typical minimum design standards. All streets shall be designed in conformance with the specific requirements of the most recently adopted **Standard Specifications for Public Works Construction in the City of Carlton**.

The standard sections contained in **Standard Specifications for Public Works Construction in the City of Carlton** are minimum requirements only and shall not be construed as prohibiting the City Engineer from requiring thicker sections or engineer designed pavement sections in lieu of standard sections where conditions warrant.

A. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets

B. Development proposals shall provide for the continuation, and connection to, all streets, bikeways and pedestrian facilities within the development and to existing streets, bikeways and pedestrian facilities outside the development.

C. Alignment: All streets other than minor streets or cul de sacs, as far as practical, shall be in alignment with existing streets by continuation of the centerline thereof. The staggering of street alignments resulting in "T" intersections shall leave a minimum distance recommended by the City Engineer.

D. Future extension of streets: Where necessary to give access to or permit a satisfactory future development of adjoining land, streets, bikeways

and pedestrian facilities, shall be extended to the boundary of a tract being developed. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

#### E. Existing Streets

1. Three-quarter street improvements to all existing streets adjacent to, within or necessary to serve the property, shall be required at the time of partitioning or subdivision, unless the applicant demonstrates to the satisfaction of the City Engineer that the condition and sections of the existing streets meet City standards and are in satisfactory condition to handle projected traffic loads.

Full street improvements to all existing streets adjacent to, within or necessary to serve the property, shall be required when it is determined that the vehicular and/or pedestrian impacts from the proposed development necessitate such improvements.

2. For infill development that does not include partitioning or subdivision, construction of sidewalks, including curb and gutter where necessary, along all property frontages shall be the minimum requirement of development. A  $\frac{3}{4}$  street improvement shall be required if the City Engineer determines that the existing streets are not in condition to handle projected traffic loads.

3. The City shall require the applicant to record an approved improvement deferral agreement or non-remonstrance agreement, see **Subsection 3.208.03**, in lieu of street improvements where the following criteria are met:

- a. The existing roadway condition and sections are adequate to handle existing and projected traffic loads, and
- b. Existing public utilities (water, sanitary sewer and storm sewer) located within the existing roadway are adequate, or can be improved without damaging the existing roadway surface.

#### F. New Streets

Where new streets are created, full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements on boundary streets when the City finds it to be practical to require the completion of the other  $\frac{1}{4}$  street improvement when the adjoining property



is developed. The City may allow 3/4 street improvements if all of the following criteria are met:

1. The adjoining land abutting the opposite side of the street is undeveloped and
  2. Storm water drainage is provided for on the non-curbed side of 3/4 street improvements in areas judged by the City Engineer to have drainage concerns.

One (1) foot wide reserve strips and street plugs may be required to preserve the objectives of 3/4 streets.

G. Cul de sacs: Cul de sacs shall have maximum lengths of 400 feet and serve no more than 18 dwelling units. All cul de sacs shall terminate with circular turn-a-rounds.

H. Dead-end streets: When it appears necessary to continue a street or public access way into a future subdivision or adjacent acreage, streets, or public access way shall be platted to a boundary of a subdivision or partition. The street may be platted without a turnaround unless the planning commission finds that a turnaround is necessary

I. Street Names: Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the City. Street names shall be required for all new publicly dedicated streets and private streets.

J. Grades and Curves: Grades shall not exceed 6 percent on arterials, 10 percent on collectors, or 12 percent on any other public or private street. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on minor arterials, or 100 feet on other streets, and shall be to an even ten (10) feet. On arterials there shall be a tangent of not less than 100 feet between reversed curves. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves.

K. Marginal Access Streets: If a development abuts or contains an existing or proposed arterial street or railroad right-of-way, the City may

require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

L. **Vision Clearance Area:** Vision Clearance areas shall be maintained on corner lots at the intersection of all public streets and at the intersections of a public street with a private street as outlined in **Subsection 2.209.08**.

## **2.202.04 Right of Way and Improvement Widths**

The following standards are general criteria for public streets, bikeways and sidewalks in the City. These standards shall be the minimum requirements for all streets, except where modifications are permitted under **Subsection 2.202.05**.

<b>Street Classification</b>	<b>ROW Width</b>	<b>Curb to Curb Width</b>	<b><math>\frac{3}{4}</math> Street Improvement</b>	<b>Bikeway Width</b>	<b>Sidewalk Width</b>
<b>Arterials</b>	60 feet	44 feet	33 feet	5 feet each. Side	6 feet
<b>Collector</b>	60 feet	40 feet	24 feet	5 feet each. Side	5 feet
<b>Local Residential</b>	50 feet	34 feet	24 feet	N/R	5 feet
<b>Alley</b>	20 feet	12 feet	Not Applicable	N/R	N/R
<b>Cul-de-sac bulb</b>	45 foot radius	38 foot radius	Not Applicable	N/R	N/R

The property line radius at intersections of local streets shall be 20 feet. All other intersection property line radii shall be according to the specifications of the city engineer.

## **2.202.05 Modification of Right of Way and Improvement Width**

The City, pursuant to the review procedures of **Section 3.203**, may allow modification to the public street standards of **Subsection 2.202.04**, when both of the following criteria are satisfied:

A. The modification is necessary to provide design flexibility in instances where:

1. Unusual topographic conditions require a reduced width or

grade separation of improved surfaces; or

2. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of **Subsection 2.202.04**; or

3. A modification is necessary to preserve trees or other natural features determined by the City to be significant to the aesthetic character of the area; or

4. A Planned Unit Development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.

B. Modification of the standards of **Subsection 2.202.04** shall only be approved if the City finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

## **2.202.06 Private Streets**

Streets and other right-of-ways serving a planned unit development that are not dedicated for public use shall comply with the following:

A. Private streets shall only be allowed where the applicable criteria of **Subsection 2.208.03(D)** are satisfied. Private streets shall have a minimum easement width of 20 feet and a minimum paved or curbed width of 18 feet.

B. Unless otherwise specified in the **Standard Specifications for Public Works Construction in the City of Carlton**, all private streets serving more than two dwelling units shall be constructed to the same pavement section specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City Attorney.

C. A turn around shall be required for any private street which has only one outlet and which is in excess of 200 feet long or which serves more than two residences. Turn arounds for private streets shall be either a circular turn around with a minimum paved radius of 35 feet, or a "tee" or "hammerhead" turn around with a minimum paved dimension across the "tee" of 70 feet and a 20 foot width with appropriate radius at the corners.

Any grant of a private street or land functioning as an easement shall

not be accepted by the City and dedicated for public use except upon approval of the Council and upon meeting the specifications of **Subsection 2.202.02** and **2.202.04**.

## **2.202.07 Access Easements**

A private access easement created as the result of an approved partitioning shall conform to the following.

A. Partition access easements shall only be allowed where the applicable criteria of **Subsection 2.208.03(D)** are satisfied. The easement shall comply with the following standards:

1. Minimum width: 20 feet
2. Minimum paved or curb to curb width: 12 feet
3. Maximum length: 250 feet
4. No more than 3 dwelling units shall have sole access to the easement

B. Unless otherwise specified in the **Standard Specifications for Public Works Construction in the City of Carlton**, all private streets serving more than two dwelling units shall be constructed to the same pavement section specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City Attorney.

C. A turn around shall be required for any access easement which has only one outlet and which is in excess of 200 feet long or which serves more than two residences. Turn arounds shall be either a circular turn around with a minimum paved radius of 35 feet, or a "tee" or "hammerhead" turn around with a minimum paved dimension across the "tee" of 70 feet and a 20 foot width with appropriate radius at the corners.

D. All private access easements serving more than two (2) residences shall be designated as fire lanes and signed for no parking.

## **2.203 OFF STREET PARKING AND LOADING**

### **2.203.01 Purpose**

The purpose of this Section is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the City.

### **2.203.02 Scope**

Development of off street parking and loading areas for commercial, industrial, or multi family development shall be subject to the Site Design Review procedures of **Section 3.104**.

The provisions of this Section shall apply to the following types of development:

- A. Any new building or structure erected after the effective date of this Ordinance.
- B. The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure.
- C. A change in the use of a building or structure that would require additional parking spaces or off street loading areas under the provisions of this Section.
- D. As a condition of approval in a land use decision.

### **2.203.03 Location**

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

- A. In any residential zone or for any residential use permitted in a non-residential zone, automobile parking areas may be located on another lot if such lot is within 200 feet of the lot containing the main building, structure or use;
- B. In any non-residential zone, the parking area may be located off the site of the main building, structure or use if it is within 500 feet of such site.

### **2.203.04 Joint Use**

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to City approval for non-residential uses where hours of operation or use are staggered such that

peak demand periods do not occur simultaneously. The requirements of **Subsection 2.203.05** may be reduced accordingly. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties.

## **2.203.05 Off Street Parking Requirements**

Off street parking shall be provided as required by **Subsection 2.203.08** and approved by the City in the amount not less than listed below.

### **Residential**

A. 1 and 2 family dwelling	2 spaces/dwelling unit
B. Multi-family dwellings	1½ spaces/dwelling unit
C. Boarding house, lodging house, or rooming house	1 space/guest accommodation

### **Public Uses**

A. Hospitals, nursing home, sanitarium, rest home, home for the aged, assisted living facility	1 space per 2 beds plus 1 space/2 employees
B. Library, reading room	1 space per 400 s.f.
C. Day care facility	2 spaces/classroom
D. Elementary or Junior High School	2 spaces/classroom
E. High School	5 spaces/classroom
F. Other places of public assembly, including places of worship	1 space/4 seats or 8 feet of bench length
G. Government Buildings	2 spaces/600 s.f. plus one space /2 employees

### **Commercial Uses**

A. Movie Theater, Theater	1 space per 4 seats
B. Amusement and Recreational Services	1 space/200 s. f. of gross floor area
C. Retail store	1 space/400 s.f. of gross floor area plus one-space/2 employees.
D. Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture	1 space/600 s.f. of gross floor area plus one-space/2 employees.
E. Banks, Financial institutions, professional offices	1 space/200 s.f. of gross floor area plus one-space/2 employees.
F. Motel or hotel	1 space/guest room

G. Restaurant	1 space/4 seats or 8 feet of bench length
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### **Industrial Uses**

A. Manufacturing establishment	1 space/employee or 1 space per 5,000 s.f. of gross floor area, which ever is greater
B. Wholesale establishment, warehouse, rail or truck freight terminal	1 space/employee.

## **2.203.06 Residential Driveways**

All single and joint use residential driveways shall be paved and have a maximum twenty (20) foot approach width from the curb line.

## **2.203.07 Off Street Loading Requirements**

Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

A. The following standards shall be used in establishing the minimum number of berths required:

<u>Gross Floor Area</u>	<u>Number of Berths</u>
Up to 10,000 s.f.	1
10,000 s.f. and over	2

Note: For buildings or structures up to 6,000 s.f., regular off-street parking areas may be used to meet the off-street loading requirements.

B. A loading berth shall contain a space a minimum of 12 feet wide and 35 feet long and have a vertical clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required size of these berths shall be increased.

## **2.203.08 Parking and Loading Area Requirements**

All parking and loading areas, except those for single family dwellings, shall be developed and maintained as follows:

- A. Surfacing: All driveways, parking, and loading areas shall have a durable, hard surface.
- B. Parking Spaces: Parking spaces shall be a minimum 9 feet wide and 18 feet in length.
- C. Driveways: The following driveway dimensions shall apply:
- |    |                           |                       |
|----|---------------------------|-----------------------|
| 1. | Without adjacent parking: | <u>Driveway Width</u> |
|    | a. One-way:               | 10 feet               |
|    | b. Two-way:               | 16 feet               |
| 2. | With adjacent parking:    |                       |
- |               |                |
|---------------|----------------|
| Parking Angle | Driveway Width |
| 0 to 40°      | 12 feet        |
| 41 to 45°     | 13 feet        |
| 46 to 55°     | 15 feet        |
| 56 to 70°     | 18 feet        |
| 71 to 90°     | 24 feet        |
- D. Areas used for parking and maneuvering of vehicles shall be drained as to avoid flow of water across sidewalks.
- E. Except for parking to serve residential uses, parking and loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
- F. Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right of way other than an alley.
- G. Service drives to off street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.
- H. Service drive exits shall have a minimum triangular vision clearance area two sides of which are formed by the intersection of the driveway centerline and the street right of way line, which shall be 15 feet.
- I. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least 4" high, located a minimum of 3



feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.

## **2.203.09 General Provisions Off Street Parking and Loading**

A. The provision and maintenance of off street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show an area that is and will remain available for exclusive use as off street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off street parking and loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off street parking and loading requirements are observed.

B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission based upon the requirements of comparable uses listed and expectations of parking and loading need.

C. In the event several uses occupy a single structure or parcel of land, the total requirements for off street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to **Subsection 2.203.04**.

D. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

## **2.203.10 Parking Lot Landscaping and Screening Standards**

A. All parking lots, which for purposes of this section include areas of vehicle maneuvering, parking, and loading, shall be landscaped and screened as follows:

1. **Lighting:** Any light used to illuminate parking or loading area shall be arranged to be directed entirely onto the loading or parking

area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on the public rights of way.

2. Screening Abutting Property Lines: Parking for commercial, industrial and multifamily uses which abut a residential use or zone property line shall be screened by a five (5) foot landscaped strip. Where a buffer between zones is required, the screening should be incorporated into the required buffer strip, and will not be an additional requirement. The screen shall grow to be at least 36 inches higher than the finished grade of the parking areas, except for required vision clearance areas.

3. Landscape Standards: Landscaping within or adjacent to a parking lot shall consist of a minimum of 10% of the total parking area plus a ratio of 1 tree per 10 parking spaces. Trees and landscaping shall be installed as follows:

- a. The tree species shall be an appropriate large canopied shade tree and shall be selected from the street tree list to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians.
- b. The tree shall be planted in a landscaped area such that the tree bole is at least three (3) feet from any curb or paved area.
- c. The landscaped area shall be planted with shrubs, grass, or living groundcover to assure 90% coverage within 2 years.
- d. That portion of a required landscaped yard, buffer strip or screening strip abutting parking stalls may be counted toward required parking lot landscaping as long as the tree species, living plant material coverage and placement distribution criteria are also met.
- e. Landscaping should be evenly distributed throughout the parking area and perimeter.

4. Wheel Guards: Parking lot landscaping shall be protected from damage by a secured wheel guards to prevent vehicles entering into landscaped areas.

5. Hedge Screening: The required hedge screen shall be installed as

follows:

- a. Evergreen shrubs shall be planted so that 80% of the desired screening is achieved within 2 years, 100% within 4 years.
- b. Living ground cover in the screen strip such that 90% coverage is achieved within 2 years.

## 2.203.11 Bicycle Parking

A. The following minimum number of bicycle parking spaces shall be provided:

Type of Use	Minimum Number
Single Family Residential	-0-
Duplex, triplex and Multi-family	Minimum two or one (1) per every two dwelling units, which ever is greater.
Retail, Office and Institutional	Minimum of two or one (1) per every 20 vehicle parking spaces, which ever is greater.
Industrial	Minimum of two or one (1) per every 40 vehicle parking spaces, which ever is greater.
Schools and parks	Minimum of two or one (1) per every 10 vehicle parking spaces, which ever is greater.

Bicycle parking shall also be required for expansions and other remodeling that increases the required level of automobile parking.

B. At a minimum bicycle parking facilities shall be consistent with the following design guidelines:

1. All bicycle parking shall be within 100 feet from a building entrance and located within a well-lit and clearly visible area.
2. Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility.
3. Each bicycle parking space shall be at least 2 feet by 6 feet with a vertical clearance of 6 feet.
4. An access aisle of at least 5 feet shall be provided in each bicycle parking facility.

5. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack," upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary.) Note: businesses may provide long-term, employee parking by allowing access to a secure room within a building.

## **2.204 STORM DRAINAGE**

### **2.204.01 Purpose**

To provide for the drainage of surface water from all residential, commercial and industrial development; to minimize erosion; to reduce degradation of water quality due to sediments and pollutants in storm water runoff.

### **2.204.02 Scope**

- A. The provisions of this Section shall apply to all new residential land partitions and subdivisions, planned unit developments, multi family developments, commercial developments, and industrial development; and to the reconstruction or expansion of such developments.
- B. The provisions of this Section shall apply to all drainage facilities that impact any public storm drain system, public right-of-way or easement dedicated to or located within all off-street parking and loading areas.
- C. All storm water runoff shall be conveyed to a public storm sewer or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. In the case of private development, the developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.

### **2.204.03 Plan for Storm Drainage and Erosion Control**

- A. No construction of any facilities in a development included in **Subsection 2.204.02** shall be permitted until a storm drainage and erosion control plan for the project is prepared by an engineer registered in the State of Oregon and approved by the City. This plan shall contain at a minimum:

1. The methods to be used to minimize the amount of runoff, siltation, and pollution created from the development both during and after construction.
2. Plans for the construction of storm sewers, open drainage channels, and other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the City to review the adequacy of the storm drainage plans.
3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included on the site plan drawings and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed using the rational formula and based upon the design criteria outlined in the **Standard Specifications for Public Works Construction in the City of Carlton** and the most current adopted **Storm Drainage Master Plan**.

#### **2.204.04 General Standards**

- A. All development shall be planned, designed, constructed and maintained to:
1. Protect and preserve existing natural drainage channels to the maximum practicable extent;
  2. Protect development from flood hazards;
  3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;
  4. Assure that waters drained from the development are substantially free of pollutants, through such construction and drainage techniques as sedimentation ponds, reseeding, phasing or grading;
  5. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;
  6. Provide dry wells; french drains, or similar methods, as necessary to supplement storm drainage systems;

7. Avoid placement of surface detention or retention facilities in road rights of way.

B. Where culverts cannot provide sufficient capacity without significant environmental degradation, the City may require the watercourse to be bridged or spanned.

C. In the event a development or any part thereof is traversed by any watercourse, channel, stream or creek, gulch, or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the City. This does not imply maintenance by the City.

D. Channel obstructions are not allowed except as approved for the creation of detention or retention facilities approved under the provisions of this Ordinance. Fences with swing gates may be utilized.

E. Prior to acceptance of a storm sewer system by the City, the storm sewers shall be flushed and inspected by the City. All costs shall be borne by the developer.

F. Easements for creeks and other watercourses shall be provided and shall extend 15 feet in each direction from the waterway centerline, ten feet from the top of a recognizable bank, or sufficient width to pass 10-year flood flows or 100 year floodway on FEMA regulated stream, whichever is greater. The easements required by this section shall be held to prohibit the placement of any building on or over the easement, but shall not preclude landscaping, and shall be held to require restoration of the site following any excavation or other disturbance permitted by the easement.

## **2.205 UTILITY LINES AND FACILITIES**

### **2.205.01 Purpose**

To provide adequate services and facilities appropriate to the scale and type of development.

### **2.205.02 Standards**

A. The design of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the City, and all improvements for which City approval is required, shall comply with the requirements of the most current adopted **Standard Specifications for**

## **Public Works Construction in the City of Carlton.**

B. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbance of soil and site.

### C. Standards for Water Improvements

1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping station which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the City pursuant to the requirements of the City.

2. Specific location, size and capacity of such facilities will be subject to the approval of the City Engineer with reference to the most current adopted **City of Carlton, Water Master Plan**. All water facilities shall conform with existing City pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. The City will not expect the developer to pay for the extra pipe material cost for waterlines exceeding eight (8) inches in size. Installation costs shall remain entirely the developer's responsibility.

3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties that, in the judgment of the City, cannot be feasibly served otherwise.

4. Design, construction and material standards shall be as specified by the City Engineer for the construction of such public water facilities in the City.

### D. Standards for Sanitary Sewer Improvements

1. All developments shall be required to be linked to existing sanitary sewer collection facilities adequately sized to serve their intended area by the construction of sewer lines which connect to existing adequately sized sewer facilities. All necessary easements

required for the construction of these facilities shall be obtained by the developer and granted to the City pursuant to the requirements of the City.

2. Specific location, size and capacity of such facilities will be subject to the approval of the City Engineer with reference to the most current adopted **Wastewater Facilities Plan**. All sewer facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. The City will not expect the developer to pay for the extra pipe material cost for sanitary sewer lines exceeding twelve (12) inches in size. Installation costs shall remain entirely the developer's responsibility.

3. All properties shall be provided with gravity sanitary sewer service to a public sanitary sewer system except for parcels, which have unique topographic or other natural features, which make gravity sewer extension impractical as determined by the City Engineer. Pumping stations will be allowed only when it has been demonstrated to the satisfaction of the City Engineer that the development cannot be served by gravity. Maintenance of residential pumping stations are the responsibility of the property owner.

4. Temporary sewer service facilities, including pumping stations, will be permitted only if the City Engineer approves the temporary facilities, including all facilities necessary for transition to permanent facilities.

5. The design of the sewer facilities shall take into account provisions for the future extension beyond the development to serve upstream properties that, in the judgment of the City, cannot be feasibly served otherwise.

6. All land divisions or other developments requiring subsurface sanitary sewer disposal systems shall be prohibited.

7. Design, construction and material standards shall be as specified by the City Engineer for the construction of such sewer facilities in the City.

8. Prior to acceptance of the sanitary sewer system by the City, the sewers shall be flushed and inspected by the City as required by the **Standard Specifications for Public Works Construction in the City of**



**Carlton.** All costs shall be borne by the developer.

E. Street Lights: All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the City Engineer. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility for the street lighting system.

F. Private Utilities: All development which has a need for private utilities, including but not limited to electricity, gas, and communications services shall install them pursuant to the requirements of the district or company serving the development.

1. Except as otherwise provided herein, all utility lines, cables or wires, including but not limited to those used for electricity, communications services and street lighting which are on or adjacent to land partitioned, subdivided or developed within the City of Carlton after the effective date of this Ordinance, shall be required to be placed underground. The intent of the City is that no poles, towers, or other structures associated with utility facilities shall be permitted on any street or lot within or adjacent to such partition, subdivision or development.

2. Exceptions. Above ground facilities shall be permitted for the following in which case the above provisions shall not apply:

a. Emergency installations or electric transmission lines or to through feeders operating at distribution voltages which act as a main source of supply to primary lateral and to direct connected distribution transformers and primary loads.

Should it be necessary to increase the capacity of major power transmission facilities for service to the area, such new or revised installations shall be made only on rights-of-way or easements on which existing overhead facilities exist at the time of such capacity increase.

b. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, telephone cable closures, connection boxes and the like.

c. 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.

d. Power substations, pumping plants, and similar facilities necessary for transmission or distribution of utility services shall be permitted subject to compliance with all zoning regulations and other applicable land use regulations.

The Engineer for all such facilities, prior to any construction being started, shall approve plans showing landscaping and screening.

e. Certain industries requiring exceptionally large power supplies may request direct overhead power as a condition.

f. If existing overhead utilities within or adjacent to the development total less than 150 linear feet, the City may allow the applicant to record an approved improvement deferral agreement, see **Subsection 3.208.03**, in lieu of relocating existing private utilities underground at the time of development.

3. Information on Development Plans. The developer or subdivider shall show on the development plan or in his explanatory information, easements for all underground utility facilities. Plans showing the location of all underground facilities as described herein shall be submitted to the City Engineer for review and approval. Care shall be taken in all cases to ensure that aboveground equipment does not obstruct vision clearance areas for vehicular traffic.

4. Future Installations. The owner(s) or contract purchaser(s) of subdivided real property within a subdivision shall, upon conveyance or transfer of any interest including a leasehold interest in or to any lot or parcel of land, provide in the instrument conveying such interest a covenant running with and appurtenant to the land transferred under which grantee(s) or lessee(s), their heirs, successors, or assigns mutually covenant not to erect or allow to be erected upon the property conveyed any overhead utility facilities, including electric, communication, and cable television lines, poles, guys, or related facilities, except such facilities as are exempt from underground installation under this title or are owned or operated by the City. Such covenant shall require grantees to install, maintain, and use underground electric, telephone, cable television, or other utility services used or to be used to serve the premises. A copy of the covenant shall be submitted with the final plats.

K. Easements for public and private utilities shall be provided as deemed necessary by the City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the City Attorney and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as follows:

<u>Easement Type</u>	<u>Minimum Width</u>	<u>Location</u>
Water	10 feet	(1)(2)
Sewer	10 feet	(1)(2)
Storm (piped)	10 feet	(1)(2)
Storm (other)	(5)	(5)
Private Utility	5 feet (parallel) 10 feet (other)	(3)(4)

(1)

- (1) Centered on utility line
- (2) Centered on property line, where possible
- (3) All property lines fronting existing or proposed street rights-of-way
- (4) Measured from edge of right-of-way
- (5) Determined on a case-by-case basis

## **2.206 SIGNS**

### **2.206.01 Purpose**

The purpose of these sign regulations is to provide equitable signage rights, promote traffic and pedestrian safety, and increase the economic viability of the City, by classifying and regulating the location, size, type and number of signs, in a content-neutral manner.

Within the commercial areas, the City recognizes the need for businesses and organizations to inform the public about their location and their services. It also recognizes that a sign is a relative low cost form of business advertising.

The City recognizes that the citizens of Carlton want to retain their unique small—town quality. One method of preserving the look of a small town is by controlling the number, size and type of signs allowed within the commercial district and to provide design guidelines that benefit the citizens and the businesses in improving the visual quality of the community.

## **2.206.02 Definitions**

See Signs, Section 1.200.02.

## **2.206.03 General Provisions**

- A. **Conflicting Standards:** Signs shall be allowed subject to the provisions of this subsection, except when these provisions conflict with the specific standards for signs in the subject district.
- B. **Signs Subject to State approval:** Off-premise advertising signs visible to the traveling public from state highways are further subject to the regulations and permit requirements of the State of Oregon, Department of Transportation.
- C. **Uniform Sign Code:** All signs shall comply with the provisions of the Uniform Sign Code of the Uniform Building Code.
- D. **Sign Clearances:** A minimum of eight (8) feet above sidewalks and fifteen (15) feet above driveways shall be provided under all free standing or wall mounted signs.

## **2.206.04 Signs Allowed**

The following signs and sign work are allowed outright in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area:

- A. Re-painting, changes to the sign face or copy and maintenance of signs legally existing on the effective date of this Ordinance.
- B. Temporary signs:

1. Real estate signs not exceeding 6 square feet that advertise the sale, rental or lease of premises upon which the sign is located. Real estate signs may be used up to two (2) years without a permit. Only one (1) real estate sign per lot may be displayed at any time.

2. Political signs shall not exceed six (6) square feet. Political signs may be used up to sixty (60) days prior to an election but shall be removed not later than seven (7) days following the date of the election.

3. Portable signs and other temporary signs that do not exceed six (6) square feet in area. No lot may display temporary signs for more than 90 days in any 365-day period. Only one (1) temporary sign per lot may be displayed at a time.

4. Balloons or similar types of tethered objects for a period not to exceed two weeks.

C. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety.

D. Directional or informational signs bearing no advertising message and not exceeding four (4) square feet in area erected for the convenience of the public such as signs identifying restrooms, public telephones, walkways and similar features or facilities.

E. Flags on permanent flagpoles that are designed to allow raising and lowering of the flags.

F. Signs within a building.

G. In a commercial or industrial zone, signs painted or hung on the inside of windows.

H. Residential Name Plates: Shall not exceed two (2) square feet. Only one such sign shall be permitted upon the premises and may only be indirectly illuminated.

I. Memorial signs or tablets and names of buildings and dates of erection when cut into or attached to the surface or façade of the building.

J. Signs placed by a public utility showing the location of underground facilities.

K. Government Signs. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety.

L. Building or freestanding signs that display or reflect the history or character of Carlton, as approved by the City Council, after recommendation

by the Planning Commission.

## **2.206.05 Signs Prohibited**

The following signs are prohibited in all zones:

- A. Portable signs within the public right of way, except for sidewalk or sandwich board signs that comply with Subsection 2.206.08(D).
- B. Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in banks and "drive thru" restaurants, shall be allowed.
- C. Signs that use or employ side guy lines of any type.
- D. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.
- E. Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire.
- F. No vehicle or trailer shall be parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising.
- G. Rotating/revolving signs, except by conditional use permit.
- H. Flashing signs
- I. Private signs that project into public right-of-ways, except signs under a canopy that project over a public sidewalk where the sign is not less than eight (8) feet above the sidewalk.
- J. Signs that obstruct required vision clearance area as defined in

**Section 2.209.08** or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard.

K. Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light.

L. Signs attached to any pole, post, utility pole, or otherwise placed in the public right-of-way.

M. Signs or sign structures placed on or over private property without the written consent of the owner or agent thereof.

N. Pennants, banner signs and streamers except in a commercial zone, with prior approval of the City Manager for a period of display not to exceed 30 days.

O. Billboard signs

P. Roof Signs, except by Variance.

Q. Signs attached to trees, shrubs, stones or fences.

R. Bench signs, except as a conditional use, or those designating donor (s).

S. Any sign on unimproved property unless allowed as a real estate or temporary sign.

T. Any illegible sign or sign that has 25 percent or more of its surface destroyed, defaced or missing.

U. Message Signs, except by conditional use permit.

## **2.206.06 Signs in Non-Commercial Zones**

The following regulations apply to signs in the AH, SR, MH, MX, and MR zones:

A. Maximum number. Any combination of signs not exceeding the sign area and height limitations of this Section; plus signs allowed in **Subsection**

**2.206.04.**

- B. Maximum total sign area for property on which the building or buildings are located:
1. Single-family and two-family (duplex) dwelling – six (6) square feet.
  2. Multiple family dwelling - 24 square.
  3. Public and semi-public - 32 square feet.
- C. Maximum sign height, of freestanding signs- six (6) feet.
- D. Location, of freestanding sign - where fences are allowed.
- E. Illumination. Signs may only be indirectly illuminated by a concealed light source, and shall not flash, blink, fluctuate or produce glare.

**2.206.07****Review Procedures in Non-commercial zones**

- A. Permit Required. No property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid sign permit.
- B. Current Signs. Owners of conforming or nonconforming signs existing as of the date of adoption of this Ordinance are not required to obtain a permit.
- C. Permit Fees. Permit fees may be established by City Council resolution.
- D. Application Requirements. An application for a sign permit shall be made on a form prescribed by the City Manager. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.

The City Manager shall issue a permit for a sign unless the sign does not comply with the provisions of these regulations or other provisions of this Code. Sign permits mistakenly issued in violation of these regulations or



other provisions of this Ordinance are void. The City Manager may revoke a sign permit if he or she finds that there was a material and misleading false statement of fact in the application for the permit.

E. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:

1. All signs shall comply with the applicable provisions of Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.
2. All signs shall be maintained in a good structural condition at all times.
3. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs.

## **2.206.08 Signs in Commercial and Industrial Zones**

All signs in the CB, CI and IG zones shall conform to **Subsections 2.206.02 thru 2.206.05** and the following standards:

- A. Signs or sign structures located in commercial and industrial zones which are within 75 feet of a residentially zone property shall be set back so as to meet the side and front yard setback requirements of the adjoining residential district.
- B. Accessory Temporary signs are permitted provided such signs are securely affixed to the surface of a building wall or window, and must have the date of initial posting clearly written on the face of the sign. Such signs, including but not limited to sale signs and special product announcements, must be removed not later than ten (10) days after initial posting. Such signs shall not exceed the permitted ratio of sign area, including temporary signs, to building face area.
- C. Historical signs that are an integral part of a building design, or signs with a cultural significance to the community, as determined by the Planning

Commission, may be exempted from the standards for signs.

D. Sidewalk signs or sandwich boards shall be professional in appearance with a maximum height of 36 inches and a maximum width of 24 inches in width. The total sign area shall not exceed six (6) square feet per side. Signs must be removed at the close of each business day. Sidewalk and sandwich board signs shall only be allowed within a public right-of-way when they can be placed so that a minimum clear width of 36 inches within the right-of-way is available for pedestrians immediately adjacent to the sign. Adjacent private property may be used to provide the 36-inch clear width area when approved by the City Manager.

E. Suspended signs that are suspended from the underside of a horizontal plane surface and is supported by that surface, shall have a maximum area of three (3) square feet and shall not project more than 30 inches from the face of the building.

## **2.206.09 Signs in Commercial and Industrial Zones, Appearance**

Signs shall be constructed of wood, brick, tile, masonry, synthetic materials, glass, wrought iron, or metal. Signs shall be constructed of materials consistent with the age, appearance and purpose of the buildings adjacent to the sign. The design shall reflect and be consistent with the appearance, design, architecture and historical character of adjacent buildings and uses. Fluorescent or unusually bright colors shall not be permitted.

## **2.206.10 Signs in Commercial and Industrial Zones, Size**

### **A. Businesses with Two (2) or More Street Frontages:**

1. Land abutting more than one (1) street shall be allowed its quota of signs on each of the streets, and up to ten (10) percent of the permitted quota on any street may be deducted there from and added to the other street frontage.

2. Where a business located on a corner erects an attached sign designated to be read from both intersecting public streets, the total aggregate area of such sign shall not exceed one-half that which would be allowed for separate signs fronting on the intersecting public streets.

3. Where a business located on a corner is allowed a monument sign, it may have one (1) such sign designed to be read from both intersecting public streets, or two (2) such free-standing signs, provided that each sign is designed to be read from only one (1) of the

intersecting streets.

B. Area.

1. Wall Signs shall not exceed ten percent of the building face facing a street. For purposes of the area, the height of the lower level or story or 20 feet, whichever is larger, shall be multiplied by the building frontage. Height of lettering cannot exceed twenty-four (24) inches.
2. Awning signs shall not exceed ten percent of the awning area. For purposes of calculating the awning area, the height shall be multiplied by the width of the awning.
3. Projecting Signs shall not exceed five (5) percent of the building face facing a street. For purposes of calculating the area, the height of the lower level or story, or 20 feet, whichever is less, shall be multiplied by the building frontage. Height of lettering cannot exceed eight (8) inches.
4. Roof Signs are not permitted except by variance.
5. Free-standing Signs – One (1) square foot of sign area for each linear foot of property frontage upon a City street or a total of 50 square feet for each street frontage, whichever is lesser.

C. Height.

Not more than four (4) feet above the eave line provided the maximum height above the ground line shall not exceed 20 feet.

D. Location

Attached to the building, except such signs shall not be roof signs.

**2.206.11 Signs in Commercial and Industrial Zones, Design Review Requirements**

All signs permitted within the commercial or industrial zones of the City shall conform with the following design review criteria, unless otherwise provided for in this Ordinance:

- A. Signs must be compatible in design and color with the architectural and historical qualities of Carlton and with the buildings with which they are associated.

B. Signs illuminated by spotlights or indirect lighting shall be lighted in such a manner that glare from the light source is not visible to pedestrian or vehicle traffic.

C. Directory signs (wall, projecting, and freestanding), and the individual signs comprising a directory sign shall be uniform or consistent in size, shape, and design. Individual signs in a directory sign may be added, moved, or substituted with signs for new businesses or uses without going through the design review process, provided that the design is consistent and the provisions of the original permit are met.

## **2.206.12 Sign in Commercial and Industrial Zones, Permit Application**

A. Permit Required. No property owner, lessee or contractor shall construct, alter or relocate any sign without first obtaining a valid sign permit.

B. Current Signs. Owners of conforming or nonconforming signs existing as of the date of adoption of this Ordinance are not required to obtain a permit.

C. Permit Fees. Permit fees may be established from time to time by City Council resolution.

D. Application Requirements. An application for a sign permit shall be made on a form prescribed by the City Manager. The application shall include the following information:

1. The names and addresses of the sign company, person authorizing erection of the sign and the owner of the subject property.
2. The location by street address of the proposed sign.
3. A drawing suitable for folding for file storage, accurately colored and to scale showing the details of the sign, including all mounting structures and devices, materials from which constructed, lighting, and the name of the proposed lettering style, along with detailed illustration of the sign face.
4. An accurate scaled site plan, showing the location of building(s), street(s) and other existing sign(s).

5. In the case of wall and projecting signs, an accurate scaled drawing of all building faces to be signed, including the scaled outlines of all existing and proposed signs.

E. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:

1. All signs shall comply with the applicable provisions of Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.
2. All signs shall be maintained in a good structural condition at all times.

3. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws regulating signs.

### **2.206.13 Sign in Commercial and Industrial Zones, Review Procedure**

A. All signs requiring a permit shall be reviewed by the City staff. Staff shall consider the design, lettering, arrangement, size, texture, materials, colors, lighting, placement, and appropriateness of the proposed sign in relation to other signs and other structures on the premises and contiguous area in keeping with the intent of this Ordinance. City staff shall recommend approval, modification or denial of the permit to the Planning Commission.

B. In the event the permit is modified or denied by the Planning Commission, the applicant may appeal to the City Council by giving written notice of the appeal to the City Recorder no later than ten (10) days following the modification or denial of the sign permit application by the Planning Commission. The City Council shall hear the matter at its next regularly scheduled meeting. The Planning Commission shall furnish to the City Council its findings and conclusions with respect to the permit. The City Council may modify or deny the permit.

## 2.206.14 Nonconforming Signs

To ease the economic impact of this ordinance on persons with substantial investments in signs in existence on the date of adoption of this ordinance, nonconforming signs may be continued provided they are maintained in good repair, subject to the following provisions. All signs erected after 30 days following adoption of this ordinance must be approved prior to installation. All signs must be in conformance with the provisions of **Section 206** within ten (10) years of adoption of this ordinance.

A. Loss of Nonconforming Status. A nonconforming sign shall immediately lose its nonconforming status if:

1. The sign is altered in any way in structure or copy, which tends to be or makes the sign less in compliance with the requirements of this section than it was before the alteration.
2. The sign is relocated to a position making it less in compliance with the requirements of this section.
3. The sign is replaced.
4. Signs not maintained in good repair, any illegible sign or sign that has 25 percent or more of its surface destroyed, defaced, missing or inaccurately represents the name or nature of the current business.

In such events the City Manager shall notify the sign user, sign owner, or owner of the property upon which the sign is located of cancellation of the signs nonconforming status and the sign shall be removed or a new sign permit secured.

B. Damaged Nonconforming Sign Faces. When a nonconforming sign is damaged or destroyed by fire, flood, wind, or other calamity, such sign face may be restored to its original condition provided such work is completed within thirty (30) days of such calamity. A sign structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of these regulations

C. Abandoned Signs. All signs and sign structures for a business shall be removed within thirty (30) days after that business ceases to operate on a regular basis. Abandoned signs that are not removed may be removed by the City following notice to the property owner. The property owner will be assessed the cost of sign removal if the owner fails to remove the abandoned

sign and the City exercises its authority under this provision

## **2.206.15 Variances - Signs**

Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to **Section 2.206** will be processed according to the procedures in **Section 3.102** however, the criteria in **Section 3.102** shall not be used, but instead the following criteria shall be used to review and decide sign variance applications:

- A. There are unique circumstances or conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship;
- B. The requested variance is consistent with the purpose of the chapter as stated in **Subsection 2.206.01**;
- C. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter;
- D. The granting of the variance shall not decrease pedestrian or traffic safety; and,
- E. The variance request shall not be the result of a self-imposed condition or hardship.

## **2.206.16 Unlawful sign removal.**

- A. Any unlawful sign that has not been removed within 30 days after notification of the property owner may be removed by the City and the costs charged to the property owner. If removal costs have not been paid and the sign reclaimed within thirty (30) days of its removal by the City, the City is entitled to file a lien against the property on which the sign was located to secure payment of such costs and expenses of removal by the City. The City may sell or otherwise dispose of the sign so removed and apply the proceeds towards the cost of removal.
- B. Signs which are found upon public streets, sidewalks, rights-of-way, or other public property, or which present an immediate and serious danger

to the public may be removed without prior notice.

## **2.206.17 Conditional Uses**

A. Procedures. Applications for conditional use permits for rotating/revolving signs or message signs shall be processed according to the procedure set forth in Section 3.104 of this Ordinance. The criteria to be reviewed and applied in conditional use permit proceedings are set forth in this Section, and the criteria of Section 3.103 shall not be applied.

B. Decision Criteria. The following criteria shall be used to review and decide conditional use permit applications for rotating/revolving, and message signs:

1. The proposed sign is located in the CB, CI, or IG zones.
2. The proposed sign, when conditioned, will not significantly increase or lead to street level sign clutter, or to signs adversely dominating the visual image of the area.
3. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.
4. The proposed sign will not present a traffic or safety hazard.
5. If the application is for a message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effect consisting of external lights, lamps, bulbs or neon tubes are allowed.
6. If the application is for a rotating/revolving sign, such sign cannot flash or be illuminated by intermittent light. Rotating/revolving signs shall revolve at a speed no greater than five (5) revolutions per minute.



7. The total allowed sign area for a business shall be reduced by 25 percent if the business has a rotating/ revolving or message sign.

8. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.

## **2.207 SITE AND LANDSCAPING DESIGN**

### **2.207.01 Purpose**

The purpose of this section is to establish standards to encourage quality landscaping that will contribute to the appearance and aesthetic appeal of the City of Carlton.

### **2.207.02 Scope**

All construction, expansion, or redevelopment of structures or parking lots for commercial, multi family, or industrial uses shall be subject to the landscaping requirements of this Section.

### **2.207.03 Approval Process**

A. Landscaping plans shall be submitted as required by the Site Design Review of **Section 3.104**.

#### **B. Submittal Requirements**

The applicant shall submit a landscape plan for approval that includes:

1. The percentage of the gross area to be landscaped.
2. The location, type, size, and species of existing and proposed plant materials.
3. All existing and proposed site features including walkways, graveled areas, mailboxes, street lamps, patios, terraces, courts, fences, decks, foundations, potted trees and potted plants, and other open

spaces.

4. The location and height of fences, buffers, and screening.
5. The location of underground irrigation system sprinkler heads where applicable.
6. A narrative that addresses soil conditions and erosion control measures that will be used.

#### **2.207.04 Landscaping Installation and Compliance**

All landscaping required by this ordinance and approved by the Planning Commission shall be installed prior to issuance of a final occupancy permit unless security equal to 110% of the cost of the landscaping is filed with the city assuring such installation within 6 months of occupancy. The applicant will obtain cost estimates for landscape materials and installation to the satisfaction of the City prior to approval of the security. "Security" may consist of a faithful performance bond payable to the City, cash, certified checks, time certificates of deposit, assignment of a savings account or other such assurance of completion as shall meet with the approval of the City Attorney.

The City Staff prior to any security being returned shall make the final landscape inspection. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed. If the installation of the landscaping is not completed within the six month time period or within an extension of time authorized by the City, the security may be used by the City to complete the installation. Any portion of the security that remains after installation of the landscaping shall be returned to the applicant.

#### **2.207.05 Minimum Area Requirements**

Landscaped areas may include landscaping: around buildings, in open spaces and outdoor recreation areas, in islands and perimeter planting areas in parking and loading areas, and in areas devoted to buffering and screening as required in this Section and elsewhere in this Ordinance.

For expansions of existing developments and parking lots, the minimum new landscaped area shall be determined by: first calculating the percentage of the increase of total floor area or parking area; multiplying the gross site area by this percentage of increase; multiplying the resulting area by the minimum percentage for the type of development.

## **2.207.06 General Provisions**

- A. For purposes of satisfying the minimum requirements of this Ordinance, a "landscaped area" must be planted in lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements as defined in this Ordinance.
- B. Landscaping shall be designed, developed, and maintained to satisfy the specific functional and aesthetic objectives appropriate to the development and the district, considering the following:
1. Type, variety, scale and number of plants used;
  2. Placement and spacing of plants;
  3. Size and location of landscaped areas;
  4. Contouring, shaping and preparation of landscaped areas;
  5. Use and placement of non plant elements within the landscaping.
- C. The City may grant the applicant credit for landscaping to be done in the public right of way provided the applicant meets the elements set forth for the granting of a variance. It shall not be necessary to hold a public hearing to grant this credit. The City shall consider the need for future use of the right of way for street purposes when granting approval for credit under this section.
- D. The landscape design shall incorporate existing significant trees and vegetation preserved on the site.

## **2.207.07 Screening and Buffering**

Where required by Ordinance, or where placed as a condition of approval, screening and buffering shall meet the following minimum requirements:

- A. Screening shall be used to eliminate or reduce the visual and noise impacts of the following uses:
1. Commercial and industrial uses when abutting residential uses.

2. Industrial uses when abutting commercial uses.
3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas.
4. Outdoor storage areas.
5. Parking areas for 10 or more vehicles for multi family developments, or 20 or more vehicles for commercial or industrial uses.
6. At and above grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners.
7. Any other area or use as required by this Ordinance.

B. Screening may be accomplished by the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement, or other design techniques.

C. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:

1. Planting Area: Width not less than twenty (20) feet, planted with the following materials:
  - a. At least two rows of deciduous or evergreen trees staggered and spaced not more than ten (10) feet apart, and.
  - b. At least one row of evergreen shrubs which will grow to form a continuous hedge at least five (5) feet in height within one (1) year of planting, and
  - c. Lawn, low growing evergreen shrubs or evergreen ground cover covering the balance of the area.
2. Berm Plus Planting Area: Width not less than fifteen (15) feet, developed in accordance with the following standards:
  - a. Berm form shall not slope more than forty (40) percent (2.5H:1V) on the side away from the area screened from view, and

- b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use, and
    - c. Combined total height of the berm plus the hedge shall be at least five (5) feet within one (1) year of planting.
  3. Wall Plus Planting Area: Width must not be less than five (5) feet developed in accordance with the following standards:
    - a. A masonry wall or fence not less than six (6) feet in height, and
    - b. Lawn, low growing evergreen shrubs, and evergreen ground cover covering the balance of the area.
  4. Other methods that produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the City.

## **2.207.08 Planting and Maintenance**

All landscaping shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement, in a substantially similar manner as was approved by the City. In addition, the following shall apply:

- A. No sight obscuring plantings exceeding 24 inches in height shall be located within any required vision clearance area as defined in **Subsection 2.209.08**.
- B. Plant materials shall not cause a hazard. Landscape plant materials over walks, pedestrian paths, and seating areas shall be pruned to a minimum height of eight (8) feet and to a minimum height of fifteen (15) feet over streets and vehicular traffic areas.
- C. Landscape plant materials shall be selected which does not generally interfere with utilities above or below ground.
- D. Landscape plant material shall be installed to current nursery industry standards.

- E. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.
- F. All landscape material shall be guaranteed by the developer for a period of one year from the date of installation. A copy of the guarantee shall be furnished to the City by the developer.
- G. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas that will not be irrigated should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems and be sound, healthy, and free from defects, diseases, and infections.
- H. Deciduous trees should be fully branched, have a minimum caliper of one and one quarter (1 1/4) inches, and a minimum height of eight (8) feet at the time of planting.
- I. Evergreen trees shall be a minimum of six (6) feet in height, fully branched.
- J. Shrubs shall be supplied in minimum one (1) gallon containers or eight (8) inch burlap balls with a minimum spread of fifteen (15) inches and a minimum height of eighteen (18) inches.
- K. Ground cover plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum four (4) inch size container or equivalent if planted eighteen (18) inches on center.
- L. All developments are required to provide appropriate methods of irrigation for the landscaping. Sites with over 1000 s.f. of total landscaped area shall be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials. Hose bibs and manually operated methods of irrigation may be used for landscaped areas totaling less than 1000 s.f. Irrigation shall not be required in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks. Sprinkler heads shall not be a hazard to the public.
- M. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property.

N. Landscape plant material shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable methods.

## **2.208 DEVELOPMENT STANDARDS FOR LAND DIVISIONS**

### **2.208.01 Purpose**

To provide for the orderly, safe, efficient and livable development of land within the City of Carlton.

### **2.208.02 Scope**

The provisions of this Section shall apply to all subdivisions, Planned Unit Developments and partitions within the City of Carlton.

### **2.208.03 Standards for Lots or Parcels**

A. Minimum lot area: Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.

B. Maximum lot area: When single family residential use is proposed for a lot with an area double or greater than the minimum density of the underlying zone the Planning Commission may take into consideration the potential for further division of the lot at a future date.

C. Lot width and depth: The depth of a lot or parcel shall not be more than 3 times the width of the parcel, with the exception that parcels created for public utility uses or in zones where there is no minimum lot area requirement shall be exempt from width to depth ratio provisions.

D. Access: All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to twenty (20) feet.

An exception shall apply when residential lots or parcels and Planned Unit Developments, may be accessed via a private street or easement developed in accordance with the provisions of **Section 2.202** or when the City finds that public street access is:

1. Infeasible due to parcel shape, terrain, or location of existing structures; and

2. Not necessary to provide for the future development of adjoining property.

E. Flag Lots: If a flag-lot is permitted, the following standards shall be met:

1. The access strip shall not be less than 20 feet wide. The access strip shall be improved with minimum 12-foot wide paved driveways that meet applicable City standards. If said access strip is over 200 feet in length, the driveway shall terminate in a turn-around capable of accommodating emergency fire vehicles.

2. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance.

F. Through Lots: Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent non residential activities, or to overcome specific disadvantages of topography and orientation. A ten (10) foot wide screening or buffering easement, pursuant to the provision of **Section 2.207**, may be required by the City during the review of the land division request.

G. Lot Side Lines: The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face.

H. Lot Grading: The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns and other pertinent data, shall be established by the Building Inspector.

I. Utility Easements: Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in **Section 2.205.02K**.

#### **2.208.04 Standards for Blocks**

A. General: The length, width, and shape of blocks shall be designed



with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography.

B. **Sizes:** Blocks shall not exceed 1,000 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. The recommended minimum distance between intersections of arterial streets is 1,800 feet.

C. **Alleys.** Alleys may be provided in all districts, however, alleys shall be provided in commercial and industrial areas, unless other permanent provisions for access to off-street parking and loading facilities are provided.

## **2.208.05 Improvement Requirements**

All improvements required by this ordinance or as conditions of approval of any subdivision or partition shall be completed prior to the issuance of any building permits for any structures within the subject development. If the Developer requests approval to record the final plat before all required improvements have been constructed and all conditions of approval have been met by the Developer and accepted by the City, the Developer shall provide a security guarantee satisfactory to the City that all improvements will be constructed in conformance with all City standards and ordinances and all conditions of approval will be satisfied. If the total street frontage of the development is less than or equal to 250 feet, the applicant may request to sign and the City may grant an improvement deferral agreement or non-remonstrance agreement.

A. **Frontage Improvements:** Street improvements shall be required for all public streets on which a proposed land division fronts in accordance with **Section 2.202**. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.

B. **Project Streets:** All public or private streets within the land division shall be constructed as required by the provisions of **Section 2.202**. Private driveways serving flag lots or private streets shall be surfaced as per the

requirements of this Ordinance.

C. Monuments: Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection at all points of curvature, points of tangency of street center lines, and other points required by state law.

D. Bench Marks: Elevation benchmarks shall be set at intervals established by the City Engineer. The benchmarks shall consist of a brass cap set in a curb or other immovable structure.

E. Surface Drainage and Storm Sewer System: Drainage facilities shall be provided within the land division and to connect the land division drainage to drainage ways or to storm sewers outside the land division and shall be consistent with the most current adopted **Storm Water Master Plan**. Design of drainage within the land division shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the land division and to provide extension of the system to serve such areas. The design shall take into account provisions for the future extension beyond the land division to serve upstream properties that, in the judgment of the City, cannot be served otherwise.

F. Sanitary Sewers: Sanitary sewer shall be installed to serve the land division and to connect the Land division to existing mains both on and off the property being divided. The design shall take into account provisions for the future extension beyond the land division to serve upstream properties that, in the judgment of the City, cannot be served otherwise.

The City may require that the construction of sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed.

G. Water System: Water lines with valves and fire hydrants serving the land division and connecting the land division to the City mains shall be installed. The design shall take into account provisions for extension beyond the land division to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the City will not expect the developer to pay for the extra pipe material cost of mains exceeding eight (8) inches in size. Installation costs shall remain entirely the developer's responsibility.

H. Pedestrian Facilities and Bicycle ways: Sidewalks shall be installed along both sides of each public street and in any pedestrian or bicycle ways within the land division as well as along all frontages to existing streets. Sidewalks shall be extended as required to connect to other sidewalk systems. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks, sidewalks fronting public property, or sidewalks adjacent to existing structures shall not be deferred.

I. Pedestrian/Bicycle Design Standards. Pedestrian/bicycle access ways shall meet the following design standards:

1. Minimum dedicated width: 10 feet
2. Minimum improved width: 5 feet
3. Vision Clearance: A clear line of visions for the entire length of the access way shall be required.
4. Pedestrian scale lighting fixtures shall be provided along the walkway and lighted to a level where the system can be used at night.
5. The access way shall be designed to prohibit vehicle traffic.

J. Other:

1. Curb cuts and driveway installations, excluding common drives, are not required of the land divider but, if installed, shall be according to the City standards.
2. Street tree planting is not required of the land divider but, if planted, shall be in accordance with City requirements and of a species compatible with the width of the planting strip.
3. Streetlights. The installation of underground electric service, light standards, wiring, and lamps for streetlights of a type required by City standards following the making of necessary arrangements with the serving electric.
4. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by

the city and shall be of a type required by City standards.

## **2.208.06 Improvement Procedures**

In addition to other requirements, improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure:

- A. Improvement work shall not commence until plans have been checked for adequacy and approved by the City Engineer. Plans shall be prepared in accordance with requirements of the City.
- B. Improvement work shall not commence until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.
- D. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made. Unless otherwise approved by the City, this shall be interpreted as extending to the right-of-way or easement line.
- E. Upon completion of the public improvements and prior to final acceptance of the improvements by the City, the developer shall provide two (2) certified as-built drawings of all public utility improvements to the City. As-built conditions and information shall be reflected on one (1) set of Mylar base as-built drawings. The developer's engineer shall submit the as-built drawings to the City.

## **2.209 YARD AND LOT STANDARDS**

### **2.209.01 New Buildings Shall be on a Lot**

Every building erected shall be located on a lot as herein defined.

### **2.209.02 Yards Apply Only to One Building**

No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected.

### **2.209.03 No Parking in Yard Areas**

Exclusive of driveways, no parking shall be allowed within the required front yard area or yards located adjacent to a street. The side yard and rear yard areas may not be used for parking of vehicles, except in designated parking areas.

The yard areas adjacent to a street shall not be used for the permanent storage of utility trailers, house or vacation trailers, boats, or other similar vehicles.

### **2.209.04 Front Yard Projections**

Planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features which extend not more than 18 inches, from main buildings, uncovered porches, and covered but unenclosed porches when not more than one story high and which do not extend more than 5 feet beyond the front walls of the building, are exempt from the front yard setback provisions and need not be included when determining the setback.

### **2.209.05 Side Yard Projections**

- A. Cornices, eaves, gutters, and fire escapes, when not prohibitive by any other code or ordinance, may project into a required side yard not more than one-third of the width of the side yard, nor more than 36 inches in any case.
- B. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and ornamental features may project not more than 18 inches into a required side yard, provided, however, chimneys and flues shall not exceed 6 feet in width.
- C. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the side yard property line when they are 36 inches or less in

height from ground level.

## **2.209.06 Rear Yard Projections**

- A. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters and other ornamental features, may project not more than 18 inches into a required rear yard, provided, however, chimneys and flues shall not exceed 6 feet in width.
- B. A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard and set back at least 6 feet from any property line.
- C. Planter boxes, steps, uncovered porches, and covered but unenclosed porches, including covered patios when not more than one story high and not more than 4 feet above grade, and which shall not come closer than 15 feet from the rear lot line, are exempt from the minimum rear yard depth requirements.
- D. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the rear yard property line when they are 36 inches or less in height from ground level.

## **2.209.07 Vision Clearance**

- A. A vision clearance area shall be maintained at each access to a public street and on each corner of property at the intersection of two streets or a street and a railroad. A vision clearance area shall contain no planting, sight-obscuring fence (open chain link excluded), wall, structure, or temporary or permanent obstruction exceeding three feet in height, measured from the ground.

The preceding provisions shall not apply to the following:

1. Public utility poles.
2. A tree trimmed (to the trunk) to a line at least eight (8) feet above the level of the intersection.
3. Another plant species of open growth habit that is not planted in the form of a hedge and which is so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view.

4. A supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective.
5. An official warning sign or signal.
6. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.
7. The post section of a pole sign when there are no more than two (2) posts and any post is less than eight (8) inches in diameter.
8. Telephone switch boxes provided they are less than ten inches wide at the widest dimension.

B. For single use residential driveways, the vision clearance area shall consist of a triangular area, two sides of which are the curb line and the edge of the driveway. Where no curbs exist, the future location of the curb, based on future full street improvements shall be used.

C. The following measurements shall establish the vision clearance areas:

<u>Type of Intersection</u>	<u>Measurement Along Each Lot Line or Drive Edge*</u>
Controlled Intersection [stop sign or signal]	15 feet
Uncontrolled Intersection	40 feet
Commercial and Industrial driveways	20 feet
Residential driveways	10 feet
Alley	15 feet

*\*When there is an intersection of two or more streets of different right-of-way width, the distance to be measured along the lot lines shall be the distance specified for each type street.*

## **2.209.08 Fences, Walls and Hedges**

A. Materials

1. Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials. Electric fences are not permitted.

2. Electric or barbed wire fences intended to contain or restrict cattle, sheep, horses or other livestock, and existing prior to annexation to the City, may remain.
3. All required swimming pool and hot tub fencing shall be a minimum of four (4) feet in height and be equipped with a self-locking gate that closes automatically.

**B. Standards**

1. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.
  3. Fences shall not exceed four (4) feet in height in front yards, when that portion of the fence above two (2) feet is a least 50% open, for a distance of ten (10) feet from the front property line on interior yards or side yards adjacent to the street. Fences shall not exceed seven (7) feet in height on other interior yards.
  4. In no instance shall a fence extend beyond the property line including into a public right-of-way. It is the responsibility of the property owner to determine the property line.

**2.210 ACCESSORY STRUCTURES**

**2.210.01 Generally**

Accessory structures shall comply with the following requirements

**2.210.02 SR district:**

- A. Location and Number. Except as provided in Section 2.210.04, accessory structures shall be located within the rear or interior side yard. A maximum of two are permitted.
- B. Height. The maximum allowable height is 20 feet, except that no accessory structure shall exceed the height of the primary building.



C. **Property Setbacks.** For structures 10 feet or less in height there shall be a minimum 5-foot setback along the side and rear property lines. For buildings greater than 10 feet in height there shall be a setback of 5 feet along each side property line and 10 feet along the rear property line.

D. **Building Separation.** Accessory structure shall be separated from the primary buildings by a minimum of 6 feet.

E. **Building Size.** The accessory structure(s) shall be limited to the greater of the following: 20% of the floor area (excluding garage) for the primary building or 480 square feet. In no case shall the accessory structure occupy more than 20% of the rear yard. The building size limitation shall be considered the maximum allowable area permitted for all accessory structures.

F. **Exterior Finish.** The accessory structure shall have a exterior finish that is residential in character.

### **2.210.03 MH, MR, CB, CI, and IG Districts:**

A. **Location and Number.** Except as provided in Section 2.210.04, accessory structures may be located anywhere the primary structure may be placed. There is no limit to the number of permitted accessory structures.

B. **Height.** Accessory structures shall comply with the height provisions in the underlying zone for the primary structure.

C. **Setbacks.** Accessory structures shall comply with the setback provisions in the underlying zone for the primary structure.

D. **Building size.** There is no limitation.

### **2.210.04 Portable Accessory Structures**

Portable accessory structures, as defined by this ordinance, shall be structurally sound and shall be anchored. Such structures shall be maintained in good condition using only original manufacturer's coverings. No plastic sheeting, tarpaulins, or other materials shall be used as a covering. Such structures shall meet all applicable Uniform Building Code requirements.

In residential zones, one portable accessory structure, used as a private garage, as defined by this ordinance, may be located within the side portion of a front yard, but must maintain the required front and side yard setbacks, including clear vision

setbacks for corner lots.

If located within a rear yard the following setbacks apply: for structures 10 feet or less in height there shall be a minimum 5-foot setback along the side and rear property lines. For structures greater than 10 feet in height there shall be a setback of 5 feet along each side property line and 10 feet along the rear property line.

In commercial and industrial zones, portable accessory structures may be located on any portion of the lot or parcel, subject to applicable setback and Building Code requirements.

## **2.211 ACCESS CONTROL STANDARDS**

### **2.211.01 Purpose**

The purpose is to implement the access management policies of the **City of Carlton, Transportation System Plan**. Access control standards manage access to land development while preserving the flow of traffic in terms of safety, capacity, functional classification, and level of service. Major roadways, including highways, arterials, and collectors serve as the primary network for moving people and goods. These transportation corridors also provide access to businesses and homes and have served as the focus for commercial and residential development. If access points are not properly designed, these roadways will be unable to accommodate the needs of development and retain their primary transportation function

To achieve this purpose, state and local roadways have been categorized in the **City of Carlton, Transportation System Plan** by function and classified for access purposes based upon their level of importance and function. Regulations are applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to poorly designed access systems, and to thereby improve the safety and operation of the roadway network. This protects the substantial public investment in the existing transportation system and reduces the need for expensive remedial measures.

### **2.211.02 Applicability**

This ordinance shall apply to all arterials and collectors within Carlton and to all properties that abut these roadways.

### **2.211.03 Access Spacing Standards**

A hierarchy of spacing standards is established that is dependent on the functional classification of the street.

<b>Function Street Classification</b>	<b>Posted Speed Range</b>	<b>Minimum Spacing between driveways and/or Streets</b>
Highway 47		
Yamhill to Pine Street	20 mph	350 feet
North City Limits to Main Street	20-30 mph	450-600 feet
South City Limits to Main Street	20-30 mph	450-600 feet
Collector	20-25 mph	75 feet
Local	20-25 mph	50 feet

#### **2.211.04 General Standards**

- A. Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification.
- B. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a marginal access or local street. Access rights of these lots, to the arterial shall be dedicated to the City of Carlton and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial.
- C. Subdivisions with frontage on the state highway system shall be designed to share access points to and from the highway. If access off of a secondary street is possible, then access should not be allowed onto the state highway.
- D. Wherever a proposed development abuts unplatted developable land within the Urban Growth Boundary, street stubs shall be provided to provide access to abutting properties or to logically extend the street system into the surrounding area..
- E. Local streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be

designed to avoid or minimize through traffic on local streets. Appropriate design and traffic control such as four way stops and traffic calming measures are the preferred means of discouraging through traffic.

F. In all cases reasonable access or the minimum number of access connections, direct or indirect, necessary to provide safe access to and from a street shall be granted.

G. New connections shall not be permitted within the functional area of an intersection as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available.

### **2.211.05 Joint and Cross Access**

A. Adjacent commercial properties classified as major traffic generators (i.e. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.

B. Systems of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:

1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;

2. A design speed of 10 mph and a maximum width of 20 feet to accommodate two way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;

3. Stub outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive;

4. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.

C. Pursuant to this section, property owners shall:

1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive.

2. Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the City of Carlton and pre existing driveways will be closed and eliminated after construction of the joint use driveway.

3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

D. The City of Carlton may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

1. Joint access driveways and cross access easements are provided in accordance with this section.

2. The site plan incorporates a unified access and circulation system in accordance with this section.

3. The property owner enters into a written agreement with the City of Carlton, recorded with the deed, that pre existing connections on the site will be closed and eliminated after construction on each side of the joint use driveway.

## **2.211.06 Nonconforming Access Features**

Legal access connections in place as of the effective date of this ordinance that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

A. When new access connection permits are requested;

- B. Change in use or enlargements or improvements that will increase trip generation.

## 2.211.07 Review Procedures

A. Applicants for Site Design Reviews impacting access shall submit a preliminary site plan that shows:

1. Location of existing and proposed access point(s) on both sides of the road where applicable;
2. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
3. Number and direction of lanes to be constructed on the driveway plus striping plans;
4. All planned transportation features (such as sidewalks, bikeways, signs, signals, etc.)

B. Development Reviews shall address the following access criteria:

1. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
  2. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and service vehicles.
  3. The access shall be consistent with the access management standards in the most current adopted **City of Carlton, Transportation System Plan**.

C. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards.

## 2.212 HISTORIC SITES

### **2.212.01      Applicability**

This section is applicable to all sites or structures listed in the **City of Carlton, Comprehensive Land Use Plan** as a historic or cultural resource.

### **2.212.02      Review Procedures**

Upon receipt of a land use application or demolition permit a determination shall be made if the site has historical significance by being listed as a historic or cultural resource. If the site is of historical significance the Planning Commission shall conduct a Site Design Review and consider the following:

- A.      The state of repair of the building and cost of restoration or repair.
- B.      The character of the neighborhood.
- C.      Other factors the Planning Commission feels appropriate.

Following review and hearing, the Planning Commission shall make a recommendation for approval, approval with mitigation, or denial of the land use action.

### **2.212.03      Preservation of Historical Record**

If a site with historical significance is to be demolished or significantly altered, the Planning Commission may direct that an acceptable detailed pictorial and graphic record be prepared prior to demolition or alteration.

## **2.300            SUPPLEMENTAL STANDARDS FOR SPECIAL USES**

### **2.301            GENERAL PROVISIONS**

#### **2.301.01      Applicability of Special Use Standards**

Special uses included in this Section are uses, which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development

standards established for other uses in the same Zoning District. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

## **2.301.02 Process**

The status of a special use as a permitted or conditional use is set forth in the underlying Zoning District.

Conditional uses shall be processed in accordance with the criteria and procedures specified in **Section 3.103**. Permitted uses shall be reviewed for compliance with the standards of **Section 2.200** in the manner specified in the particular special use section.

Special uses that are conditional uses in the underlying Zoning District shall be reviewed for compliance with the standards of **Section 2.200** during the review of the Conditional Use Permit. In addition to any specific requirements under the special use, the following information shall be included with the application submittal:

- A. A description of the proposed use and specific reason for the request.
- B. A vicinity map indicating the relationship of the proposed use to the surrounding area.
- C. A site plan of the property, including existing and proposed improvements, and other information necessary to address the requirements and conditions associated with the use.
- D. A building profile of proposed new or remodeled structures, as applicable.
- E. Information addressing the criteria set forth under **Section 3.103**.

## **2.302 PLANNED UNIT DEVELOPMENT (P.U.D.)**

### **2.302.01 Purpose**

- A. To produce a development which would provide development opportunities not easily achieved from traditional lot-by-lot development while protecting the City's goals of overall density and character.



B. To allow flexibility which will encourage a more creative approach that will result in a more efficient, aesthetic, and desirable use of open area, while substantially maintaining the same population density and area coverage permitted in the district in which the project is located.

C. To allow flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas, and to best utilize the site potential characterized by special features of geography, topography, size and shape.

### **2.302.02 Area of Application**

Planned Unit Developments may be established on parcels of land that are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of this Section.

### **2.302.03 Applicant**

Planned Unit Development projects may be applied for:

A. By the owner of all the property involved, if under one (1) ownership, or:

B. Jointly by all owners of the property in the area proposed for the Planned Unit Development project, if there is more than one owner.

### **2.302.04 Uses Permitted**

In a Planned Unit Development only the following uses are permitted:

A. Residential Uses.

B. Recreational facilities including, but not limited to, tennis courts, swimming pools, and playgrounds.

C. Open space uses.

D. Schools, libraries, community halls, and places of worship.

E. Offices, buildings, and facilities required for the operation, administration, and maintenance of any Planned Unit Development and for recreation purposes such as: golf courses, recreation

rooms, and vehicle storage areas.

F. Convenience establishments of a commercial and service nature, including delicatessen, coffee shops, convenience stores, restaurants, laundry, and dry-cleaning establishments, beauty shops and barber shops, (but specifically excluding drive-in services gas stations and a repair garage) provided:

1. Such convenience establishments are an integral part of the general plan of development for the Planned Unit Development and provide facilities related to the needs of the prospective residents.
2. Such convenience establishments and their parking areas will not collectively occupy more than one (1) acre per one hundred (100) dwelling units.
3. Such convenience establishments will be located, designed, and operated to efficiently serve frequent trade and to serve the needs of persons residing in the Planned Unit Developments.
4. Such convenience establishments will not, by reason of their location, construction, or operation, have adverse effects on residential uses within or adjoining the district, or create traffic congestion or hazards to vehicular or pedestrian traffic.

## **2.302.05 Development Requirements**

Planned Unit Developments shall comply with the applicable General Development Standards of **Section 2.200**. Underlying zoning lot dimensions and areas need not be met in a Planned Unit Development.

- A. Site Adaptation: To the maximum extent possible, the plan and design of the development shall assure that natural or unique features of the land and environment are preserved.
- B. Lot Arrangement: All lots within the development shall be designed and arranged to have a maximum of 200 feet walking distance, or frontage on, open space or recreation areas.
- C. Density of Development: Permitted density of development in all

PUD's shall be determined in accordance with the following procedures:

1. Determine total gross site area (G.S.A.)
2. Multiply the G.S.A. by .85 to determine the Net Site Area (N.S.A.).
3. Deduct from the N.S.A. any acres of 20 percent or greater slope that will be developed, proposed commercial areas, and other non-residential uses to determine Net Developable Site Area (N.D.S.A). Open space areas and hillside areas that will be in open space areas are not required to be deducted.
4. Determine maximum density of development in accordance with the appropriate method below:
  - a. SR District Developments: Multiply NDSA by 6 units per acre.
  - b. MR District: Multiply NDSA by 14 units per acre.

D. Amount of Open Space: The required amount of open space or outdoor recreational area shall be at least twenty (20) percent of the gross area.

E. Structure Setback Provisions: Yard setbacks for lots on the perimeter of the project shall be the same as that required for the subject-zoning district. Detached structures shall maintain a minimum side yard setback from interior space lines of three (3) feet or meet the Uniform Building Code requirement for firewalls. A minimum front yard setback of twenty (20) feet shall be required for any garage structure whose opening faces onto a public street. Otherwise the minimum setbacks of the underlying zone do not apply.

F. Zero Side Yard Setback: Zero side yard dwelling units authorized in a Planned Unit Developments shall meet the following use and development standards:

1. Number of attached units. No more than six dwelling units, each on a lot held in separate ownership.
2. Yards adjacent to a street. This Section does not relieve the requirements of this Ordinance for yards

adjacent to a street.

3. **Maintenance easement.** As a condition of issuance of a permit for any building having an exterior wall contiguous to a property line, the applicant shall furnish an easement from the owner of the property adjacent to said wall providing for ingress, egress, and use of such adjacent property for the purpose of maintaining, repairing, and replacing the building. Said easement shall be appurtenant to the property on which the building is located and shall be approved as to form by the City Attorney and shall be recorded with Yamhill County prior to issuance of the permit.

G. Circulation:

1. Streets within a PUD shall comply with the applicable standards of **Section 2.202**.
2. Roads and pedestrian and bikeway paths shall be an integrated system designed to provide efficient and safe circulation to all users. Developments should be designed to minimize the length of roadway.
3. Pedestrian/bikeways shall be clearly signed and have adequate crossing facilities where warranted.

H. Off-Street Parking

Off-street parking requirements shall be as specified in **Section 2.203**. Parking may be provided on each lot or in clustered parking areas. The City if warranted by reduced lot sizes, type of street, and/or traffic volumes, may require additional off-street parking for guests and recreational vehicles.

I. Utilities

In addition to other requirements set forth herein, the following shall apply:

1. All sewer and water provisions shall be approved by the City before construction of such improvements.
2. All utility services shall be placed underground.
3. Provisions shall be made for fire prevention, including service

water lines, non-freeze hydrants, and free emergency access for fire fighting equipment around buildings.

4. Provision shall be made for control of site storm water drainage, as required by **Section 2.204**.

#### J. Homeowners Association

A non-profit incorporated homeowners association, or an alternative acceptable to the City Attorney, shall be required for improving, operating, and maintaining common facilities, including open space, streets, drives, service and parking areas, and recreation areas. The following principles shall be observed in the formation of any homeowners association and shall be reviewed by the City Attorney.

1. A homeowners association shall be set up before approval of the final plat, or any portion thereof.
2. Membership shall be mandatory for each homeowner and any successive buyer.
3. The open space restrictions shall be in perpetuity.
4. The homeowners association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
5. Home owners shall pay their pro rated share of the cost or the assessment levied by the association shall become a lien on the property.
6. The association shall be able to adjust the assessment to meet changes needed.
7. No change in open space use or dissolution of homeowners association shall occur without a public hearing before the Planning Commission and approval by the City Council.

#### **2.302.06 Process**

Planned Unit Developments shall be processed in accordance with the submittal requirements and procedures established in **Section 3.109**. Approval shall only be granted if the requirements of this Section and all other applicable requirements of this Ordinance are met.

## **2.302.07 Modification of Approval**

A new public hearing shall be required if any one of the following changes is proposed to an approved planned unit development site plan:

- A. Increase or decrease of 10% (or more) in the number of dwelling units.
- B. Increase or decrease of 10% (or more) in the area devoted to open space or recreational space.

## **2.303 MANUFACTURED HOMES**

### **2.303.01 Purpose**

The following general standards are applicable to all manufactured homes sited on individual lots within the City of Carlton.

### **2.303.02 General Standards**

- A. The manufactured home shall be multi-sectional and shall enclose a space of no less than 1000 square feet.
- B. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 18 inches above grade. The foundation must be constructed of concrete or concrete block.
- C. The manufactured home shall have a roof with a nominal pitch of no less than three feet in height for each twelve feet in width.
- D. Roofing material shall be composition asphalt, fiberglass, wood shake, or tile.
- E. The exterior siding must be horizontal lapped wood siding or a siding of equivalent appearance.
- F. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting current performance standards specified by state law for single-family dwellings.

G. The manufactured home shall have an enclosed, attached garage or carport. The garage shall be constructed of materials that are similar in color, material, and appearance to the manufactured home. The garage or carport shall be constructed prior to occupancy.

H. Transportation mechanisms, including wheels, axles, and hitch must be removed prior to occupancy.

I. The manufactured home shall be provided with gutters and downspouts to direct storm water away from the placement site.

J. All utilities shall be connected to the manufactured home in compliance with City and State requirements prior to occupancy.

K. The manufactured home shall be constructed and maintained in conformance with the state and federal safety construction standards, applicable at the time of placing the manufactured home. The home shall bear the Oregon "Insignia of Compliance".

L. A manufactured home shall not be placed within an acknowledged historical district or adjacent to a historic landmark.

### **2.303.03 Process**

The City shall review compliance with the standards of this Section administratively during the review of applicable building permits and set up permits.

## **2.304 MANUFACTURED HOME PARKS**

### **2.304.01 Purpose**

The following standards shall apply to the design and development of all manufactured home parks in the City of Carlton.

### **2.304.02 General Standards**

A. Any lot or site used for a manufactured home park and any modifications to a manufactured home park shall comply with the provisions of ORS 446.002 to ORS 446.210 and Manufactured Home Park Standards, adopted as Oregon Administrative Rule, Chapter 814, Subdivision 3, Manufactured Home Parks, Sections 28.010 to 28.170, inclusive.

- B. All parks shall require a minimum of three acres.
- C. Density. The maximum density of a manufactured home park shall not exceed ten (10) units per gross acre.
- D. Minimum area. The minimum area to be contained on a manufactured home space by a manufactured home and its accessory structures shall be 3,500 square feet.
- E. Setbacks. The following setback standards shall apply:
1. General park development: Setbacks for structures other than a manufactured homes, carports and related accessory buildings shall comply with the minimum residential setbacks in the underlying zone.
  2. Manufactured homes:
    - a. Front: 5 feet minimum to the sidewalk; 8 feet minimum to the curb
    - b. Side and rear: 15 feet minimum to any adjacent manufactured home; 10 feet minimum to any adjacent non-residential structure
    - c. Manufactured homes on the periphery of a manufactured home park shall maintain the same setback as required for the front, side and rear yard in the underlying zone.
  3. Accessory structures:
    - a. Front: 5 feet minimum to the sidewalk; 8 feet minimum to the curb
    - b. Adjacent Side and rear: 6 feet minimum to any adjacent manufactured home, or, non-residential structure
  4. Carports:
    - a. Front: 20 feet minimum to the sidewalk or curb, if a sidewalk is not provided



- b. Side and rear: Carports attached to, or within 3 feet of, the manufactured home shall comply with the setbacks for the manufactured home. Otherwise, the setback provisions for accessory structures shall apply.
- F. Minimum width. No manufactured home space shall be less than 40 feet in width at its driveway frontage.
- G. Boundaries of space. The boundaries of each manufactured home space shall be clearly marked by permanent markers.
- H. Driveways. All driveways shall be paved with an asphaltic material or concrete and shall be a minimum of 20 feet in width. In addition, if parking is to be permitted along the driveway, a minimum width of 30 feet is required. All driveways shall be adequately designed as to permit safe, easy access by emergency vehicles.
- I. Parking. A minimum of two off driveway parking spaces shall be provided for each manufactured home space.
- J. Walks. Provisions shall be made for a walk from each manufactured home to each driveway. All walks must be hard surfaced, well-drained and not less than 36 inches in width.
- K. Patio. Each manufactured home space shall have a slab or patio or concrete, asphalt or flagstone or similar substance not less than 20 feet in length and 10 feet in width adjacent to each manufactured home parking site.
- L. Storage area. A storage space in a building having a gross floor area of at least 60 square feet shall be constructed and completed prior to occupancy of the manufactured home for storing the outdoor equipment and accessories necessary to residential living.
- M. Accessory buildings. Accessory buildings that are placed on a manufactured home space shall be sited in a manner so as not to hinder or restrict access to the side and rear yard areas adjacent to the manufactured home.
- N. Manufactured home space coverage. Not more than 45 percent of a manufactured home space may be occupied by a manufactured home and its accessory structures.

- O. **Signs.** All signs shall be in accordance with **Section 2.206** of this ordinance.
- P. **Lighting.** Common driveways and walkways must be adequately lighted.
- Q. **Skirting.** All manufactured homes shall have skirting around the exterior of the manufactured home or they may be situated upon a continuous foundation meeting the approval of the city building code.
- R. **Open space.** A minimum of at least 5,000 square feet per 25 manufactured home spaces or portion thereof shall be provided for a recreational play area group or community activities. No approved open space area shall contain less than 5,000 square feet. The floor area of indoor facilities, such as a community building, may be included in calculating the open space requirement.
- S. **Utilities.** All utility services shall be underground. The applicant shall furnish the city with proper easements for reading the meters and for inspecting water and sewer lines. All meters and water lines shall be inspected while being installed and the installation shall meet city standards. The park owners to city standards shall maintain all meters and water and sewer lines.
- T. **Sewer and surface drainage.** Adequate provisions shall be for sewage disposal and surface drainage and plans for such must have prior approval of the health department and the City Engineer before a manufactured home park is approved. All sewer lines and drainage facilities shall be inspected while being installed and the installation shall meet city standards.
- U. **Additions to manufactured homes.** Carports, cabanas, ramadas, awning and all other structures, whether defined herein or not, which are situated upon a manufactured home space and are attached to the manufactured home, shall conform to the requirements of the city building code. Such additions and structures shall be considered as a portion of the manufactured home for determining the extent of lot coverage, setback lines and all other requirements for manufactured homes, as if such additions and structures were a part of such manufactured home.
- V. **No part of any manufactured home park shall be used for the parking or storage of any heavy equipment, or trucks with a rated capacity exceeding 2 tons.**

W. A caretaker, owner or manager shall be responsible for keeping the manufactured home park, its facilities and equipment in a clean, orderly and sanitary condition.

X. Landscaped buffer areas shall be developed around the perimeter of all manufactured home parks. Buffering shall comply with the standards of **Section 2.207**.

Y. All units placed within a manufactured home park after the effective date of this ordinance shall be "manufactured homes" as defined in **Subsection 1.200.02**.

### **2.304.03 Process**

Manufactured home parks shall be subject to the Site Design Review procedures of **Section 3.104**. Submittal requirements and review procedures shall be as specified in that Section. Approval shall not be granted unless all provisions of this Section and other applicable requirements of this Ordinance are met.

## **2.305 HOME OCCUPATIONS**

### **2.305.01 Standards**

Home occupations may be allowed as an accessory use on any property on which there is a residence, subject to the following standards and restrictions:

- A. **Participation:** No more than one person shall be employed whom is not a member of the family residing on the premises
- B. **Character:** The character and primary use of the residence and premises shall not be changed by the use of colors, materials design, construction, lighting, landscaping or lack of landscaping.
- C. **Traffic:** A home occupation located on a local street, or privately maintained road serving three or more residences, shall not generate more than twenty (20) vehicle trips in one day. A "trip" is a vehicle traveling in one direction to or from a source. Twenty (20) trips are equivalent to ten (10) round trips.
- D. **Noise:** A home occupation shall not create noise of a type, duration or intensity that, measured at the property line, exceeds 60 DBA between the

hours of 7:00 a.m. and 6:00 p.m. No noise shall be created by the home occupation between the hours of 6:00 p.m. and 7:00 a.m. that is detectable to normal sensory perception, off the premises of the home occupation.

E. **Equipment and Process Restrictions:** No home occupation shall create vibration, glare, fumes, odors, or electrical interference detectable to normal sensory perception outside the dwelling unit. In the case of electrical interference, nothing shall be used which creates visual or auditory interference in any radio or television off the premises.

F. **Hazards:** No equipment, process or material shall be used which will change the fire rating or structure separation, firewall, or ventilation requirements for the structure in which the home occupation is located. No hazardous materials shall be used or stored on the property on which a home occupation located in quantities not typical of those customarily used in conjunction with activities or primary uses allowed in the zoning district.

G. **Signs:** Signing shall be as provided in **Section 2.206**.

H. **On Premise Client Contact:** Customer and client contact shall be primarily by electronic media, telephone or mail, and not on the premises of the home occupation, except those home occupations, such as tutoring, counseling or personal services, which cannot be conducted except by personal contact. Services or sales conducted on the premises shall be by appointment only, and shall not be oriented toward, or attract, off the street customer or client traffic.

I. **Deliveries and Large Vehicle Storage:** Delivery of materials to and from the premises shall not involve the use of vehicles over two (2) ton capacity, except parcel post or private parcel delivery trucks. Vehicles over one (1) ton capacity and used in conjunction with a home occupation shall be stored within an enclosed structure on the property. Regardless of capacity, storage of vehicles within the public right of way shall be prohibited.

J. **Parking:** Parking spaces needed for the conduct of a home occupation shall be provided off the street, in defined areas which are appropriately designed and surfaced for that purpose, and not located within the side or rear yard setbacks of the district. No more than two (2) home occupation related vehicles shall be located on the property at one time.

K. **Storage and Use of Yard Areas:** Storage of tools, equipment and materials, and display of merchandise and all other activities associated with

a home occupation, except as provided above for parking, shall be contained and conducted wholly within covered and enclosed structures and shall not be visible from the exterior of the containing structure(s). Home occupations that involve the care of children may use rear yard areas for playground equipment.

L. Day care facilities with 12 or fewer children shall not be subject to the provisions of this Section.

## **2.305.02 Process**

Home occupations are allowed as an accessory use to any residential use in the City of Carlton, subject to the Type I approval process listed in **Subsection 3.201.01**. The standards of this Section shall govern all home occupations.

If the City Manager or City Manager's designee finds that the facts of the particular case require interpretation of existing standards, then a public hearing before the Planning Commission shall be scheduled. The procedures for conducting the public hearing shall comply with the standards in Section 3.203.

## **2.305.03 Non Compliance**

Any home occupation that does not comply with the requirement of this Section and the provisions of the underlying district shall be a violation of this Ordinance and shall be subject to the enforcement remedies of **Subsection 1.102.03**.

## **2.400 GENERAL PROVISIONS**

### **2.401 GENERAL STANDARDS**

#### **2.401.01 Minimum Requirements**

In interpreting and applying this Ordinance, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

#### **2.401.02 Completion of a Structure**

A structure not completed within one year of beginning construction shall constitute a violation of this Ordinance unless a performance guarantee is provided to the City in accordance with **Section 3.208.01**.

#### **2.401.03 Lots of Record**

A. A parcel is a legal lot of record for purposes of this Ordinance when the lot conforms to all zoning requirements and Comprehensive Plan provisions, if any, in effect on the date when a recorded separate deed or contract creating the separate lot or parcel was signed by the parties to the deed or contract; except

B. Contiguous lots under the same ownership when initially zoned shall be combined, for the purposes of this Ordinance, when any of these lots do not satisfy the lot size requirement of the initial district. A lot or parcel that is a separate legal lot or parcel prior to the adoption of this provision shall remain a separate legal lot regardless of ownership.

C. Lots in recorded plats shall not be combined under **Subsection 2.401.03 (B)**.

D. The use or development of any legal lot of record shall be subject to the regulations applied to the property when such development or use is commenced, irrespective of the lot width, street frontage, depth or area, but subject to all other regulations. However, no dwelling shall be built on an existing lot of less than 3,000 square feet in area.

#### **2.401.04 Lots Abutting a Partial Street**

New structures that are proposed to be constructed on lots abutting an existing public street that does not meet the minimum standards of **Section 2.202** for right of way width shall provide setbacks sufficient to allow for the future widening of the right of way. Building permits shall not be issued unless yard setbacks equal to the minimum yard requirements of the zoning district plus the required minimum additional right of way width is provided.

#### **2.401.05 Boundary Street Requirements**

A. The owner(s) of property upon which application for permits for new construction shall be responsible, at a minimum, for sidewalk construction and improvement along all property frontages of all boundary streets.

B. Prior to approval of an application for a permit for new construction where all boundary streets do not meet or exceed the requirements of **Standard Specifications for Public Works Construction in the City of Carlton** the following action shall be taken;

1. A partial street improvement, including curbing, sidewalk and piped storm drainage shall be installed in conformance with plans reviewed and approved by the City Engineer in all boundary streets; or an improvement deferral agreement or non-remonstrance agreement, see **Section 3.208.03**, shall be filed.

2. A partial street improvement, referenced in subsection 1., above, shall consist of a pavement width equal to 3/4 of the width designated for the boundary street by the **City of Carlton, Transportation System Plan** or 24 feet, which ever is the greater.

3. The City may require all or a portion of the improvements be deferred if it is in the interest of the city to do so because of programmed future construction or safety considerations.

**2.401.06 [Reserved]**

**2.401.07 Unsafe Building**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe.

**2.401.08 Limitations on Buildings**

In an SR District there shall be only one main building on a lot.

**2.402 GENERAL EXCEPTIONS**

**2.402.01 General Exception to Building Height**

Projections such as chimneys, spires, domes, elevator shaft housing, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of the underlying zone.

**2.402.02 Height Exceptions for Public Buildings**

Public or quasi public buildings, hospitals, places of worship, and educational institutions may be constructed to a height not to exceed 45 feet provided the required yards are increased one foot for each foot of additional building height above the height regulation for the zone.

### **2.402.03 Public Dedications**

Setback restrictions of this Ordinance shall not apply to existing structures whose setback is reduced by a public dedication.

### **2.402.04 Miscellaneous Setback Exceptions**

Setback limitations stipulated elsewhere in this Ordinance may be modified as follows:

- A. Bus shelters that are intended for use by the general public and are under public ownership and/or control shall be exempt from setback requirements.
- B. Side and rear yards of underground structures may be reduced to 3 feet except all openings into the structure, including doors, windows, skylights, plumbing, intake and exhaust vents, shall meet the minimum setbacks of the district.

## **2.403 TRANSPORTATION IMPROVEMENT PROJECTS**

### **2.403.01 Purpose**

The Transportation Improvement Projects process is intended to provide for the approval of projects identified in the adopted **City of Carlton, Transportation System Plan** and for the review of other transportation improvement projects.

### **2.403.02 Permitted Uses**

Except where otherwise specifically regulated by this Ordinance, the following improvements are permitted outright in all districts.

- A. Normal operation, maintenance, repair, and preservation activities on existing transportation facilities.



- B. Installation of culverts, sidewalks, curbing, median fencing, guardrails, lighting and similar types of improvements within existing right-of-ways.
- C. Projects specifically identified in the **City of Carlton, Transportation System Plan**.
- D. Acquisition of right-of-way for public road, highways, and other transportation improvements designated in the **City of Carlton, Transportation System Plan**.
- E. Construction of a street or road as part of an approved subdivision or partitioning.

### **2.403.03 Conditional Uses**

Construction, reconstruction, or widening of highways, road, bridges or other transportation projects that is:

- A. Not improvements designated in the **City of Carlton, Transportation System Plan**.
- B. Not designed and constructed as a part of an approved subdivision, partitioning or planned unit development.

### **2.212.04 Review Standards**

Projects requiring a Conditional Use Permit shall be reviewed and findings made to comply with the following criteria:

- A. The project is compatible with existing land use and social patterns, including noise generation and safety.
- B. The project is designed to minimize avoidable environmental impacts to wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

- C. The project preserves or improves the safety and function of the facility through access management and other design features.
- D. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plans and other requirements of this ordinance.

## **2.404 USES PERMITTED IN ALL ZONES**

### **2.404.01 Permitted Uses**

The following uses and activities are permitted in all zones:

- A. Placement and maintenance of underground or above ground wires, cables, pipes, guys, support structures, pump stations, drains, and detention basins within rights of ways by public agencies and utility companies for telephone, TV cable, or electrical power transmission, or transmission of natural gas, petroleum products, geothermal water, water, wastewaters, sewage and rainwater.
- B. Railroad tracks and related structures and facilities located within rights of ways controlled by a railroad operator.

## **2.111 FLOOD PLAIN MANAGEMENT (FP)**

### **2.111.01 Purpose**

The purpose of the Flood Plain Management Overlay Zone is to:

- A. Restrict or prohibit 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. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters.
- D. Control filling, grading, dredging and other development that may be subject to or increase flood damage.
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

### **2.111.02 Applicability**

This ordinance shall apply to all Areas of Special Flood Hazards identified on the Flood Insurance Study and Flood Insurance Rate Maps [FIRM] within the jurisdiction of the City of Carlton, Yamhill County, Oregon, and on file at the office of the City Recorder.

### **2.111.03 Warning and Disclaimer**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Carlton, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

### **2.111.04 Development Procedures**

Before any start of construction or development shall occur in areas of special flood hazard; a plot plan, drawn to scale, showing the nature, location, dimension, and topographic lines of the area in question, must be submitted to the Planning Commission for a hearing and approval. The plan shall include as a minimum:

- A. Actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- B. The elevation (in relation to mean sea level) to which any new or substantially improved structure has been flood-proofed.
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the flood proofing criteria of this section.
- D. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

## **2.111.05 General Standards**

In all areas of special flood hazards, the following standards are required:

### **A. Anchoring**

All new construction and substantial improvements 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 may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

### **B. Construction Materials and Methods**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or

accumulating within the components during conditions of flooding.

### C. Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters 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 floodwaters; and,
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

### D. Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
4. Base flood elevation data shall be provided for subdivision and planned unit development proposals.

### E. Review of Building Permits

Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

## **2.111.06 Specific Standards**

In all areas of special flood hazards where base flood elevation data has been provided the following provisions are required:

### A. Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation.

#### B. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood-proofed so that below the base flood level the structure walls shall be substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.

#### C. Manufactured Homes

All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this Section.

#### D. Floodways

Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If subsection (1.) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section and Section 2.111.05.
3. Prohibit the placement of any manufactured housing, except in an existing mobile home park or existing mobile home subdivision.

## 2.111.07 Other Considerations

### A. Use Of Other Base Flood Data

When base flood elevation data has not been provided in accordance with **Subsection 2.111.02**, the Planning Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer this Section.

### B. Alteration of Watercourses

1. Adjacent affected communities and the Oregon State Water Resources shall be notified prior to any alteration or relocation of a watercourse, and evidence of such notification shall be submitted to the Federal Insurance Administration.
2. Maintenance shall be required within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

### C. Interpretation of FIRM Boundaries

Interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 1910.6 of the rules and regulations of the National Flood Insurance Program (24 CFR 1909, etc.).

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## **3.100 APPLICATION REQUIREMENTS AND REVIEW CRITERIA**

### **3.101 SUMMARY OF APPLICATION TYPES**

All development permits and land use actions are processed under the administrative procedures provided for in this section. There are four types of actions, each with its own procedures.

#### **3.101.01 Type I Action**

A ministerial action reviewed by staff based on clear and objective standards. No conditions may be placed on the decision and notice of the decision is sent only to the applicant. Appeal is to the Planning Commission. The following actions are processed under the Type I procedure:

- A. Minor Variance
- B. Lot Line Adjustment
- C. Fence Permit
- D. Sign Permit
- E. Floodplain Permit
- F. Home Occupation

#### **3.101.02 Type II Action**

A Type II action is a quasi-judicial review in which the Planning Commission

applies a mix of objective and subjective standards that allow considerable discretion. Public notice and a public hearing is provided, see **Section 3.202**. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure:

- A. Major Variance
- B. Conditional Use Permit
- C. Site Design Review
- D. Code Interpretation
- E. Non-Conforming Uses
- F. Partitions
- G. Subdivision
- H. Planned Unit Development

### **3.101.03 Type III Action**

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards. The Planning Commission has an advisory role. Public notice is provided and public hearings are held at the Planning Commission and City Council, see **Section 3.202**. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure:

- A. Zone Change
- B. Annexation
- C. Vacation
- D. Road Dedication

### **3.101.04 Type IV Action**

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties cannot request a Type IV action. City staff, Planning Commission, or City Council must initiate it. Public notice and hearings are provided in a Type IV process. Appeal is to the Land Use Board of Appeals (LUBA).

- A. Comprehensive Plan amendment
- B. Land Use District Map changes.
- C. Development Code amendments

## **3.102 VARIANCE**

### **3.102.01 Purpose**

The development standards in this Code protect the public health, safety and welfare by establishing standard setbacks, maximum building heights and other development standards that apply to various uses. For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a variance to quantifiable requirements.

### **3.102.02 Applicability**

Under the following provisions, a property owner or his designate may propose a modification or variance from a standard or requirement of this Ordinance, except when one or more of the following applies:

- A. The proposed variance would allow a use that is not permitted in the district;
- B. Another procedure and/or criteria is specified in the Ordinance for modifying or waiving the particular requirement or standard; or
- C. Modification of the requirement or standard is prohibited within the district.

### **3.102.03 Application and Fee**

An application for a variance shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application, including findings that address relevant review criteria of this Section.

### **3.102.04 Criteria and Procedure - Minor Variance**

A. The City Manager may allow a minor variance from a requirement or standard of this Ordinance in accordance with the Type I review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

1. The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; or
2. The particular development as proposed otherwise clearly satisfies the intent and purpose for the provision sought to be varied; and
3. The proposed development will not unreasonably impact adjacent existing or planned uses and development; and
4. The minor variance does not expand or reduce a quantifiable standard by more than 20 percent and is the minimum necessary to achieve the purpose of the minor variance; and
5. There has not been a previous land use action approved on the basis that a minor variance would not be allowed.

B. When a minor variance application is submitted concurrently with an application requiring a Type II review, such as a partition, subdivision, or planned unit development, the City Manager may refer the minor variance application to the Planning Commission for their review.

### **3.102.05 Criteria and Procedure - Major Variance**

The Planning Commission may allow a major variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the Type II review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this Ordinance, topography, or other circumstances over which the applicant has no control.
- B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.
- C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy.
- D. That the special conditions and circumstances on which the application is based does not result from the negligent or knowing violation of this Ordinance by the applicant.
- E. The variance requested is the minimum variance that would alleviate the hardship.

### **3.102.06 Expiration of Approval**

- A. Variance approval shall be effective for a period of one year from the date of approval. If the variance has not been implemented within the one-year period, the approval shall expire.
- B. Variance approval shall be voided immediately if the use established on site does not substantially conform to the approval granted by the Planning Commission.



C. The City Manager shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six months provided that:

1. No changes are made to the approved variance;
2. The applicant can show intent to implement the variance within the six month extension period; and
3. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original approval was based.
4. The request for extension shall be submitted, in writing, 30 days prior to the expiration of the approval period.

### **3.103 CONDITIONAL USE PERMITS**

#### **3.103.01 Process**

Conditional Use Permit applications shall be reviewed in accordance with the Type II review procedures.

#### **3.103.02 Application and Fee**

An application for a Conditional Use Permit shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section.

#### **3.103.03 Criteria for Approval**

Conditional Use Permits shall be approved if the applicant provides evidence substantiating that all the requirements of this Ordinance relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

- A. The use is listed as a conditional use in the underlying district.

B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.

C. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the use.

D. The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.

### **3.103.04 Expiration of Approval**

A. Conditional use permit approval shall be effective for a period of one year from the date of approval. If the approved use has not been established or substantial construction of buildings associated with the approved use has not begun within the one-year period, the approval shall expire.

B. Conditional use permit approval shall be voided immediately if the use established on site does not substantially conform to the approval granted by the Planning Commission.

C. The City Manager shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six months provided that:

1. No changes are made to the approved conditional use;
2. The applicant can show intent to establish the use within the six-month extension period;
3. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original approval was based; and
4. The request for extension is submitted, in writing, 30 days

prior to the expiration of the approval period.

### **3.104 SITE DESIGN REVIEW**

#### **3.104.01 Purpose**

The Site Design Review Process is intended to:

- A. Guide future growth and development in accordance with the Comprehensive Plan and other related Ordinances;
- B. Provide an efficient process and framework to review development proposals;
- C. Ensure safe, functional, energy-efficient developments which are compatible with the natural and man-made environment; and
- D. Resolve potential conflicts that may arise between proposed developments and adjacent uses.
- E. The site design review provisions are not intended to preclude uses that are permitted in the underlying zones.
- F. Provide design standards for the Commercial Business and Commercial Industrial zones intended to allow new development that is visually compatible with the historic context of commercial development within Carlton.

#### **3.104.02 Process**

Site Design Review applications shall be reviewed in accordance with the Type II review procedures.

#### **3.104.03 Application and Fee**

An application for Site Design Review shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section.

### **3.104.04 Applicability of Provisions**

A. Site Design Review shall be applicable to all new developments and major expansion or remodel (25% or more increase in total square footage) of existing developments except:

1. Single-family detached dwellings;
2. A duplex.

B. All of the provisions and regulations of the underlying zone shall apply unless modified by other Sections of this Code.

### **3.104.05 Submittal Requirements**

A. The following information shall be submitted as part of a complete application for Site Design Review:

1. Site Analysis
  - a. Existing site topography;
  - b. Identification of areas exceeding 10% slopes;
  - c. Site drainage, areas of potential flooding;
  - d. Areas with significant natural vegetation;
  - e. Classification of soil types;
  - f. Existing structures, roadway access and utilities;
  - g. Fire flow information.
  - h. Existing and proposed streets, bikeways, and pedestrian facilities within 300 feet.
2. Site Plan

- a. Proposed grading and topographical changes;
- b. All proposed structures including finished floor elevations, setbacks, exterior elevations, and exterior finishing.
- c. Vehicular and pedestrian circulation patterns, parking, loading and service areas;
- d. Proposed access to public roads and highways, railroads or transportation systems;
- e. Site drainage plan including methods of storm drainage, sanitary sewer system, water supply system and electrical services. Invert elevations may be required for all underground transmission lines;
- f. Proposed landscape plan, to include appropriate visual screening and noise buffering, where necessary, to ensure compatibility with surrounding properties and uses;
- g. Proposed on-premise signs, fencing or other fabricated barriers, together with their heights and setbacks;
- h. Proof of ownership and signed authorization for the proposed development if applicant is not the owner of the site; and
- i. A schedule of expected development.
- k. A traffic impact analysis if requested by the City Manager.
- l. Other appropriate studies and information that may be required by the City Manager to adequately evaluate the project.

### **3.104.06 Evaluation of Site Plan**

The review of a Site Plan shall be based upon consideration of the following:

- A. Conformance with the General Development Standards **Section 2.200**.
- B. Characteristics of adjoining and surrounding uses;
- C. Drainage and erosion control needs;
- D. Public health factors;
- E. Parking, traffic safety, and connectivity of internal circulation to existing and proposed streets, bikeways and pedestrian facilities.
- F. Provision for adequate noise and/or visual buffering from non-compatible uses;
- G. Retention of existing natural features on site; and
- H. Problems that may arise due to development within potential hazard areas.

### **3.104.07 Access**

As part of the design review process, the City may impose the following conditions on a new or expanding development:

- A. Limit or prohibit access to local streets which principally serve residential uses
- B. Require a traffic impact analysis
- C. Require the dedication of additional right-of-way and/or street improvements where necessary to meet City street standards

### **3.104.08 Expiration of Approval**

- A. Site Design Review approval shall be effective for a period of one year from the date of approval. If substantial construction of the

approved plan has not begun within the one-year period, the approval shall expire.

B. Site Design Review approval shall be voided immediately if construction on the site is a departure from the approved plan.

C. The City Manager shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six months provided that:

1. No changes are made to the approved Site Design Plan;
2. The applicant can show intent to initiate construction on the site within the six-month extension period;
3. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original approval was based; and
4. The request for extension is submitted, in writing, 30 days prior to the expiration of the approval period.

### **3.104.09 Performance Guarantees**

All public utility improvements required by this ordinance or as conditions of approval shall be completed prior to the issuance of an occupancy permit, unless there exists a performance guarantee acceptable to the City Attorney, as provided for in **Section 3.208**.

### **3.104.10 Design Standards in the Commercial Business and Commercial Industrial Zones**

As part of the Site Design Review process, all developments as defined by Section 3.104.04, in the Commercial Business or Commercial Industrial zones shall be subject to compliance with the following design standards.

#### **A. Building Orientation**

The primary entrance to a business shall be oriented toward the major

street frontage. Businesses on corner lots may be oriented toward the street corner.

**B. Building Height**

1. Building heights shall vary from adjacent buildings, using either “stepped” parapets or slightly dissimilar overall height to maintain the traditional “staggered” streetscape appearance.
2. Multi-story development is the standard without a variance and shall be required on corner lots.

**C. Setbacks**

All buildings shall extend to the side lot line, except to accommodate areas specifically designed and maintained as plaza spaces, courtyards, or rear access for pedestrian walkways.

**D. Building Openings**

1. The primary ground level street access shall be recessed from the public right-of-way to create a sense of entry through design or use of materials.
2. Ground level entry doors shall be primarily transparent.
3. Ground level elevation shall maintain a consistent proportion of transparency (i.e. windows) with the pattern found in the downtown commercial area.



4. Scale, proportion and materials used in alteration or additions to existing structures, such as the size and relationship of new windows, doors, entrances and other building features shall be visually compatible with the original architecture of the building.
5. Upper floor windows shall be vertically orientated, their height greater than their width.
6. Except for transom windows, windows shall not break the front plane of the building.
7. Blank walls adjacent to a public sidewalk shall be prohibited in new structures.

E. Rear and alley entrances

1. Where applicable, alley entrances shall be designed to encourage pedestrian access.
2. Signs shall be of modest scale to fit the visual characters of an alley or rear entrance.
3. Security lighting shall be provided and focused on rear entries.
4. Refuse containers and service facilities shall be screened from view.

F. Rhythms

1. Prominent horizontal lines at similar levels along the street front shall be maintained.

2. A clear visual division shall be maintained between the ground level floor and upper floors.
  
3. Buildings shall provide a foundation or base from ground level to the bottom of the lower windowsills, with changes in volume or material.
  
4. Buildings shall reflect a vertical orientation, through either actual volume or the use of surface detail to divide large walls.

#### G. Roof Forms

1. Sloped or residential style roof forms are prohibited unless visually screened from the right-of-way by either parapet or false fronts incorporating a well-defined cornice line.
  
2. Roof mounted equipment shall not be seen from street level and shall not extend above the parapet of a building.

#### H. Building Materials and Color

1. Exterior building materials shall consist of traditional building materials originally found on buildings in the downtown commercial area or new materials that closely approximate traditional building materials.
  
2. Glass, metal panels, smooth stucco, metal shingles or highly polished surfaces used as a

majority of the building's exterior surface is prohibited.

3. Traditional materials shall not be used in non-traditional applications.
4. Masonry facades shall not be painted.
5. Subdued colors are encouraged and bright "neon" paint colors or intense white shall be avoided.

I. Awnings and Marquees

Awnings, marquees or similar pedestrian shelter over sidewalk areas shall be provided and placed giving due consideration to the building architectures such as using the prominent horizontal lines of the building. The use of illuminated, barrel shaped or plastic awnings shall be prohibited.

J. Remodeling

Restoration, rehabilitation or remodeling projects shall incorporate, whenever possible, original design elements that were previously removed, changed or covered over.

**3.104.11 Exception to Design Standards in the Commercial Business and Commercial Industrial Zones**

The Planning Commission may grant an exception to the design standards in the Commercial Business and Commercial Industrial Zones if all of the following circumstances exist:

- A. There is demonstrable difficulty in meeting the specific requirements of Section 3.104.10 due to a unique or unusual aspect of the site, an existing structure or proposed use;

B. There is demonstrable evidence that an alternative design accomplishes the purpose of Section 3.104.10 in a manner that is equal or superior to a project designed pursuant these standards or historical precedent.

C. The exception requested is the minimum necessary to alleviate the difficulty of meeting the standards of Section 3.104.10.

## **3.105 CODE INTERPRETATION**

### **3.105.01 Purpose**

The purpose of this Section is to provide for a Code Interpretation for those uses not specifically listed in a particular zoning district but which are similar in character, scale and performance to the permitted uses specified therein.

### **3.105.02 Process**

Similar use requests shall be reviewed in accordance with the Type II review procedures

### **3.105.03 Application and Fee**

Any application for a similar use shall be filed with the City Manager and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section.

### **3.105.04 Review Criteria**

A similar use may be authorized provided that the applicant demonstrates that the proposed use satisfies the following criteria:

A. The use is consistent with the purpose of the underlying zoning district and is similar in character, scale and performance to uses specified in the underlying district.

B. The use conforms to the applicable standards and limitations of

the underlying zoning district.

### **3.105.05 Determination**

A. In approving an application for a similar use, the Planning Commission may:

1. Determine whether the use is prohibited, permitted or conditionally permitted in the specified zone.
2. Determine whether the use is permitted or conditionally permitted in a different zone.
3. Consistent with the development requirements of the identified zone, determine whether additional land use actions, such as conditional use approval or a site plan review, are required.

B. The determination by the Planning Commission that a proposed similar use cannot be accommodated in a given zone does not preclude an application, by the appropriate party, for an amendment to the text of the Comprehensive Plan and/or Development Code.

## **3.106 NONCONFORMING USES**

### **3.106.01 Purpose**

Within the zoning districts established by this Ordinance and amendments thereto, uses and structures may exist which were lawful before the date of adoption or amendment of this Ordinance but which would be prohibited or restricted under the terms of this Ordinance. The general purpose of this Section is to encourage the conversion of such nonconforming uses to conforming uses. However, this Section allows nonconforming uses and structures to be continued, altered, restored or replaced subject to satisfaction of the review criteria specified. Nothing contained in this Ordinance shall require any change in the plans, construction, or designated use of any structure for which a building permit was issued and actual construction commenced prior to the date of adoption of this Ordinance or any amendment thereto. No alteration of a nonconforming use shall be permitted

except in compliance with the provisions of this Section.

### **3.106.02 Process**

Nonconforming uses shall be reviewed in accordance with the Type II review procedures

### **3.106.03 Application and Fee**

An application for an alteration or expansion of a nonconforming use shall be filed with the City Manager and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section.

### **3.106.04 Discontinuation of Use**

If a non conforming use is discontinued for a period of more than six (6) consecutive months, the use shall not be resumed unless the new or resumed use conforms to the requirements of this Ordinance.

A nonconforming single-family dwelling may be continued, altered, or restored for residential purposes without review. A single-family dwelling does not lose its nonconforming status due to vacancy.

### **3.106.05 Alterations Required by Law**

The alteration of any nonconforming use when necessary to comply with any lawful requirement for alteration of the use or structure, or to bring the use or structure into closer compliance with this Ordinance shall be permitted, subject to all other laws, ordinance and regulations.

### **3.106.06 Maintenance**

Normal maintenance of a nonconforming use is permitted provided there are not major structural alterations as determined by the Building Official.

### **3.106.07 Alteration, Restoration, or Replacement**

A. The City Manager shall authorize restoration or replacement of a nonconforming use when restoration or replacement is made necessary

by fire, casualty, or natural disaster and does not exceed 40% of the value of the original structure, provided the physical restoration or replacement is lawfully commenced within six (6) months of the damage or destruction.

B. The Planning Commission, subject to the Type II review procedure, may extend the restoration or replacement period for an additional six (6) months. In no case shall the total restoration or replacement period exceed one (1) year. Requests for extension of restoration or replacement period shall be submitted in writing thirty (30) days prior to the expiration date of the restoration or replacement period.

C. The alteration of a nonconforming use may be authorized by the Planning Commission, subject to the Type II review procedure, provided that the applicant demonstrates that the proposal satisfies the following criteria:

1. That the alteration of structures would result in a reduction in nonconformity of the use, or would have no greater adverse impact on the neighborhood
2. A change in use to another non-conforming use may be permitted if it is of the same or less intensity of use.
3. The alteration of a non-conforming single-family residence that does not involve a change in use is authorized without Planning Commission approval.

### **3.106.08 Conditions of Approval**

In approving the alteration, restoration, or replacement of a nonconforming use, the Planning Commission may impose such conditions, as it deems appropriate to ensure that the intent of this Section is carried out.

## **3.107 LOT LINE ADJUSTMENTS**

### **3.107.01 Applicability**

The procedures and requirements in this section apply to the relocation of a common property line between two abutting properties.

### **3.107.02 Standards**

- A. The number of lots or parcels as large as the minimum lot size in the affected zone is at least the same after the adjustment as before the adjustment.
- B. The number of lots or parcels resulting from the adjustment is the same or less than the number of lots or parcels existing prior to the adjustment.
- C. Following the lot line adjustment, all lots must comply with lot size and dimensional standards of the applicable land use district. For non-conforming lots, the adjustment shall not increase the degree of non-conformance of the subject property or surrounding properties.
- D. All lots or parcels having access to a public or private street before the adjustment must retain access after the adjustment.
- E. The lot line adjustment shall not reduce any required development feature or standard, such as parking, landscaping, or building setbacks, to a size or dimension that does not meet the minimum standards of this Code.

### **3.107.03 Submittal Requirements**

The applicant must submit the following information and material:

- A. Applications for lot line adjustments shall be submitted on forms provided by the City to the City Recorder and accompanied by the appropriate fee. A lot line adjustment application shall be signed by the property owner, contract purchaser or an authorized agent of the owner or contract purchaser of all lots impacted by the lot line adjustment.
- B. Each application shall be accompanied by a preliminary map



drawn to scale of not less than one inch equals 50 feet, and containing at a minimum, the following:

1. A written statement that explains the applicants reasons for adjusting the boundaries and demonstrating that the adjustment conforms to City land use policies and regulations of the applicable zone.
2. North point, scale and date.
3. Name and addresses of landowners, applicants, engineer, surveyor, planner, architect or other individuals responsible for the plan.
4. Map number and tax lot or tax account number of subject property.
5. Dimensions and size in square feet or acres of each parcel before the proposed adjustment and of each parcel after the proposed adjustment.
6. The approximate location and identification of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property.

### **3.107.04 Process**

A lot line adjustment is subject to a Type I review. After a lot line adjustment is approved, the new boundary becomes effective only if within one (1) year of the written approval the following steps are completed:

- A. A metes and bounds legal description of the adjusted lots is recorded with the Yamhill County Clerk.
- B. If required by ORS Chapter 92, a final plat and boundary survey are prepared and all new boundaries are monumented as required by ORS Chapters 92 and 209.

The applicant shall submit a copy of the recorded lot line adjustment survey map to the City prior to issuance of any building permits on the re-

configured lots.

## **3.108 PARTITIONS**

### **3.108.01 Applicability**

A partition is required for any land division that creates two or three parcels in a calendar year. The parcels shall meet the Development Standards for Land Division of **Section 2.208**, other applicable development standards and the following additional requirements:

- A. Each parcel shall satisfy the dimensional standards of the applicable zoning district, unless a variance from these standards is approved.
- B. Adequate public facilities shall be available to serve the existing and newly created parcels.

### **3.108.02 General Provisions**

- A. Partition approval is valid in perpetuity, upon recording of the final surveyed plat.
- B. No parcel within an approved partition may be redivided within the same calendar year in which it was recorded, except through the subdivision process.
- C. A master plan for development is required for any application that leaves a portion of the subject property capable of replatting.

### **3.108.03 Process**

Preliminary plats for partitions shall be reviewed in accordance with the Type II review procedures.

### **3.108.04 Application and Fee**

A. Applications for partitions shall be submitted on forms provided by the City to the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section.

B. The applicant shall submit ten clear and legible copies of the preliminary plan on sheets not less than 11 inches by 17 inches and no more than 24 inches by 36 inches in size. Preliminary plans shall be drawn to a scale of one-inch equals 50 feet or larger.

1. General Information. The following general information shall be shown on the tentative plan:

- a. Vicinity map extending 800 feet in each direction showing all streets, property lines, streams, and other pertinent data to locate the proposal.
- b. North arrow, scale of drawing and date of preparation.
- c. Tax map and tax lot number or tax account of the subject property.
- d. Dimensions and size in square feet or acres of the subject property.
- e. The names and addresses of the property owner, partitioner and engineer, surveyor, or other individual responsible for laying out the partition.

2. Existing Conditions:

- a. Location of all existing easements within the property.
- b. Location of City utilities (water, sanitary sewer, storm drainage) within or adjacent to the property proposed for use to serve the development.

c. The location and direction of watercourses or drainage swales. The location and disposition of any wells, wetlands identified on the State Wetland Inventory, septic tanks, and drain fields in the partition.

d. Existing uses of the property, including location of existing structures on the property. It should be noted whether the existing structures are to be removed or to remain on the property.

3. Proposed Plan: A detailed plan of the propose partition clearly showing the following:

a. Locations, approximate dimensions and area in square feet of all proposed parcels. All parcels shall be numbered consecutively.

b. Location, width and purpose of any proposed easements.

4. Supplemental Information

Proposed deed restrictions, if any, in outline form.

**3.108.05 Final Plat Approval**

A. Within 1 year of the final decision approving a preliminary plat, a final survey of the approved plat shall be recorded. If the final survey is not submitted within 1 year, the preliminary approval shall lapse. Final plats shall conform to the requirements and shall be reviewed in accordance with **Subsection 3.109.05**.

B. The City Manager shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six months provided that:

1. No changes are made to the approved preliminary plat; and

2. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original approval was based.

### **3.108.06 Expedited Land Division**

#### **A. Definition. An expedited land division:**

##### **1. Is an action of the City that:**

- a. Includes land that is zoned for residential uses and is within an urban growth boundary.
- b. Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.
- c. Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect open spaces, scenic historic areas, natural resources, and estuarine resources.
- d. Satisfies Minimum Street or other right-of-way connectivity standards established by acknowledged land use regulations or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules.
- e. Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site.

##### **2. Is a land division that:**

- a. Will create three or fewer parcels; and
- b. Meets the criteria set forth for an action under **Subsection 3.108.06(A)(1)(a)-(e)**.

**B. Exclusion.**

1. Property and process exclusions include properties specifically mapped and designated in the Comprehensive Plan or Development Ordinance for full or partial protection of natural features under the statewide planning goals that protect open space, scenic and historic areas and natural features and not eligible for the construction of dwelling units or accessory buildings.

2. The expedited land division process is not a land use or limited land use decision and is not subject to the permit requirements of City enabling legislation. Decisions are not subject to the Comprehensive Plan and not eligible for appeal to the Land Use Board of Appeals (LUBA).

**C. Complete Application.** The City shall review an application and makes a decision on its completeness within 21 days of submittal. Upon determination of an incomplete application, the applicant has 180 days to submit the missing information.

**D. Public Notice.** Upon submittal of a complete application, the City shall send written notice to affected governmental agencies and property owners within 200 feet of the site proposed for the land division. The notice shall include the following:

1. A 14-day deadline for submission of written comments.
2. The time and place where all copies of evidence submitted by the applicant will be available for review.
3. The name, address, and telephone number of the City's staff person available to comment on the application.
4. Summary of the local decision making process for such a decision.
5. Applicable decision criteria.

6. Notification that participants must raise all issues during the written comment period.

E. Initial Decision. The Planning Commission shall allow at least 14 days for written comments and shall render a decision within 63 days of a complete application. No public hearing may be held during the initial decision making phase.

F. Notice of Final Decision. A notice of decision must be given to the applicant and other participants of the decision. The notice of decision shall state the appeal process.

G. Time Extension.

1. Applicant: If a decision is not made within 63 days, the applicant may seek review by writ of mandamus.

2. City: The City may extend the 63 day period up to 120 days based on the determination that an unexpected or extraordinary increase in applications makes the 63 day period impracticable. Following a 7-day notice to the applicant, consideration of an extension is considered at a regularly scheduled City Council meeting. That determination is specifically declared not to be a land use decision or limited land use decision.

H. Decision Criteria. Criteria for approving the partition shall be as follows:

1. The criteria established in **Subsection 3.108.01**.

2. Density. The application must be able to establish at least 80 percent of the allowable density of the applicable residential zone.

3. Street Standards. The application must comply with the most recent Transportation Plan or provide evidence of meeting the City's minimum street connectivity standards.

I. Appeal of Initial Decision. A decision may be appealed to a local hearings officer within 14 days of filing the notice of decision by the

applicant or any person or organization that filed comments on the initial decision.

J. **Appeal Fee.** Filing an appeal requires a deposit of \$300.00 to cover costs. An appellant faces the possibility of an assessment of \$500.00 for the total costs of local proceedings if the appellant does not prevail. If an appellant materially improves its position, the deposit and appeal fee shall be refunded.

K. **Basis of an Appeal of the Initial Decision.** The local appeal shall be based on the following:

1. The failure to meet local substantive and procedural requirements,
2. Unconstitutionality,
3. The decision was not within the expedited land division category, or
4. A party's substantive rights have been substantially prejudiced by an error in procedure of the local government.

L. **Hearings Officer.** A City designated hearings officer shall hear the appeal of the initial expedited land use decision. The hearings officer may not be a City officer or City employee.

M. **Hearings Officer Notification.** Within 7 days of the hearings officer's appointment, the City shall notify the appellant, the applicant (if not the appellant), and the persons or organizations entitled to notice and which provided written comments, of the hearing date before the hearings officer. If a person submitting comments did not appeal, the issues presented by that person are limited to those in their submitted comments.

N. **Appeal Hearing.** The hearings officer conducts a hearing that:

1. Follows the Commission proceeding requirements,
2. Allows the local government's explanation of its decision,



and

3. May consider evidence not previously considered.

O. Hearings Officer Decision. In all cases, not involving a procedural issue, the hearings officer shall seek to identify means by which the application can satisfy the applicable requirements. The hearings officer may not reduce the density of the application or remand the application to the City, but shall make a written decision on the appeal within 42 days of the filing of the appeal. Unless the local government determines that exigent circumstances exist, a hearings officer who fails to decide a case within the 42-day period shall receive no compensation for services as the hearings officer. If the decision was not an expedited land division, the hearings officer must remand the decision for proper procedural determination.

P. Appeal of Hearings Officer Decision. Appeals of the Hearings Officer decision are to the Oregon Court of Appeals.

Q. Basis of an Appeal of the Hearings Officer Decision. The grounds for review of a hearings officer's decision are limited to:

1. Whether the decision followed the process for an expedited land division and appellant raised that issue,
2. Unconstitutionality, and
3. Certain bias or interest on the part of the hearings officer or local government.

R. Process for Final Plat Approval. Final plats for expedite land divisions shall be reviewed consistent with the requirements in **Subsection 3.108.05**.

## **3.109 SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS**

### **3.109.01 General Provisions**

A. All subdivisions and Planned Unit Developments [PUDs] shall conform to all applicable Zoning District Standards, development

standards and other provisions of this Ordinance.

B. A Master Plan for development is required for any application that leaves a portion of the subject property capable of redevelopment.

### **3.109.02 Application and Fee**

A. The following submittal requirements shall apply to all Preliminary Plan applications for subdivisions and PUDs.

1. All applications shall be submitted on forms provided by the City to the City Recorder along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section.

2. The applicant shall submit ten clear and legible copies of the preliminary plan on sheets that are 24 inches by 36 inches in size. Preliminary plans shall be drawn to a scale of one-inch equals 100 feet or larger.

3. General Information. The following general information shall be shown on the preliminary plan:

a. Vicinity map extending 1,200 feet in each direction showing all streets, property lines, streams, and other pertinent data to locate the proposal.

b. North arrow, scale of drawing and date of preparation.

c. Tax map and tax lot number or tax account of the subject property.

d. Dimensions and size in square feet or acres of the subject property.

e. The names and addresses of the property owner, partitioner and engineer, surveyor, or other individual responsible for laying out the partition.

4. Existing Conditions. The preliminary plan shall show:
- a. Location of all existing easements within the property.
  - b. Location of City utilities (water, sanitary sewer, storm drainage) within or adjacent to the property proposed for use to serve the development.
  - c. The location and direction of watercourses or drainage swales. The location and disposition of any wells, wetlands identified on the State Wetland Inventory, septic tanks, and drain fields in the development.
  - d. Existing uses of the property, including location of existing structures on the property. It should be noted whether the existing structures are to be removed or to remain on the property.
  - e. Contour lines related to an established benchmark, having the following minimum intervals:
    1. Areas with less than 5% slope: One-foot contours
    2. Areas with slope between 5% and 10%: Two-foot contours.
    3. Areas with slope greater than 10%: Five-foot contours.
5. Proposed Plan: The preliminary plan shall clearly show to scale the following:
- a. Proposed name of the PUD or subdivision.
  - b. Locations, approximate dimensions and area in square feet of all proposed lots. Identification of each lot and block by number.

- c. Proposed streets and their names, approximate grade, radius of curves, and right-of-way widths.
- d. Any other legal access to the subdivision or PUD, other than a public street.
- e. Location, width and purpose of any proposed easements.
- f. If the development is to be constructed in phases, indicate the area of each phase.

6. Supplemental Information

Proposed deed restrictions, if any, in outline form.

B. The following supplemental information shall be required for all PUD Preliminary Plan applications:

- 1. Calculations justifying the proposed density of development as required by **Subsection 2.302.05(C)**.
- 2. Proposed uses of the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses, with the purpose, condition and limitations of such reservations clearly indicated.
- 3. The approximate location and dimensions of all commercial or multi-family structures proposed to be located on the site.
- 4. Statement of improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and time such improvements are to be made or completed.

5. Written statement-outlining proposals for ownership and maintenance of all open space areas, private streets and any commonly owned facilities.

### **3.109.03 Process**

- A. Preliminary Plans for subdivisions and PUDs shall be reviewed in accordance with the Type II review procedures.
- B. Approvals of any Preliminary Plans for a subdivision or PUD shall be valid for one year after the date of the written decision. A Final Plat for a subdivision shall be recorded within this time period or the approvals shall lapse. PUDs that do not involve the subdivision of property shall show substantial progress toward the construction of the project within the one-year period or the approval shall lapse.
- C. The Planning Commission may extend the approval period for any subdivision or PUD for not more than one (1) additional year at a time. Requests for extension of approval time shall be submitted in writing thirty (30) days prior to the expiration date of the approval period.
- D. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.

### **3.109.04 Final Plat Requirements**

- A. Preparation: The final plat shall be submitted to the City in a form and with information consistent with this Ordinance, County survey and map standards and State laws including ORS 92.010-160 for plats of record and ORS 209.250 for surveys.
- B. Number of Copies: The applicant shall submit three (3) identical reproducible copies of the final plat for signature. The plats shall be Mylar, meeting the requirements of the County Recorder and the County Surveyor.
- C. Information Required: In addition to any information specified by current State law or County regulations, the following information shall be shown on the final plat:

1. The area of each lot shall be shown in square feet. For parcels larger than one acre, the area shall be shown to the nearest hundredth of an acre. When front lot lines are on a curve or arc, the front lot line distance shall be indicated by bearing and chord distance.
2. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots or parcels intended for sale. The following phrases shall be used when identifying open space dedications:
  - a. **COMMON OPEN SPACE:** Used to identify those parcels of land created for the purpose of common ownership, enjoyment and maintenance by an approved homeowner's association or is listed as being held in common ownership, with appropriate deed restrictions and responsibilities, by owner's of property within the development.
  - b. **PUBLIC OPEN SPACE:** Used when identifying those parcels of land dedicated to the City for open space purposes.

### **3.109.05 Final Plat Approval**

- A. Within 1 year of the final decision approving a preliminary plat, a final plat shall be recorded. If the final plat is not submitted within 1 year, the preliminary approval shall lapse.
- B. The City Manager shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six months provided that:
  1. No changes are made to the approved preliminary plat; and
  2. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original

approval was based.

C. After the final plat has been submitted, the City Staff shall review and compare it with the approved preliminary plan to ascertain whether the final plat conforms substantially to preliminary plan and to the conditions of approval as were imposed. The Chairman shall signify Planning Commission approval of the final plat by signing all three reproducible copies of the plat

D. No final plat shall be approved unless:

1. The plat is in substantial conformance with this Ordinance and the provisions of the preliminary plan as approved, including any conditions imposed in connection therewith;

2. The plat contains free and clear of all liens and encumbrances a donation to the public of all common improvements, including but not limited to streets, roads, sewage disposal and water supply systems, the donation of which is required by this Ordinance or was made a condition of the approval of the preliminary plat;

3. Explanations of all common improvements required as conditions of approval of the preliminary plan have been recorded and referenced on the plat;

4. All reserve blocks shown on the preliminary plan or required as conditions of approval have been deeded in fee simple to the City;

5. The City has received adequate assurances that the applicant has agreed to make all public improvements, which are required as conditions of approval of the preliminary plan. The following constitute acceptable adequate assurances:

a. Certification by the City Engineer that all required public improvements are completed and approved by the City; or

b. The City Engineer certifies that 75% of the

improvements are completed and a performance guarantee as provided by **Section 3.208.01**

E. If the City Recorder finds that conditions specified in subsection (D) of this section have not been met, the applicant shall be advised of the changes that must be made and afforded the opportunity to comply. Rejection of a final plat shall not affect the preliminary plan approval.

F. When the City Recorder finds that the final plat is in substantial conformity to the approved preliminary plan and is otherwise in lawful form, the City Recorder shall sign and date all three reproducible copies of the plat.

G. Following endorsement of the plat by the City Recorder, the Mayor and the City Engineer, the applicant shall:

1. Pay all required review fees.
2. Complete all action required by ORS 92.100.
3. Obtain any other approval signature required by State or County laws, ordinances or regulations.
4. Deliver the approved subdivision plat and accompanying documents to the County Clerk for recording.
5. Deliver a signed Mylar copy and three copies of the recorded subdivision plat to the City Recorder's office.

H. **Effective Date for Final Plat Approval.** The approval process for a development shall become final upon the recording of the approved final plat together with any required documents with the County Clerk. Approved final plats shall become void one year after final City approval if they are not recorded.

### **3.109.06 Subdivision of a Mobile Home Park**

The proposed subdivision of manufactured or mobile home parks under the



requirements of ORS 92.830 to 92.845 shall be processed as follows.

A. The Subdivision of an existing mobile home park shall be approved provided:

1. The park is in compliance with all standards for a mobile dwelling park or is an approved nonconforming use. A park is in compliance if the City has not issued a written notice of noncompliance on or before July 2, 2001;

2. The tentative subdivision plan does not increase the number of lots approved for the park, change the boundary lines, or setback requirements, or make other development changes; and

3. A plat is prepared and recorded in compliance with all regulations of this ordinance and Oregon Revised Statutes.

B. A subdivision of an existing mobile home park is not required to meet the minimum lot size, frontage, setback requirements, or street standards of this ordinance, with the following exception that new structures located within yards abutting properties outside of the subdivision must meet all setback requirements or be approved for a variance.

C. A subdivision of an existing mobile home park shall be subject to formation of a homeowners association for continued maintenance of streets and open space areas within the subdivision.

### **3.110 ZONE CHANGE**

#### **3.110.01 Process**

Rezoning or zone changes shall be reviewed in accordance with the Type III review procedures.

#### **3.110.02 Zone change defined**

A “zone change” is a reclassification of any area from one zone or district to another after the proposed change has been reviewed and a recommendation

made by the Planning Commission. Such change shall be passed in ordinance from by the City Council after proceedings have been accomplished in accordance with the following provisions.

### **3.110.03 Zone change procedure**

- A. That there is a lack of comparatively zoned property to satisfy the proposed use;
- B. The change of zone is in conformance with the Comprehensive Plan, the Carlton Development Code, and any applicable street and highway plans;
- C. That the proposed property is adequate in size and shape to facilitate those uses allowed in the proposed zone;
- D. That the proposed property related to streets and highways is adequate top serve the type of traffic that will be generated by uses in the proposed zone; and
- E. That the proposed change of zone will have no substantial impact on the abutting property or uses thereof.

### **3.110.04 Application and Fee**

An application for a zone change shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section.

### **3.110.05 Criteria for Approval**

Zone change proposals may be approved if the applicant provides evidence substantiating the following:

- A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.

- B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.
- C. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.
- D. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.
- E. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.
- F. The following additional criteria shall be used to review all zone changes:
1. The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next 5 years, or the location of the appropriately zoned land is not physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use.
  2. The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

## **3.111 ANNEXATION**

### **3.111.01 Authority of City to Annex**

The boundary of the City may be extended by the annexation of territory not then within the City and which territory is within the City's Urban Growth Boundary and contiguous to the City or separated from it by a stream or right-of-way only.

### **3.111.02 Process**

Annexations shall be reviewed in accordance with the Type III review procedures.

A. Following submission of annexation proposal or initiation, the City Recorder shall set a date for hearing. Notice shall be pursuant to the proposed method of annexation.

B. The Planning Commission shall hear testimony and shall recommend approval or denial of the proposed annexation and submit such recommendation to the Council within 10 days for the hearing. The Planning Commission's decision shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. For all annexations the decision shall state how the proposal will:

1. Promote an orderly, timely and economical transition of rural and agricultural lands into urbanized lands;
2. Relate to areas with natural hazards;
3. Protect open spaces and scenic views and areas;
4. Provide for transportation needs in a safe, orderly and economic manner;
5. Provide for an orderly and efficient arrangement of public services;
6. Affect identified historical sites and structures and provide for the preservation of such sites and structures;
7. Improve and enhance the economy of the City; and
8. Provide quality, safe housing through a variety of housing types and price ranges.

C. The City Recorder shall set a date for a public hearing with the Council upon receipt of the Planning Commission's recommendation. Notice shall be pursuant to the proposed method of annexation. After considering all testimony the Council shall sustain or reverse the

Planning Commission's recommendation. The Council shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. The decision shall state how the proposed annexation will address the criteria stated in **Subsection 3.111.02 (B)**.

### **3.111.03 Annexation by Election**

A. The Council, upon approval of the annexation proposal, has the authority to submit the proposal for annexation to the registered voters of the City.

B. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose. The voters of the City and of the territory may vote upon the proposal for annexation simultaneously or at different times not more than twelve months apart.

C. Two or more proposals for annexation may be voted upon simultaneously; however in the City each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot.

D. The Council shall give notice of each annexation election by publication prior to such election one each week for four successive weeks in a newspaper of general circulation in the City. Whenever simultaneous elections are held, the same notice and publication shall fulfill the requirements of publication for the City election and the election held in the territory. Notice shall also be given by posting notices of the election in four public places within the City if votes are to be cast therein and four public places in each territory proposed to be annexed for a like period as provided in this section for publication of notice. The notice shall distinctly state the proposition to be submitted, shall contain a legal description of, and a map indicating the boundaries of each territory proposed to be annexed, and the registered voters shall be invited thereby to vote upon such annexation. The Council shall also designate and the notice shall state the hours during which the polls will be open within the City and each territory proposed to be annexed. If the election is to be held at the usual precinct polling places designated for a general election held at that time, or if the election is

not held at the same time as a general election, but is held at the same polling places used for the last preceding general election, the notice shall so state; if any polling place is to be different than the regular polling places, the notice shall describe the location of the polling places to be used in the area or precincts in which the polling places are different.

### **3.111.04 Annexation Without City Election**

A. By ordinance, the Council may elect to dispense with submitting the annexation proposal to the registered voters of the City, set a date for public hearing, at which time the registered voters of the City can be heard on the annexation proposal.

B. Notice of the public hearing shall be published once a week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the City, and posted in four public places in the City for a like period.

C. Written notice shall be given to all property owners within the boundaries of the proposed annexation and within 200 feet of the external boundaries of the proposed annexation.

D. After the public hearing the Council, by ordinance subject to referendum, and containing a legal description of the proposed annexation:

1. Declare that the territory is annexed to the City upon the condition that the majority of the votes cast in the territory is in favor of annexation;
2. Declare that the territory is annexed to the City where persons with land ownership in the proposed territory consent in writing to such annexation.

### **3.111.05 Annexation with Election in Proposed Territory**

A. The Council need not call or hold an election in any contiguous territory proposed to be annexed, or post notice in the contiguous territory, if more than half the owners of land in the territory, who also

own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file the annexation proposal on or before the day:

1. The public hearing procedure shall be pursuant to **Subsections 3.111.02 (A) and (B); and Subsections 3.111.04 (B), and (C)**. If the Council dispenses with submitting the question to the registered voters of the City; or
2. The Council takes action to call an annexation election in the City under **Subsection 3.111.03 (D)**, if the Council submits the question to the registered voters of the City.

### **3.111.06 Island Annexation**

- A. It is within the power and authority of the City by ordinance subject to referendum, to annex land that is surrounded by the corporate limits or boundaries of the City, with or without consent of any property owner or resident in the territory.
- B. Notice and procedure for public hearing shall be provided pursuant to the provisions of **Subsection 3.111.04**.
- C. If the Council elects to submit the questions to the registered voters of the City, procedure shall be pursuant to **Subsection 3.111.03**.

### **3.111.07 Submission of Annexation Reports**

- A. The City shall report all changes in the boundaries or limits of the City to the County Clerk, County Assessor and Oregon Department of Revenue. The report shall contain a legal description of the new boundaries and shall be filed within 10 days from the effective date of the change of any boundary lines.
- B. With the exception of "Island Annexation" the City Recorder shall submit to the Secretary of State:
  1. A copy of the annexation ordinance;

2. An abstract of the vote within the City if votes were cast therein, which shall show the whole number of registered voters voting therein on the annexation, the number of votes cast in favor of, and against the annexation;
3. A copy of the statement of consent of landowners in the territory annexed;
4. A copy of the ordinance of the City declaring that no election is required in the City; and
5. An abstract of the vote upon the referendum if a referendum petition was filed with respect to the deferred ordinance.

### **3.111.08 Effective Date of Annexation**

The annexation shall be complete from the date of filing with the Secretary of State as provided in ORS 222.150, 222.160, 222.170, and 111.900. Thereafter, the annexed territory shall be and remain part of the City. The date of such filing shall be the effective date of annexation, provided such filing is not made later than 90 days prior to any general or primary election; otherwise, the effective date of such annexation shall be the day after the primary or general election next following the date of filing.

### **3.111.09 Zone Designation of Annexed Property**

The City Council shall establish the appropriate zoning, in conformance to the comprehensive plan, effective upon the effective date of the annexation of property to the City.

## **3200 ADMINISTRATIVE PROCEDURES**

### **3.201 APPLICATION PROCEDURES**

#### **3.201.01 Procedures for Type I Action**

Applications subject to administrative review shall be reviewed and decided



by the City Manager.

- A. Upon receipt of an application for a Type I land use action; the City staff shall review the application for completeness.
1. Incomplete applications shall not be reviewed until all required information has been submitted by the applicant.
  2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary.
- B. The application shall be deemed complete either:
1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;
  2. On the 31st day after the original submittal the application shall be deemed complete for review purposes.
- C Referrals may be sent to interested agencies such as City departments, the school district, utility companies, and applicable state agencies. If a county road or state highway might be impacted, referrals should be sent to Yamhill County Public Works and/or ODOT.
- E. All subdivisions, permits for new structures, conditional use permits and planned unit developments on any land illustrated on the NWI/LWI Maps shall be referred within five days of receipt to the Oregon Division of State Lands. The applicant shall be notified of the referral.
- F. If the staff finds that the facts of the particular case require interpretation of existing standards, then a public hearing before the Planning Commission shall be scheduled. The procedures for conducting the public hearing shall comply with the standards in **Section 3.203**.

G. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria;

H. Written notice shall be mailed to the applicant.

I. A Type I land use decision may be appealed by the applicant to the Planning Commission. The appeal shall be filed, pursuant to the provisions of **Section 3.205**, within twelve (12) days from the date of the decision.

J. The timing requirements established in this Section are intended to allow a final action, including resolution of any appeals, within one hundred twenty (120) days of receipt of a complete application. If for any reason it appears that such final action may not be completed within the 120-day period, unless the applicant voluntarily extends the time period, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance.

1. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120-day period.
2. Public notice shall be mailed to affected parties as specified in **Section 3.202**.
3. The City Council shall hold a public hearing on the specified date, in accordance with the provisions of **Section 3.204** and render a decision approving or denying the request within the 120-day period.

### **3.201.02 Procedures for Type II and Type III Actions**

A. Upon receipt of an application for Type II or Type III land use action, the City staff shall review the application for completeness.

1. Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been

submitted by the applicant.

2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary.

B. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:

1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;

2. On the 31st day after the original submittal the application shall be deemed complete for scheduling purposes only.

C. Applications for more than one Type II or Type III land use action for the same property may, at the applicant's discretion, be combined and heard or reviewed concurrently.

D. Referrals may be sent to interested agencies such as City departments, the school district, utility companies, and applicable state agencies. If a county road or state highway might be impacted, referrals should be sent to Yamhill County Public Works and/or ODOT.

E. All subdivisions, permits for new structures, conditional use permits and planned unit developments on any land illustrated on the NWI/LWI Maps shall be referred within five days of receipt to the Oregon Division of State Lands. The applicant shall be notified of the referral.

F. The Public Hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners. Notice requirements shall comply with **Subsection 3.202.02**.

G. Staff shall prepare and have available within 7 days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be mailed to the applicant and be available at City Hall for all interested parties.

H. The public hearing before the Planning Commission shall comply with the provisions in **Section 3.203**.

I. Approvals of any Type II or Type III action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:

1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:

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

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

2. Changes or alterations of conditions shall be processed as a new administrative action.

3. Whenever practical, all conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information which demonstrates to the satisfaction of the Planning Commission that it is not practical to fulfill all conditions prior to issuance of such permit, the Planning Commission may require a performance guarantee as provided in **Section 3.208**.

J. The applicant shall be notified in writing of the Planning Commission's decision or recommendation. In addition, notice of the Commission's decision shall be mailed to individuals, who request such notice at the public hearing, or, by those individuals who submitted a written request for notice prior to the public hearing.

K. Either the applicant or persons receiving notice of the decision may appeal a Type II land use decision to the City Council. The appeal shall be filed within twelve (12) days from the date of the decision, pursuant to the provisions of **Section 3.205**. Type III land use

applications are automatically reviewed by the City Council.

L. The timing requirements established by this Section are intended to allow a final action, including resolution of appeals for all land use actions within one hundred twenty (120) days of receipt of a complete application, except for Type III actions. If for any reason it appears that such final action may not be completed within the 120-day period, unless the applicant voluntarily extends the time period, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance.

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

2. Public notice shall be mailed to affected parties as specified in **Section 3.202**.

3. The City Council shall hold a public hearing on the specified date, in accordance with the provisions of **Section 3.204** and render a decision approving or denying the request within the 120-day period.

### **3.202 PUBLIC NOTICE REQUIREMENTS**

#### **3.202.01 Type I Actions**

Written notice of any Type I decision shall be mailed to the applicant.

#### **3.202.02 Type II and Type III Actions**

A. Notice of any public hearings before the Planning Commission or City Council for a Type II or Type III land use action required by this Ordinance shall be published in a newspaper of general circulation in the City at least twenty (20) days prior to the public hearing. Notice for annexations shall be as set forth in **Section 3.111**.

B. Written notice of the initial public hearing shall be mailed at least

twenty (20) days prior to the hearing date to the owners of property within 200 feet of the boundaries of the subject property. Applicants shall be responsible for providing a certified list of property owners within the notice area prepared by Yamhill County or a title company. The list must be current within the last 30 days.

### **3.202.03 Type IV Actions**

A. Where a Type IV action is scheduled a ten (10) day published notice shall be required.

B. In addition, written notice of the first public hearing shall be mailed at least twenty (20) days but not more than forty (40) days prior to the hearing date to all owners of property within the City whose property would be rezoned by a Type IV action that amends or adopts new provisions to this development code, limit or prohibit land uses previously allowed in an affected zone. If the Type IV action is pursuant to a requirement of periodic review, notice shall be mailed at least thirty (30) days prior to the first public hearing.

C. If the Type IV action is zone change that includes all or part of a mobile home or manufactured dwelling park as defined in ORS 446.003, written notice shall be provided to each existing mailing address for tenants of the mobile home or manufactured.

### **3.202.04 Notice for Appeals**

Notice of hearings on appeal to the City Council shall be pursuant to **Subsection 3.202.02**, and shall include written notice at least ten (10) days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision.

### **3.202.05 Notice Requirements**

A. Public notices for Type II and III actions shall:

1. Explain the nature of the application and the proposed use or uses that could be authorized;

2. Cite the applicable criteria from the ordinance and the plan that apply to the application at issue;
3. Set forth the street address or other easily understood geographical reference to the subject property;
4. State the date, time and location of the hearing;
5. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals;
6. Include the name of the City representative to contact and the telephone number where additional information may be obtained;
7. State that a copy of the application, all documents and evidence relied upon by the applicant and application criteria are available for inspection at no cost and a copy will be available at reasonable cost;
8. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost;
9. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearing.

B. Public notices for Type IV actions that “rezone property” as defined by ORS 227.186(9), shall be approved in advance by the City Council and shall be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone, at least 20 days, but not more than 40 days, before the date of the first public hearing.

The notice shall:

1. Include the following language in boldfaced type extending from the left-hand margin to the right-hand margin

across the top of the face page of the notice: **“This is to notify you that the City of Carlton has proposed a land use regulation that will affect the permissible uses of your land.”**

2. Include in the body of the notice;

On (date of public hearing), the City of Carlton will hold a public hearing regarding the adoption of Ordinance Number \_\_\_\_\_. The City of Carlton has determined that adoption of this ordinance will affect the permissible uses of your property and may reduce the value of your property.

Ordinance Number \_\_\_\_\_ is available for inspection at the Carlton City Hall located at 191 E. Main Street. A copy of Ordinance Number \_\_\_\_\_ also is available for purchase at a cost of \_\_\_\_\_.

For additional information concerning Ordinance Number \_\_\_\_\_, you may call the Carlton City Recorder 503-852-\_\_\_\_\_.

3. If notice is pursuant to a requirement of periodic review, the body of the notice shall include in lieu of 2 above:

As a result of an order of the Land Conservation and Development Commission, has proposed Ordinance Number \_\_\_\_\_. The City of Carlton has determined that adoption of this ordinance will affect the permissible uses of your property and may reduce the value of your property.

Ordinance Number \_\_\_\_\_ will become effective on \_\_\_\_\_.

Ordinance Number \_\_\_\_\_ is available for inspection at the Carlton City Hall located at 191E. Main Street. A copy of Ordinance Number \_\_\_\_\_ also is available for purchase at a cost of \_\_\_\_\_.

For additional information concerning Ordinance Number \_\_\_\_\_, you may call the Carlton City Recorder 503-852-\_\_\_\_\_.

C. Notice of public hearing by the Planning Commission or City Council on any Type IV action shall be published in a newspaper of general circulation a minimum of 10 days prior to the date of the hearing.

D. Notice of a Type IV hearing shall be provided to the Oregon



Department of Land Conservation and Development at least 45 days prior to the first evidentiary hearing by the City on any Type IV action.

### **3.203 PUBLIC HEARING BEFORE THE PLANNING COMMISSION**

#### **3.203.01 General Provisions**

A. Land use actions that require a public hearing by the Planning Commission shall be initially heard by the Planning Commission within sixty (60) days of the receipt of an application or appeal.

B. The Planning Commission may continue a public hearing for additional, information, testimony or for decision, to its next regular meeting or to a special meeting. In no instance, however, shall the decision be continued more than sixty (60) days beyond the initial hearing date.

C. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing.

D. The decisions of the Planning Commission on applications for Type II actions shall be final unless appealed to the City Council pursuant to **Section 3.205**.

E. The recommendations of the Planning Commission on applications for Type III actions shall be referred to the City Council for final determination, pursuant to **Section 3.204**.

F. An issue that may be the basis for an appeal to the Land Use Board of Appeals (LUBA) may be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the City Council or Planning Commission, and the parties, an adequate opportunity to respond to each issue.

G. Appeal of a Type I action shall be heard by the Planning Commission in accordance with provisions of **Section 3.205**. Findings of the Planning Commission on such appeal shall be final unless further

appealed to the City Council.

### **3.203.02 Public Hearing Procedures**

A. The Public Hearing shall be conducted under the following procedures:

1. Open the public hearing, announce the purpose, and explain the process.
2. A prepared statement shall be made to all in attendance that conforms to ORS 197.763 (5).
3. Ask for objections to jurisdiction.
4. Call for abstentions.
5. Staff report with initial recommendation.
6. Letters.
7. Public Agencies
8. Proponents testimony.
  - a. Principal.
  - b. Others.
9. Opponents testimony.
  10. Questions of proponents and opponents from the floor and Commission/Council directed through Chair/Mayor.
  11. Proponent rebuttal.
  12. Staff final recommendation.
  13. Close of hearing.

14. Deliberation of Commission/Council of findings of fact.

15. Decision

### **3.203.03 Evidence**

A. All evidence offered and not objected to may be received unless excluded by the Planning Commission on its own motion. Evidence may be received subject to a later ruling as to its admissibility.

B. The Planning Commission may exclude irrelevant, unduly repetitious, immaterial or cumulative evidence; but erroneous admission of evidence by the Commission shall not preclude action or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party. When a hearing will be expedited, any part of the evidence may be received in written form.

C. All evidence shall be offered and made a part of the public record in the case.

D. The Planning Commission may take notice of judicially recognizable facts, and members may take notice of general, technical or scientific facts within their specialized knowledge. Parties shall be notified at any time during the proceeding, but in any event prior to the final decision, of the material so noticed. Parties shall be afforded an opportunity to contest the facts so noticed. The Planning Commission members may utilize their experience, technical competence and specialized knowledge in evaluation of the evidence presented.

E. Every party is entitled to an opportunity to be heard and to present and rebut evidence.

F. All interested persons shall be allowed to testify.

### **3.203.04 Record of Hearing**

A verbatim record of the proceeding shall be made by written, mechanical or electronic means, which record need not be transcribed except upon review of the record.

### **3.203.05 Limits on Oral Testimony**

The Planning Commission Chair may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing.

### **3.203.06 Exhibits**

All exhibits received shall be marked so as to provide identification upon review. The City shall retain such exhibits.

### **3.203.07 Continued Hearing**

The Planning Commission may during the course of the hearing, continue a hearing to a date, time and place announced at the hearing without additional notification.

## **3.204 REVIEWS AND PUBLIC HEARING BY CITY COUNCIL**

### **3.204.01 General Provisions**

- A. Type III Reviews: The City Council shall hear all Type III actions. The City Council action on such requests shall be the final action of the City on the request.
- B. Appeals: The City Council shall hear appeals of all Planning Commission actions conducted pursuant to **Section 3.205**. The appeal hearing shall be conducted in a manner consistent with **Section 3.203**. The action of the Planning Commission shall be final and the Council shall not hear the appeal if the appeal period has lapsed.
- C. All hearings or reviews required by the City Council shall be heard within thirty (30) days of the Planning Commission's written decision or appeal request. In no instance, however, shall this period extend the date of the hearing and final action beyond 120 days from the date of the initial submission of a complete application, unless voluntarily agreed to by the applicant.
- D. The decision shall be made by the City Council and written

findings prepared listing findings for approval or denial, and any conditions of approval, within two weeks of the hearing by the City Council. In no case, however, shall this decision and the preparation of written findings extend beyond 120 days from the date of initial submittal of a complete application, unless voluntarily agreed to by the applicant.

### **3.204.02 Hearing by City Council**

Actions on quasi-judicial requests shall be conducted at public hearing pursuant to the City Council's adopted rules of procedure. The City Council shall allow opportunity for all parties to be heard and may accept new evidence.

### **3.204.03 Review by City Council**

A. Review on Record: Except as set forth in **Subsection 3.204.03 (B)**, the City Council review of an appeal on an action by the Planning Commission shall be confined to the record of the initial proceeding. Parties may offer testimony regarding alleged errors in the Planning Commission action. The meeting shall be conducted as set forth in the City Council's adopted rules of procedures. The record of the initial proceeding shall include:

1. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered by the Planning Commission as evidence;
2. All exhibits submitted by the City Staff with respect to the application;
3. The transcript of the hearing; and
4. The findings and action of the Planning Commission and the notice of decision.

B. Submission of New Testimony and De Novo Hearings: The City Council may admit additional testimony and other evidence by holding a de novo hearing. Upon the decision to admit additional testimony or other evidence and to hear the entire matter de novo, the presentation of

such testimony and evidence shall be governed by the procedures applicable to the presentation of such matters at the initial hearing.

C. City Council Action: The City Council may affirm, rescind or amend the action of the Planning Commission and may grant approval subject to conditions necessary to carry out the Comprehensive Plan. The City Council may also remand the matter back to the Planning Commission for additional information, subject to the agreement of the applicant to extend the 120-day review period.

## **3.205 APPEAL PROVISIONS**

### **3.205.01 Appeal Period**

A. The decision of the City Manager shall be final for a Type I land use decision unless a notice of appeal from an appropriate aggrieved party is received by the City within ten (10) days of the date of the final written notice, or unless the City Council, on its own motion, orders review within ten (10) days of initial action. An appeal stays the proceedings in the matter appealed until the determination of the appeal.

B. The decision of the Planning Commission for a Type II land use decision, or the appeal of a Type I decision, shall be final unless a notice of appeal from an aggrieved party is received by the City within ten (10) days of the date of the final written notice, or unless the City Council, on its own motion, orders review within ten (10) days of initial action. An appeal stays the proceedings in the matter appealed until the determination of the appeal.

### **3.205.02 Form of Appeal**

Appeal requests shall be made on forms provided by the City and shall state the alleged errors in the Planning Commission action.

### **3.205.03 Notice Requirements**

A. Notice of hearings by the Planning Commission on appeal requests shall be as specified in **Section 3.202**.

B. Notice of hearings by the City Council on appeal requests shall be as specified in **Section 3.202**.

### **3.205.04 Supplemental Application Following Denial**

Following denial of an initial application an applicant may submit a Supplemental Application for Remaining Permitted Uses

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

B. The city or its designee shall take final action on a supplemental application submitted under this section, including resolution of all appeals, within 240 days after the application is deemed complete. Except that 240 days shall substitute for 120 days, all other applicable provisions of ORS 227.178 ("The 120-day Rule") shall apply to a supplemental application submitted under this section. **See 3.201.01**

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

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

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

## **3.206 FEES**

### **3.206.01 Purpose**

Fees are for the purpose of defraying administrative costs.

### **3.206.02 General Provisions**

A. Fees shall be payable at the time of application and shall be set forth by Resolution of the City Council. There shall be no fee required for an application initiated by the Planning Commission or the City Council.

B. The failure to submit the required fee with an application or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect.

C. Fees are not refundable unless the application is withdrawn prior to the notification of the hearing.

D. The City Council may reduce or waive the fees upon showing of just cause to do so.

### **3.206.03 Transcript Fees**

In addition to other fees for appeal requests, any person requesting a verbatim transcript shall pay a fee equal to the actual cost of the preparation of the transcript. The cost of the transcript fee shall be determined by the cost per page for the preparation of such transcripts, at an appropriate rate.

The City shall estimate the cost of the transcript at the time of the filing of the appeal request and shall receive a deposit in that amount. Any person requesting a verbatim transcript shall be billed for actual costs in excess of the deposit or receive a refund for surplus deposit funds in excess of transcript fees authorized by this Section.

## **3.207 TYPE IV ACTIONS**

### **3.207.01 Initiation**

Type IV may be initiated by:

- A. Majority vote of the City Council.
- B. Majority vote of the Planning Commission.



## **3.207.02 Procedure for Type IV Actions**

### **A. Public Hearings by Planning Commission**

1. A public hearing shall be held by the Planning Commission on all proposed amendments to this Ordinance and on all legislative amendments and revisions of the Comprehensive Plan.
2. The Planning Commission may continue any hearing in order to make a reasonable decision.

**B. Public Hearing by City Council:** Following Planning Commission action, the City Council shall hold a public hearing to consider the Planning Commission's recommendation on proposed amendments. Notice shall be as specified in **Section 3.202**.

## **3.208 PERFORMANCE GUARANTEES**

### **3.208.01 Performance Guarantee**

When required, the applicant shall file a performance guarantee to insure the full and faithful performance of all terms of an improvement agreement, if any, or to insure completion of all work for which permits are required, by one of the following:

**A.** A surety bond executed by a surety company authorized to transact business in the State of Oregon, in a form approved by the city attorney in an amount equal to 120 percent of the construction cost of required improvements, as verified by the city.

**B.** A deposit with the city, or at the option of the city, a verified deposit with a responsible escrow agent or trust company, of cash or negotiable bonds in an amount equal to 120 percent of the construction costs of the required improvements, together with an agreement that the deposit may be disbursed only upon city approval of disbursement. The agreement shall include a provision that the city shall allow release of the deposit in such amounts and at such times as a corresponding proportion of the required improvements are completed to the satisfaction of the city engineer following an inspection by the city

engineer or the engineer's authorized representative.

C. An agreement between the city, developer and one or more financial or lending institutions pledging that funds equal to 120 percent of the construction cost of all required improvements are available to the applicant and are guaranteed for payment for the improvements. An irrevocable letter of credit is acceptable.

D. An agreement between developer and city that no building permits for any structures within the subdivision will be issued until the applicant has completed all improvements and accepted by the city. Such agreement shall be in a form approved by the city attorney and recorded in the deed records of Yamhill County.

### **3.208.02 Failure to Complete Improvements**

If the applicant fails to complete all improvements required by the City, the City shall estimate the cost of completing any required improvement(s). The City shall then call on the bond or deposit for the funds necessary to complete the improvement. If the amount obtained from the bond or deposit is insufficient to complete the improvement, or no bond or deposit was obtained, the City may either hold the collected funds until additional funds are available from the applicant or, the City may perform improvement on a portion of the improvement as determined reasonable.

Following final inspection of the improvement, and if the bond or deposit exceeds the actual cost to the City of completing the improvement, the remainder shall be released. If collected funds were inadequate to compensate the City for all reasonable costs, then the City may pursue all legal and appropriate remedies to collect any funds due to the City. These remedies shall include placing a lien on the real property where the City paid improvement was performed. Funds payable to the city shall also be a personal debt and obligation of the owner.

### **3.208.03 Improvement Deferral**

If public improvements are required as a condition of approval of an action under this ordinance, such improvements shall be the obligation of the applicant but may, be deferred by the City.

The improvements may be deferred on all or a portion of the public improvements required as a part of the condition of approval under this ordinance, until a stated time such as the owner applies for a building permit or certificate of occupancy, or until required by council, whichever is earlier. A property owner seeking deferral under this ordinance shall sign an improvement deferral agreement that runs with the property, until owner installs improvements or until such improvements are required by City Council. Said agreement shall be in a form approved by the City Attorney, shall be recorded with Yamhill County, and shall be filed in the office of the City Recorder.

In lieu of an improvement deferral agreement, the Council may require a non-remonstrance agreement. Such an agreement shall be recorded with Yamhill County and would run with the property until the City installs the improvements and assesses the property owner the owner's proportionate cost of the improvements.

## **3.209 REVOCATION OF DECISION**

### **3.209.01 Compliance with Conditions**

Compliance with conditions imposed by the City Manager, Planning Commission or City Council in granting a permit for any land use action shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this Ordinance.

### **3.209.02 General Provisions**

- A. The City Recorder may initiate a revocation of any land use permit or approval issued for failure to comply with any prescribed condition of approval. The hearing shall be conducted as a Type II hearing and in accordance with the procedures for a Type II hearing.
- B. Final decisions regarding Comprehensive Plan text or map amendments, Development Code text amendments or zone changes shall not be subject to revocation.