

ORDINANCE NO. 874

AN ORDINANCE REGULATING LAND USES AND DEVELOPMENT REPEALING
ORDINANCE NOS. 739,754,755,761,781, 782, AND 809.

Section 1. Articles 1 through 34 of the attached document are hereby incorporated in this Ordinance by this reference and may be as it now provides or is hereafter amended referred to as the "Oakridge Zoning Ordinance".

The City of Oakridge ordains as follows:

**CITY OF OAKRIDGE ZONING ORDINANCE
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ARTICLE 1 - INTRODUCTORY AND GENERAL PROVISIONS

SECTION 1.01 TITLE

This ordinance shall be known as the Zoning Ordinance of the City of Oakridge, and the map referred to in this document shall be known as the Zoning Map of the City of Oakridge.

SECTION 1.02 PURPOSE

The purpose of this ordinance is to encourage the most appropriate use of land; to promote orderly growth; to provide adequate open space for light and air; to conserve and stabilize the value of property; to protect and improve the aesthetic and visual qualities of the living environment; to aid in securing safety from fire and other danger; to ease adequate provisions for maintaining sanitary conditions; to provide for adequate access to property; and to promote the public health, safety, and the general welfare, all according to and to carry out the Comprehensive Plan of the City of Oakridge.

SECTION 1.03 SCOPE

No building or part of a building shall be erected, moved or altered, and no building or land shall be used unless it conforms with the relevant provisions of this ordinance. No permit for the construction or alteration of any building shall be issued unless the plans, specifications and intended use of the building conform to the provisions of this ordinance.

SECTION 1.04 REPEAL

The following ordinances of the City of Oakridge are now repealed: Numbers 739, 754, 755, 761, 781, and 782.

SECTION 1.05 VALIDITY

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

SECTION 1.06 INTERPRETATION

Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or any other ordinance, the provisions that are more restrictive shall govern, unless this ordinance specifically says that the less restrictive provisions shall apply.

SECTION 1.07 CONSISTENCY WITH PLAN AND LAWS

Actions initiated under this ordinance shall be consistent with the adopted Comprehensive Plan of the City of Oakridge, and with applicable state and federal laws and regulations as these plans, laws, and regulations may now or from now on provide.

ARTICLE 2 - ADMINISTRATIVE PROVISIONS

SECTION 2.01 BUILDING PERMITS AND INSPECTION

- (1) Building permits.
 - (a) Building permits shall be issued and administered by the City of Oakridge or its designee.
 - (b) Building permits may be issued, without prior approval of the City, for permitted uses not requiring a site plan review in conformance with Article 25 - Site Plan Review of this ordinance. A copy of the building permit shall be sent to the City for verification and filing.
 - (c) Application for building permits requiring site plan reviews, conditional uses, variances, or nonconforming uses shall be submitted for approval by the City before issuance.
 - (d) Each application for a building permit shall be accompanied by plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations of buildings and other structures on the lot, existing and proposed; the existing and intended use of each building, structure or part of it; the number of families to be accommodated thereon and such other information as is needed to determine conformance with this ordinance.

- (2) Building Inspections
 - (a) The Building Inspector shall issue an occupancy permit for all commercial and industrial buildings certifying that all requirements have been met and that the structure is safe for human occupancy.
 - (b) The Building Inspector shall conduct a final site inspection for all other construction.
 - (c) The Building Inspector shall provide the City with copies of all occupancy permits and shall notify the City at the time any final inspection is completed and approved.
 - (d) The Building Inspector shall conduct an on-site inspection of the building site, after receiving notification of final inspection, to ensure that all requirements of this ordinance and approved site plans have been complied with.
 - (e) If the Building Inspector decides that a violation of this ordinance does exist, the Building Inspector shall immediately notify the property owner and the City Administrator.

SECTION 2.02 AUTHORIZATION OF SIMILAR USES

The City Administrator may allow in a particular zone a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone where it is not listed, of a use specifically listed in another zone. The decision of the City Administrator may be appealed to the Planning Commission using the procedures of Section 2.04 of this Article.

SECTION 2.03 FILING FEES

The following fees shall be paid to the City Recorder upon filing of any application. Such fees, set by the City Council, shall not be refundable.

- (1) Amendment of this ordinance proposed by property owner.
- (2) Appeal to the Planning Commission.
- (3) Appeal to the City Council.
- (4) Conditional Use Permit.
- (5) Planned Unit Development Application.
- (6) Site Plan Review Permit.
- (7) Temporary Use Permit.
- (8) Variance Application.

SECTION 2.04 APPEALS

- (1) An appeal from a ruling of the City Administrator regarding a requirement of this ordinance may be made only to the Planning Commission. Any action or ruling of the City Administrator shall become final 15 days after approval or disapproval is given, unless the decision is appealed to the Planning Commission. Written notice of the appeal, along with the necessary fee, shall be filed with the City. If the appeal is filed, the Planning Commission shall receive a report and recommendation thereon from the City Recorder and shall hold a public hearing on the appeal.

- (2) An action or ruling of the Planning Commission pursuant to this ordinance may be appealed to the City Council within ten days after the Planning Commission has rendered its decision. If the appeal is not filed

within the ten-day period, the decision of the Planning Commission shall be final. Written notice of the appeal, along with the necessary fee, shall be filed with the City. The appeal shall refer to the specific criteria on which the land use decision is based, and state the reasons why the criteria were not satisfied. If the appeal is filed, the City Council shall receive a report and recommendation on the matter from the Planning Commission. The report and recommendation shall be based on whether the specific criteria cited in the appeal notice had been satisfied. Failure to specify to which criterion the comment applies denies the appeal based on that criterion. The City Council must take action on the appeal in a timely manner. Never, however, shall the total processing time (from date of submittal of the original land use action to final action on the appeal) take longer than 120 days, unless waived by applicant.

SECTION 2.05 FORM OF PETITIONS, APPLICATIONS AND APPEALS

- (1) Petitions, applications and appeals provided for in this ordinance shall be made on forms prescribed by the City.
- (2) An applicant shall be advised that all permits or zone changes necessary for a development project may be merged into a consolidated review process. Zone changes and permits required through the application of the overlay district and discretionary permit procedures shall be available for a consolidated permit process. For purposes of this ordinance, a consolidated permit process shall mean that the hearing body shall, to the greatest extent possible, apply concurrent notice, public hearing and decision making procedures to the permits and zone changes which have been consolidated for review.
- (3) Unless otherwise indicated, applications shall be accompanied by two sets of plans and specifications drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of all existing and proposed structures; the intended use of each structure; the number of families, if any, to be accommodated thereon; the relationship of the property to the surrounding area and such other information as is needed to determine conformance with this ordinance.

All documents and evidence to be relied upon in support of the application must be submitted to the City Recorder and available for public review at least 20 calendar days before the scheduled public hearing. Upon request, the decision-making body is obligated to continue the hearing to the next regularly scheduled date if the applicant fails to comply with these requirements.

- (4) An applicant may request an informal review of a proposal before application to determine the general feasibility of the proposal. No fees will be required for an informal review.

SECTION 2.06 ENFORCEMENT VIOLATIONS AND PENALTIES

- (1) Enforcement. It shall be the duty of the City Administrator to see that this ordinance is enforced. The City Administrator shall issue no permit for the construction or alteration of any building or part of a building unless, in his or her opinion, the plans, specifications, and intended use of the building conform to all the provisions of this ordinance.
- (2) Penalty. A person violating a provision of this ordinance shall, upon conviction, be punished by a fine of not more than \$500. A violation of this ordinance shall be considered a separate offense for each day the violation continues.
- (3) Alternative Remedy. In case a structure is located, constructed, maintained, repaired, altered or used or land is used in violation of this ordinance, the structure or land thus in violation shall constitute a nuisance. The City may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.
- (4) Procedures.
 - (a) Within ten days after violation of this ordinance, the City shall notify the property owner by certified mail that such a violation exists.
 - (b) Where the violation, in the opinion of the City Administrator, may adversely affect the health, safety, or welfare of an individual, group, or the community as a whole, if not corrected

- immediately, action to rectify the problem may be required immediately or within a reasonable time established by the City Administrator.
- (c) Where the violation does not involve a structure, action to rectify the violation shall be made within 30 days. Where the violation involves a structure, action to rectify it shall be made within 60 days.
 - (d) If no action has been taken to rectify the violation within the specified time, the City Administrator shall notify the Planning Commission.
 - (e) The City Administrator shall set the date for a hearing with the person violating this ordinance and with the Planning Commission to consider whether subsequent legal action should be taken to rectify the violation. If necessary, the City Administrator shall take such legal action as required to insure compliance with this ordinance.

SECTION 2.07 PUBLIC HEARING

No less than one public hearing shall be held on all permits, zone changes, and quasi-judicial amendments to the Comprehensive Plan. This public hearing shall be held within 45 days of when the application has been deemed complete and shall conform to the requirements set forth in Article 31 - Public Hearings of this ordinance.

ARTICLE 3 - ESTABLISHMENT OF DISTRICTS

SECTION 3.01 CLASSIFICATION OF BASIC DISTRICTS

For the purposes of this ordinance the following basic districts are now established:

Name of Basic District	Designation
Low Density Residential	R-1
Medium Density Residential	R-2
Neighborhood Commercial	C-1
Central Commercial	C-2
Highway Commercial	C-3
Mixed Use	M -1
Light Industrial	I - 1
Heavy Industrial	1-2
Open Space/Aggregate Extraction	OS/AE
Public Facilities	PF
Park, Recreation and Open Space	PRO

SECTION 3.02 CLASSIFICATION OF SUBDISTRICTS

(1) A subdistrict may be established in combination with a basic district. The subdistrict shall establish additional requirements, standards and procedures for the use and development of property in the basic district. In cases of conflict between the standards and requirements of the basic district and the subdistrict, the standards and requirements of the subdistrict shall apply.

(2) For the purposes of this ordinance, the following subdistricts are established:

Name of Subdistrict	
Flood Plain	FP
Mobile Home Park	MHP
Manufactured Home Subdivision	MHS
Planned Unit Development	PUD
Airport Safety	AS

SECTION 3.03 ZONING MAP

The City is divided into the districts listed in Section 3.01 of this Article, and as shown on the Zoning Map, which together with all explanatory matter thereon, is made a part of this ordinance.

If, according to the provisions of this ordinance and ORS 227, changes are made in district boundaries or other matters shown on the Zoning Map, such changes shall be entered on the Zoning Map promptly after the amendment has been approved by the City Council. A certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this ordinance remains in effect.

No changes of any nature shall be made in the Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. The map shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

SECTION 3.04 LOCATION OF DISTRICTS

Unless otherwise specified, district boundaries are lot lines, the centerlines of streets, and railroad rights-of-way or such lines extended. If a district boundary divides a lot into two districts, the entire lot shall be placed in the district that accounts for the greater area of the lot by the adjustment of the district boundary, provided the boundary adjustment is for a distance not to exceed 20 feet.

ARTICLE 4 - LOW DENSITY RESIDENTIAL DISTRICT (R-1)

SECTION 4.01 PURPOSE

The Low Density Residential District is intended to provide a quality environment for all residential urban uses, with compatible non-residential land uses, as determined to be desirable or necessary.

SECTION 4.02 USES AND STRUCTURES

- (1) Permitted uses and structures:
 - (a) Boarding, lodging or rooming houses, provided there are no more than three boarders;
 - (b) Day care facilities providing care to 12 or fewer children;
 - (c) Duplex on corner or double-frontage lots or lots abutting a rear alley, with a minimum lot area of 7,000 square feet and lot dimensions of at least 75 feet in width and 80 feet in depth;
 - (d) Gardens and greenhouses for noncommercial uses;
 - (e) Home occupations;
 - (f) Manufactured homes;
 - (g) Manufactured home subdivisions if the density of the subdivision is the same as that allowed by the Land Division Ordinance governing subdivisions (minimum lot size 5,000 square feet);
 - (h) Residential homes;
 - (i) Single-dwelling unit;
 - (j) Tri-plex on corner or double-frontage lots, with a minimum of 9,000 square feet and lot dimensions of at least 75 feet in width and 80 feet in depth subject to the procedures and criteria Article 25 - Site Plan Review of this ordinance;
 - (k) Bed and breakfast establishments provided there are no more than two guest rooms.
- (2) Permitted accessory uses and structures
 - (a) One single-dwelling unit accessory to a residential unit subject to the procedures and criteria Article 25 - Site Plan Review of this ordinance;
 - (b) Other accessory buildings and uses shall be allowed only to the extent necessary and normal to the uses permitted in this district.
 - (c) No more than two accessory buildings, including accessory dwelling units, shall be permitted to any dwelling unit.
 - (d) Accessory buildings are only allowed in rear yards or side yards, when side yard set backs are maintained.
 - (e) All accessory buildings that are not a part of the main building shall be separated from the main building by at least ten feet, unless building code requirements allow a lesser distance.
 - (f) No accessory building is allowed within ten feet of a property line abutting a street.
 - (g) Garages, carports, or any parking space with direct, access from the street shall be set back at least 20 feet from a property line abutting a street.
- (3) Uses and structures permitted conditionally. The Planning Commission, subject to the procedures and criteria of Article 24 - Conditional Use Permits and Article 25 - Site Plan Review, when appropriate, of this Ordinance, may grant a conditional use permit for the following uses:
 - (a) Agriculture;
 - (b) Boarding, lodging or rooming house for more than three boarders;
 - (c) Clinics;
 - (d) Day care facilities providing care to 13 or more children;
 - (e) Greenhouses for commercial purposes;
 - (f) Hospitals;
 - (g) Manufactured home subdivisions if the density of the subdivision is greater than that allowed by the Land Division Ordinance governing subdivisions (lot size less than 5,000 square feet);
 - (h) Mobile home parks;
 - (i) Duplexes or Tri-plexes, on lots other than corner or double-frontage lots or those abutting a rear alley;
 - (j) Nursing homes;
 - (k) Public and semi-public buildings and structures only if such use or structure is essential to the physical, social, and economic welfare of the area. No unscreened stockpiling or-storage of materials shall be allowed;
 - (l) Public parks, playgrounds, golf courses, swimming pools and community centers;
 - (m) Public or private schools;

- (n) Religious institutions;
 - (o) Residential facilities;
 - (p) Uses similar to those listed above and are normally located in and consistent with the purpose of this district;
 - (q) Attached single-dwelling unit (townhouse) developments with a minimum lot size of 3,500 square feet per dwelling unit;
 - (r) Bed and breakfast establishments, with three or more guest rooms.
- (4) Special temporary use permitted: A mobile home, or other manufactured structure, as a temporary, accessory dwelling to a permanent residence for designated members of the immediate family when a medical hardship exists in the family. See Article 26 - Temporary Use Permits for more information.

SECTION 4.03 LOTS

Except as stated in Section 4.02, lots shall meet the following minimum requirements:

- (1) Lot Area. The minimum lot area shall be 5,000 square feet.
- (2) Lot Size Averaging. Single family (attached and detached) residential lot size may be averaged in subdivisions to allow lots less than the minimum lot size in the R-1 district, as long as the average area for all lots is not less than the minimum lot size allowed by the district. No individual lot created under this provision shall be less than 80% of the minimum lot size allowed in the underlying district. (For example, if the minimum lot size is 5,000 square feet, the following three lots could be created from a 15,000 square foot parcel: 4,000 square feet, 5,000 square feet, and 6,000 square feet.)
- (3) Lot Dimensions. Except for flag lots and townhouse developments, the minimum lot width at the right-of-way shall be 30 feet, except corner lots that shall be a minimum of 50 feet wide. The maximum lot depth shall be no greater than three (3) times the lot width except as may be necessary to protect sensitive areas or address topographic limitations.
- (4) Lot Coverage. The maximum coverage of the lot by all structures shall be 35 percent, except duplexes and tri-plexes which shall not cover more than 45 percent of the lot area, and townhouses, which shall not cover more than 55 percent of the lot area. The maximum coverage for all structures, driveways, parking areas, patios, and other impervious surfaces shall be 65 percent.

SECTION 4.04 YARDS

- (1) Front.
 - (a) Provided it will not result in an encroachment into a public utility easement or preclude future development of rights-of-way to the standard cross-section described in the adopted Transportation System Plan, each lot shall maintain a minimum front yard as follows:
 - (i) Eight (8) feet in front of any unenclosed porch;
 - (ii) Ten (10) feet in front of other structures;
 - (iii) Twenty (20) feet in front of any garage or carport.
 - (b) Front yards shall not be used for accessory buildings, clotheslines, incinerators, permanent storage of recreational and other vehicles, trailers, boats, or of any other materials. A front yard shall not be used to meet the permanently reserved parking requirements for automobiles or other vehicles.
- (2) Side. Each lot shall maintain a side yard on each side of the lot of at least five feet, except corner lots that shall have a side yard abutting the street of at least 10 feet.
- (3) Rear. Each lot shall maintain a rear yard of at least 10 feet from the rear property line.
- (4) Patio Structures. Any patio structure shall be used solely for general open use. Any patio structure or uncovered swimming pool shall be a minimum of five feet from any property line.

See Article 27 - Vision Clearance of this ordinance for more information.

SECTION 4.05 HEIGHT LIMITS

- (1) Residential structures. The maximum height of any residential structure shall be 2-1/2 stories or 28 feet, whichever is less.
- (2) Accessory structures. The maximum height of any accessory structure shall be one story or 15 feet, whichever is less.
- (3) All other structures shall not exceed three stories or 35 feet in height, whichever is less.

SECTION 4.06 FENCES, HEDGES, WALLS AND OTHER STRUCTURES

Sight-obscuring fences, hedges, walls, and other structures shall not exceed 2-1/2 feet in height in front yards and six feet in height in all other cases. Fences and walls that do not obscure sight shall be no more than six feet in height.

SECTION 4.07 OFF-STREET PARKING

- (1) Vehicular parking, garage, and carport spaces shall provide:
 - (a) For parking at the time of occupancy of its main building;
 - (b) A space not less than 10 feet wide and 20 feet long;
 - (c) For ingress and egress of standard-sized automobiles.
- (2) Off-street parking shall not be allowed within the required yards next to the street.
- (3) The number of vehicular off-street parking spaces required shall be no less than:
 - (a) Two for each dwelling unit on a single lot for a single-dwelling unit; or
 - (b) One and one-half for each dwelling unit for a duplex or multiple-dwelling unit (where fractioned, round to next highest parking space).
- (4) Also see Article 20 - Off-Street Parking in this ordinance.
- (5) Bicycle Parking – All developments that require a site plan or amended site plan for new development, change of use, and building expansions and remodels shall conform to the City's Bicycle Parking Requirements, as set forth in Article 20.

SECTION 4.08 SIGNS

All signs shall comply with Article 22 - Signs of this ordinance.

SECTION 4.09 DESIGN AND PLACEMENT STANDARDS FOR MANUFACTURED HOMES

All new placements of manufactured homes in subdivisions and on individual lots shall be installed according to the State Building Code, shall conform to all residential development standards for single-dwelling units, and shall comply with the following design and placement standards. Where applicable, the same standards shall apply to stick-built homes.

- (1) Size. Minimum size shall be 960 square feet of occupied space.
- (2) Foundation. Placement shall be on an excavated and backfilled foundation, enclosed at the perimeter with no more than 16 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the 16-inch limitation will not apply.
- (3) Design features. At least two of the following design features shall be used: dormers; recessed entries; bay or bow windows; offsets on building face or roof (minimum 12'); pillars or posts; and eaves (minimum 6").
- (4) Roofing. Roofing shall be composition shingles, wood shake or shingle, or other non-reflective material allowed by the State Building Code.
- (5) Exterior finish. Exterior finish shall be in color, material and appearance similar to the exterior siding commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the City;
- (6) Pitched roof. Roofs shall be pitched with nominal pitch of three feet in height for each 12 feet in width.
- (7) Energy efficiency. An exterior thermal envelope that meets heat loss levels equivalent to the performance standards required of single-dwelling units constructed under the State Building Code shall be certified by the manufacturer.
- (8) Garage or carport. A garage or carport constructed of materials similar to the material of which the residence is constructed and built to State Building Code standards shall be required.

SECTION 4.10 LANDSCAPING

For all uses other than single-dwelling units, the following landscaping standards apply. All lot area not covered by building or parking areas is to be landscaped. A minimum of ten percent of the entire lot area shall be landscaped. See Article -25 - Site Plan Review of this ordinance for further information.

ARTICLE 5 - MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

SECTION 5.01 PURPOSE

The Medium Density Residential District is intended to provide an environment suitable for urban living. The R-2 district is designed to be applied to residential uses and appropriate community services over a wide range of residential densities.

SECTION 5.02 USES AND STRUCTURES

- (1) Permitted uses and structures.
 - (a) Boarding, lodging and rooming houses;
 - (b) Day care facilities;
 - (c) Duplexes;
 - (d) Gardens and greenhouses for noncommercial purposes;
 - (e) Home occupations;
 - (f) Manufactured homes;
 - (g) Manufactured home subdivisions if the density of the subdivision is the same as that allowed by the City of Oakridge Land Division Ordinance governing subdivisions (minimum lot size 5,000 square feet);
 - (h) Multiple-dwelling units subject to the procedures and criteria Article 25 - Site Plan Review of this ordinance;
 - (i) Public schools, parks, golf courses, swimming pools, community centers, and other recreational facilities;
 - (j) Residential homes and residential facilities;
 - (k) Single-dwelling units;
 - (l) Bed and breakfast establishments;
 - (m) Senior housing;
 - (n) Tri-plexes subject to the procedures and criteria Article 25 - Site Plan Review of this ordinance;
 - (o) Single-dwelling, attached (townhouse) developments subject to the procedures and criteria Article 25 - Site Plan Review of this ordinance.
- (2) Permitted accessory uses and structures.
 - (a) One single accessory dwelling unit accessory to a single-dwelling unit subject to the procedures and criteria Article 25 - Site Plan Review of this ordinance.
 - (b) Other accessory buildings and uses shall be allowed only to the extent necessary and normal to the uses permitted in this district.
 - (c) No more than two accessory buildings shall be permitted to any dwelling unit.
 - (d) Accessory buildings are only allowed in rear yards or side yards, when side yard set backs are maintained.
 - (e) All accessory buildings that are not a part of the main building shall be separated from the main building by at least ten feet, unless building code requirements allow a lesser distance.
 - (f) No accessory building is allowed within ten feet of a property line abutting a street.
 - (g) Garages, carports, or any parking space with direct access from the street shall be set back at least 20 feet from a property line abutting a street.
- (3) Uses and structures permitted conditionally. The Planning Commission, subject to the procedures and criteria of Article 24 - Conditional Use Permits and Article 25 - Site Plan Review, when appropriate, of this ordinance, may grant a conditional use permit for the following uses:
 - (a) Clinics;
 - (b) Condominiums and condominium conversions for rental units, subject to a demonstrated public need and lack of detrimental effect on the supply of rental units or land;
 - (c) Hospitals, nursing homes and convalescent homes;
 - (d) Limited personal service establishments in the home, such as beauticians and masseurs;
 - (e) Manufactured home subdivisions if the density of the subdivision is the greater than that allowed by the City of Oakridge Land Division Ordinance governing subdivisions (lot size less than 5,000 square feet);
 - (f) Mobile home parks;
 - (g) Private schools, such as parochial, business, dancing, trade, technical, or similar schools;
 - (h) Professional offices or clinics;
 - (i) Public and semi-public halls, lodges and clubs;

- (j) Public and semi-public buildings and structures only if such use or structure is essential to the physical, social, and economic welfare of the area. No unscreened stockpiling or storage of materials shall be allowed;
 - (k) Religious institutions, but not including rescue missions and temporary revivals;
 - (l) Uses similar to those listed above and are normally located in and consistent with the purpose of this district.
- (4) Special temporary use permitted: A mobile home, or other manufactured structure, as a temporary, accessory dwelling to a permanent residence for designated members of the immediate family when a medical hardship exists in the family. See Article 26 - Temporary Use Permits for more information.

SECTION 5.03 LOTS

- (1) Lot Area. The minimum lot area shall be as follows:
- (a) Detached single dwelling: 5,000 square feet;
 - (b) Duplex: 6,000 square feet;
 - (c) Attached single-dwelling (townhouse): 3,000 square feet per dwelling unit;
 - (d) Tri-plex: 7,000 square feet;
 - (e) Multiple-family: No minimum.
- (2) Lot Size Averaging. Single family (attached and detached) residential lot size may be averaged in subdivisions to allow lots less than the minimum lot size in the R-2 district, as long as the average area for all lots is not less than the minimum lot size allowed by the district. No individual lot created under this provision shall be less than 80% of the minimum lot size allowed in the underlying district. (For example, if the minimum lot size is 5,000 square feet, the following three lots could be created from a 15,000 square foot parcel: 4,000 square feet, 5,000 square feet, and 6,000 square feet.)
- (3) Lot Dimensions. Except for flag lots and townhouse developments, the minimum lot width shall be 30 feet. The maximum lot depth shall be no greater than three (3) times the lot width except as may be necessary to protect natural resource areas or because of topographic limitations.
- (4) Lot Coverage. The maximum coverage of the lot by all structures shall be 65 percent.

SECTION 5.04 YARDS

- (1) Front.
- (a) Provided it will not result in an encroachment into a public utility easement or preclude future development of rights-of-way to the standard cross-section described in the adopted Transportation System Plan, each lot shall maintain a minimum front yard as follows:
 - (i) Eight (8) feet in front of any unenclosed porch;
 - (ii) Ten (10) feet in front of structures;
 - (iii) Twenty (20) feet in front of any garage or carport.
 - (b) Front yards shall not be used for accessory buildings, clotheslines, incinerators, permanent storage of recreational and other vehicles, trailers, boats, or of any other materials. A front yard shall not be used to meet the permanently reserved parking requirements for automobiles or other vehicles.
- (2) Side. Each lot shall maintain a required side yard on each side of the lot of at least five feet, except corner lots that shall have a side yard abutting the street of not less than ten feet.
- (3) Rear. Each lot shall maintain a rear yard of at least ten feet from the rear property line, plus an additional ten feet for each story over one story (except single-dwelling units, which shall follow the standards of Article 4 - Low Density Residential District of this ordinance).

See Article 21 - Vision Clearance of this ordinance for more information.

SECTION 5.05 HEIGHT LIMITS

No structure shall exceed three stories or 35 feet in height, whichever is less.

SECTION 5.06 FENCES; HEDGES. WALLS AND OTHER STRUCTURES

Sight-obscuring fences, hedges, walls, and other structures shall not exceed 2-1/2 feet in height in front yards and six feet in height in all other cases. Fences and wall that do not obscure sight shall be no more than six feet in height.

SECTION 5.07 OFF-STREET PARKING

- (1) Vehicular Parking, garage, and carport spaces shall provide:

- (a) For parking at the time of occupancy of its main building;
- (b) A space not less than 10 feet wide and 20 feet long;
- (c) For ingress and egress of standard-sized automobiles.
- (2) Off-street parking shall not be allowed within required yards next to the street.
- (3) The number of vehicular off-street parking spaces required shall be no less than:
 - (a) Two for each dwelling unit on a single lot for a single-dwelling unit; or
 - (b) One and one-half for each dwelling unit for a multiple-dwelling unit (where fractioned, round to next highest parking space).
- (4) Also see Article 20 - Off-Street Parking in this ordinance.
- (5) Bicycle Parking – All developments that require a site plan or amended site plan for new development, change of use, and building expansions and remodels shall conform to the City's Bicycle Parking Requirements, as set forth in Article 20.

SECTION 5.08 SIGNS

All signs must comply with Article 22 - Signs of this ordinance.

SECTION 5.09 DESIGN AND PLACEMENT STANDARDS FOR MANUFACTURED HOMES

See Article 4, Section 4.09 of this ordinance for design and placement standards for manufactured homes within subdivisions and on individual lots.

SECTION .5.10 LANDSCAPING

For all uses other than single-dwelling units, the following landscaping standards apply. All lot area not covered by building or parking areas is to be landscaped. A minimum of ten percent of the entire lot area shall be landscaped. See Article 25 - Site Plan Review of this ordinance for further information.

ARTICLE 6 - NEIGHBORHOOD COMMERCIAL DISTRICT (C-1)

SECTION 6.01 PURPOSE

The Neighborhood Commercial District is primarily intended to serve the day-to-day needs of a small support population, typically an adjacent residential neighborhood. Neighborhood commercial uses often associated with a supermarket or in a cluster of complementary convenience and personal service establishments sharing common parking facilities (shopping center), but may occur independently on individual lots. Neighborhood Commercial Districts shall not be more than two acres in size.

SECTION 6.02 USES AND STRUCTURE

- (1) Permitted uses and structures:
 - (a) Bed and breakfast establishments;
 - (b) Business and professional offices;
 - (c) Day care facilities;
 - (d) Drug stores and pharmacies;
 - (e) Financial institutions;
 - (f) Laundromat;
 - (g) Personal services such as barber and beauty shops;
 - (h) Existing residential uses;
 - (i) New residential uses, except new mobile home parks, provided that a dwelling unit does not occupy the front 25 feet of the building's ground floor facing the principal commercial street, except that a six-foot wide separate entrance to the residential uses may be allowed off the principal commercial street at the ground floor;
 - (j) Restaurants, delicatessens and cafes, not including drive-through facilities;
 - (k) Retail stores (including those selling food, flowers, live plants, hardware, sporting and dry goods, clothing, packaged liquor and other retail products);
 - (l) Shoe repair;
- (2) Uses and structures permitted conditionally. The Planning Commission, subject to the procedures and criteria of Article 24 - Conditional Use Permits of this ordinance, may grant a conditional use permit for the following uses:
 - (a) Accessory buildings and uses normal and incidental to the uses permitted conditionally by this section;
 - (b) Amusement establishments, such as arcades, pool halls, movie theaters, and similar uses;
 - (c) Clubs, lodges, fraternal organizations and religious institutions.

SECTION 6.03 LOTS AND FLOOR AREA

- (1) Lot Dimensions. The minimum lot width shall be 25 feet.
- (2) Lot Coverage. One hundred percent coverage is allowable when minimum loading space, setbacks landscaping and parking are provided.
- (3) The maximum commercial floor area shall not exceed 5,000 square feet total per neighborhood commercial site.

SECTION 6.04 YARDS

- (1) Side. None, except on corner lots and where a lot abuts residentially zoned property, in which case a ten-foot side yard may be required.
- (2) Front and rear. None, except where a rear lot abuts residentially zoned property, in which case a ten-foot rear yard may be required.

See Article 21 - Vision Clearance of this ordinance for more information.

SECTION 6.05 HEIGHT LIMITS

The maximum height for any building shall be 35 feet or three stories, whichever is less.

SECTION 6.06 FENCES WALLS AND OTHER STRUCTURES

Where a C-1 use abuts a residential district, the City shall require that a fence or wall be built along and immediately next to the abutting property line. Such fence or wall shall be:

- (1) Constructed of wood, bricks, masonry or other permanent materials;

- (2) At least 70% sight-obscuring, with no gaps between materials or elements greater than one-half inches (0.5") in size;
 - (3) A minimum of five (5) feet in height and a maximum of six (6) feet in height.
- The City review shall consider aesthetic and maintenance factors in determining whether the proposed screen satisfies this section.

SECTION 6.07 OFF-STREET PARKING

Off-street parking requirements shall conform to Article 20 - Off-Street Parking of this ordinance. Unless physically precluded by existing improvements, topography, or other site characteristics beyond the applicant's control, parking areas shall be located to the sides and rear of buildings to help create a more attractive streetscape and to reduce motor vehicle conflicts with pedestrians and other vehicles.

SECTION 6.08 SIGNS

All signs shall comply with Article 22 - Signs in this ordinance.

SECTION 6.09 LANDSCAPING

- (1) All lot area not covered by building or parking areas is to be landscaped.
- (2) Parking lots shall be lit for safety and shall be landscaped in accordance with the Vehicle Parking Area Improvements in Section 20.08
- (3) See Article 25 - Site Plan Review of this ordinance for further information.

SECTION 6.10 HOURS OF OPERATION

Neighborhood commercial uses shall be limited to the following hours of operation 5:00 a.m. to 10:00 p.m.

ARTICLE 7 - CENTRAL COMMERCIAL DISTRICT (C-2)

SECTION 7.01 PURPOSE

The Central Commercial District is intended to enhance the "core" of the City and promote a vibrant area where retail sales, light manufacturing and residential uses coexist in harmony and are safe, comfortable and attractive to pedestrians. The buildings and uses permitted reflect the desire to provide parking on a district-wide basis rather than having each individual building or use provide parking. Streets within the Central Commercial District act as public places that encourage pedestrian and bicycle travel. Roadway and pedestrian connections are provided to adjacent residential areas.

SECTION 7.02 USES AND STRUCTURES

- (1) Permitted uses and structures: The following uses and structures shall be permitted except that: yards and open areas for all permitted uses shall not be used for the storage or display of used building materials or for any scrap or salvage operation, storage, or sale; and any use allowed must not be objectionable due to odor, dust, smoke, noise, vibration or appearance.
- (a) Bed and breakfast establishments;
 - (b) Business and professional offices;
 - (c) Clinics, including animal clinics, except that animals may not be boarded overnight. The Planning Commission shall review animal clinics for soundproofing requirements;
 - (d) Day care facilities;
 - (e) Drug stores and pharmacies;
 - (f) Financial institutions;
 - (g) Laundromat;
 - (h) Health spas or studios;
 - (i) Hotels and motels, provided no off-street parking areas or driveways are located between the building and the front lot line;
 - (j) Household appliance and small equipment repair and maintenance;
 - (k) Mixed-use developments that combine two or more permitted uses in a single building or development.
 - (l) Personal services such as barber and beauty shops;
 - (m) Existing residential uses;
 - (n) New residential uses, except new mobile home parks, provided that dwelling units do not occupy the front 25 feet of the building's ground floor facing the principal commercial street, except that a six-foot wide separate entrance to the residential uses may be allowed off the principal commercial street at the ground floor;
 - (o) Restaurants, delicatessens, cafes, and coffee houses, not including drive-through facilities;
 - (p) Retail stores (including those selling food, flowers, live plants, hardware, sporting and dry goods, clothing, packaged liquor and other retail products), with less than 30,000 square feet of floor area;
 - (q) Shoe repair;
 - (r) Wholesale sales, less than 30,000 square feet in floor area, as long as it is fully enclosed within one or more buildings and has no outside parking, storage or display in a front or side yard;
 - (s) Public and semi-public buildings and structures, which provide a point of service or offices dealing directly with the public. No stockpiling or outdoor storage of materials shall be allowed;
 - (t) Accessory buildings and uses normal and incidental to the uses permitted conditionally by this section; other than drive-through facilities.
 - (u) Uses determined by the Planning Director to be similar to the uses listed above and also consistent with the purpose of this district stated in section 7.01.
- (2) Uses and structures permitted conditionally. The Planning Commission, subject to the procedures and criteria of Article 24 - Conditional Use Permits of this ordinance, may grant a conditional use permit for the following uses:
- (a) Amusement establishments, such as arcades, pool halls, movie theaters, and similar uses;
 - (a) Automotive sales and repair, as long as it is fully enclosed within one or more buildings and has no outside parking, storage or display in a front or side yard;
 - (b) Bars, taverns and nightclubs not accessory to a restaurant;
 - (c) Building maintenance service;

- (d) Clubs, lodges, fraternal organizations and religious institutions, with less than 15,000 square feet of floor area;
- (e) Manufacturing products for retail or wholesale sale, less than 30,000 square feet in floor area, as long as it is fully enclosed within one or more buildings and has no outside parking or storage in a front or side yard;
- (f) Mixed-use developments (two or more uses in a single building or development) including one or more conditionally permitted uses;
- (g) Public or private schools;
- (h) Public parking areas and structures;
- (i) Public parks, playgrounds and community centers;
- (j) Residential uses that do not meet the requirements of Section 6.02(1)(g) of this Article;
- (k) Drive-through facilities, when normal and incidental to the uses permitted by this section.
- (l) Uses determined by the Planning Director to be similar to the uses listed above and also consistent with the purpose of this district stated in section 7.01.

SECTION 7.03 LOTS

- (1) Lot Dimensions. The minimum lot width shall be 25 feet.
- (2) Lot Coverage. One hundred percent coverage is allowable when minimum loading space, setbacks, landscaping and parking are provided.

SECTION 7.04 YARDS

- (1) Side. None, except on corner lots and where a lot abuts residentially zoned property, in which case a 10-foot side yard may be required.
- (2) Front and rear. No specific front and rear yard standards shall be provided. They shall be decided upon an individual basis and guided by the prevailing setbacks in the immediate vicinity.

See Article 21 - Vision Clearance of this ordinance for more information.

SECTION 7.05 HEIGHT LIMITS

The maximum height for any building shall be 35 feet or three stories, whichever is less.

SECTION 7.06 OFF-STREET PARKING

Uses in the C-2 district shall conform only to the following off-street parking requirements.

- (1) Unless physically precluded by existing improvements, topography, or other site characteristics beyond the applicant's control, parking areas shall be located to the sides and rear of buildings to help create a more attractive streetscape and to reduce motor vehicle conflicts with pedestrians and other vehicles.
- (2) All uses shall provide a parking space for each service vehicle operating on or from the site.
- (3) Bicycle Parking – All developments that require a site plan or amended site plan for new development, change of use, and building expansions and remodels shall conform to the City's Bicycle Parking Requirements, as set forth in Article 20.

SECTION 7.07 SIGNS

All signs must comply with Article 22 - Signs in this ordinance.

SECTION 7.08 LANDSCAPING AND LIGHTING

- (1) Development within the Old Town Design Subdistrict (OT) shall be subject to the landscaping and lighting requirements of Section 15.06. All other new development shall include a minimum of 12 square feet of landscaping or planter box for each 25 feet of frontage along any street front and shall be placed along the street frontage. The plants used shall be attractive year-round and properly maintained throughout the year.
- (2) All lot area not covered by building or parking areas is to be landscaped.
- (3) Parking lots with more than ten (10) parking spaces shall be lit for safety and shall be landscaped in accordance with the Vehicle Parking Area Improvements in Section 20.08.
- (4) Article 25 - Site Plan Review of this ordinance for more information.

ARTICLE 8 - HIGHWAY COMMERCIAL DISTRICT (C-3)

SECTION 8.01 PURPOSE

The Highway Commercial District is intended to provide essential services to the traveling public, together with certain other highway-related commercial uses providing services and goods to the consumer population of the City and the immediate region. It should be noted that the State of Oregon Department of Transportation may have standards applicable to developments that front Highway 58.

SECTION 8.02 USES AND STRUCTURES

- (1) Permitted principal uses and structures.
 - (a) Automotive sales and repair;
 - (b) Business and professional offices;
 - (c) Bus terminals;
 - (d) Carwashes;
 - (e) Clinics, including animal clinics, except that animals may not be boarded overnight. The Planning Commission shall review animal clinics for soundproofing requirements;
 - (f) Drug stores and pharmacies;
 - (g) Dry cleaners;
 - (h) Financial institutions;
 - (i) Laundromat;
 - (j) Health spas or studios;
 - (k) Hotels and motels;
 - (l) Household appliance and small equipment repair and maintenance;
 - (m) Mixed-use developments that combine two or more permitted uses in a single building or development.
 - (n) Personal services such as barber and beauty shops;
 - (o) Existing residential uses and existing mobile home parks;

 - (p) Private utility buildings and offices;
 - (q) New residential uses, except new mobile home parks, provided that a dwelling unit does not occupy the building's ground floor, except that a six-foot wide separate entrance to the residential uses may be allowed off the principal commercial street at the ground floor;
 - (r) Restaurants, delicatessens and cafes;
 - (s) Retail stores (including those selling food, flowers, live plants, hardware, sporting and dry goods, clothing, packaged liquor and other retail products) with less than 25,000 square feet of floor area;
 - (t) Retail sales of building materials;
 - (u) Shoe repair;
 - (v) Sporting equipment and recreational equipment rental services.
 - (w) Wholesale sales;
 - (x) Accessory buildings and uses normal and incidental to the uses permitted by this section;
 - (y) Uses determined by the Planning Director to be similar to the uses listed above and also consistent with the purpose of this district stated in section 8.01.

- (2) Uses and structures permitted conditionally. The Planning Commission, subject to the procedures and criteria of Article 24 - Conditional Use Permits of this ordinance, may grant a conditional use permit for the following uses:
 - (a) Agriculture supply and equipment sales and service;
 - (b) Amusement establishments, such as arcades, pool halls, movie theaters, and similar uses;
 - (c) Bars, taverns and nightclubs not accessory to a restaurant;
 - (d) Building maintenance service;
 - (e) Clubs, lodges and fraternal organizations;
 - (f) Religious institutions;
 - (g) Manufacturing products for retail sale, provided the sales floor occupies a least the front 25 feet of depth on the building's ground floor;
 - (h) Mixed-use developments (two or more permitted and conditionally permitted uses in a single building or development) including one or more conditionally permitted uses;

- (i) Public and- semi-public buildings and structures, but no unscreened stockpiling or storage of materials shall be allowed;
- (j) Public parking areas and structures;
- (k) Public parks, playgrounds and community centers;
- (l) Retail stores (including those selling food, flowers, live plants, hardware, sporting and dry goods, clothing, packaged liquor, and other retail products) with between 25,000 and 40,000 square feet of floor area;
- (m) Service stations, subject to the special requirements imposed by Article 24 - Conditional Use Permits of this ordinance;
- (n) Transmission facilities and structures for radio, television, telephone and microwave;
- (o) Uses determined by the Planning Director to be similar to the uses listed above and also consistent with the purpose of this district stated in section 8.01.

SECTION 8.03 LOTS

- (1) New lots. New partitions and. subdivisions shall conform to the following:
 - (a) Lot Area. The minimum lot area shall be 10,000 square feet.
 - (b) Lot Dimensions. The minimum lot width shall be 100 feet.
- (2) Existing lots. It is not the intention of the Planning Commission to prohibit the development of existing lots that do not meet the requirements of subsection (1) of this section. However, for existing lots that do not meet the minimum standards of subsection (1), the Planning Commission will pay close attention in the site review process to parking arrangements and building placement to provide for the safe use of substandard lots. The development of narrow and small lots fronting Highway 58 has the potential to create traffic hazards that can be creatively resolved.
- (3) Lot Coverage. One hundred percent coverage for all lots is allowable when minimum loading space, yards, landscaping and parking are provided.

SECTION 8.04 YARDS

- (1) Front. Each lot shall maintain a front yard of 10 feet.
- (2) Side. Each lot shall maintain side yards of 10 feet, except that they shall be 20 feet when abutting a residential district.
- (3) Rear. Rear yards are not required except where the use abuts a residential district, in which case they shall be 20 feet.

See Article 21 - Vision Clearance of this ordinance for more information.

SECTION 8.05 HEIGHT LIMITS.

The maximum height for any building shall be 35 feet or three stories, whichever is less.

SECTION 8.05 FENCES, WALLS AND OTHER STRUCTURES

Where a commercial use abuts a residential district, the City shall require that a fence or wall be built along and immediately next to the abutting property line. Such a fence, wall, or other structure shall be:

- (1) Constructed of wood, bricks, masonry or other permanent materials;
- (2) At least 70% sight-obscuring, with no gaps between materials or elements greater than one-half inches (0.5") in size;
- (3) A minimum of five (5) feet in height and a maximum of six (6) feet in height, unless located in the required front yard, in which case it shall not exceed 2-1/2 feet in height.

The City review shall consider aesthetic and maintenance factors in determining whether the proposed screen satisfies this section.

SECTION 8.07 OFF-STREET PARKING

- (1) The City recognizes that off-street parking on Highway 58 poses several problems. Head-in parking in front of buildings that requires parked cars to back onto Highway 58 is dangerous and the City wishes to discourage it. Parking in front of buildings that face Highway 58 can also be unsightly and hazardous to pedestrians. The City desires siting of parking to the side and rear of structures.
- (2) Unless physically precluded by existing improvements, topography, or other site characteristics beyond the applicant's control, parking areas shall be located to the sides and rear of buildings to help create a more attractive streetscape and to reduce motor vehicle conflicts with pedestrians and other vehicles.

Any parking in front of buildings shall be such that cars will have adequate space to turn around and face Highway 58 to return to it.

- (3) The City also desires joint parking lots for adjacent uses, again to the side and back of buildings. A parking lot placed along the side of buildings and that uses the full depth of the lot can also serve businesses that face not just Highway 58, but also those that face the parking lot. This can be a cost-effective and attractive way to increase the number of commercial sites available with access to Highway 58. Such parking lots improve access to the rear of deep lots fronting Highway 58 and thereby maximize the value of the lots.
- (4) All uses shall conform to the requirements of Article 20 - Off-street Parking and Article 25 - Site Plan Review of this ordinance.

SECTION 8.08 SIGNS

All signs must conform to Article 22 - Signs of this ordinance.

SECTION 8.09 LANDSCAPING AND LIGHTING

- (1) All lot area not covered by building or parking areas is to be landscaped.
- (2) Parking lots shall be shall be lit for safety and shall be landscaped in accordance with the Vehicle Parking Area Improvements in Section 20.08 In total, at least 15 percent of the total area of land dedicated to off-street parking shall be landscaped.
- (3) Development within the Highway 58 Design Subdistrict (/HD) shall be subject to the landscaping and lighting requirements of Section 15.07. For all other development within the C-3 District:
 - (a) Street trees shall be planted for all developments that are subject to a land division or Major Site Plan Review.
 - (b) Lighting shall be provided at all building entrances, pathways and other pedestrian areas, and be lit to two-foot candles with pedestrian-scale lighting (e.g., wall mounted, sidewalk lamps, bollards, landscape up lighting, etc.). Alternative lighting to meet the intent of the design guidelines may be approved through site design review.

See Article 25 - Site Plan Review of this ordinance for more information.

ARTICLE 9 - MIXED USE DISTRICT (M-1)

SECTION 9.01 PURPOSE

The Mixed Use District is intended to allow residential, commercial, light industrial and public uses to coexist in the same environment. This district is intended to promote stability of property values, energy conservation, neighborhood commercial services, and residential living opportunities.

SECTION 9.02 USES AND STRUCTURES

- (1) Permitted principle uses and structures. Those uses permitted outright in the residential, commercial, light industrial and park, recreation and open space districts provided for in this ordinance.
- (2) Uses and structures permitted conditionally. Those uses permitted conditionally, but never allowed as an outright permitted use, in the residential, commercial, light industrial and park, recreation and open space districts provided for in this ordinance.

SECTION 9.03 LOTS

The lot dimensions and lot coverage allowed shall correspond to the regulations of that district in which the proposed use would otherwise be allowed.

SECTION 9.04 YARDS

The minimum yard requirements shall correspond to the regulations of that district in which the proposed use would otherwise be allowed.

SECTION 9.05 OFF STREET PARKING AND LOADING

Uses in the Mixed Use District M-1 shall conform to the off-street parking requirements of that district in which the proposed use would otherwise be allowed.

SECTION 9.06 SIGNS

All signs must conform to Article 22 - Signs of this ordinance.

SECTION 9.07 LANDSCAPING

Except for single-unit dwelling residential uses, the following landscaping standards shall apply. All lot area not covered by building or parking areas is to be landscaped. In addition, a parcel of land shall be landscaped that is equal in size to at least 15 percent of the total area of land dedicated to off-street parking. This landscaping shall complement the parking area. Developments that front any street in the C-2 district shall conform to the landscape standards for that district. Any parking allowed in front of buildings fronting the principal commercial street shall be landscaped between the parking lots and the commercial street. See Article 25 - Site Plan Review of this ordinance for more information.

SECTION 9.08 OVERLAPPING USES

In the event that a use of property in the -mixed use district exists in more than one district and there are different standards for the districts, the more stringent standards shall be applied.

ARTICLE 10 - LIGHT INDUSTRIAL DISTRICT (I-1)

SECTION 10.01 PURPOSE

The purpose of this district is to provide areas suitable for limited manufacturing, warehousing, and similar activities that have minimal effect on the surrounding areas of the community.

SECTION 10.02 USES AND STRUCTURES

- (1) Permitted principle uses and structures:
 - (a) Accessory buildings and uses normal and incidental to the uses permitted in this section;
 - (b) Automobile and truck repair;
 - (c) Building material sales yards, excluding concrete or asphalt batch or mixing plants;
 - (d) General warehousing, wholesale, or storage use;
 - (e) Mobile or other manufactured home for a caretaker or guard employed on the premises;
 - (f) Public buildings and public utility service buildings, except sewage treatment plants;
 - (g) Railroad yards and freight stations, trucking and motor freight stations and facilities;
 - (h) Retail sale of wood for fuel or the sale of other wood products.

- (2) Uses and structures permitted conditionally. The Planning Commission, subject to the procedures and criteria of Article 24 - Conditional Use Permits and Article 25 - Site Plan Review, may grant a conditional use permit for the following uses:
 - (a) Junk yards and auto wrecking yards;
 - (b) Kennels and veterinary clinics;
 - (c) Service stations, subject to the special requirements imposed by Article 24 - Conditional Use Permits of this ordinance;
 - (d) Sewage treatment plants;
 - (e) Uses involving any manufacturing, processing, assembly, research or wholesaling;
 - (f) Uses similar to those listed above and are normally located in and are consistent with the purpose of this district.

SECTION 10.03 LOTS

- (1) Lot area. The minimum lot area shall be 10,000 square feet. However, the Planning Commission may allow light industrial uses in the district on previously plotted lots that are smaller than 10,000 square feet using the procedures of Article 24 - Conditional Use Permits.

- (2) Lot dimensions. The minimum lot width shall be 100 feet. The Planning Commission may allow light industrial uses in the district on previously plotted lots that are narrower than 100 feet using the procedures of Article 24 - Conditional Use Permits.

- (3) Lot coverage. One hundred percent coverage is allowable when minimum loading space, yards, landscaping and parking are provided.

SECTION 10.04 YARDS

- (1) Front. Each lot shall maintain a front yard of 20 feet.

- (2) Side. Each lot shall maintain a side yard of 10 feet, except that it shall be 20 feet when abutting a residential district.

- (3) Rear. Rear yards are not required except where the use abuts a residential district, in which case they shall be 20 feet.

See Article 21 - Vision Clearance of this ordinance for more information.

SECTION 10.05 HEIGHT LIMITS

The maximum structural height for any building shall be three stories or 35 feet, whichever is less.

SECTION 10.06 FENCES, WALLS AND OTHER STRUCTURES

Where an industrial use abuts a residential district, the Planning Commission shall require that a fence, wall or other structure be erected along and immediately next to the abutting property line. Such a fence, wall or other

structure shall screen 70 percent of the view between the districts. It shall be not less than five or more than six feet in height, unless located in the required front yard, in which case it shall not exceed 2-112 feet in height if sight-obscuring. A fence or wall that is not sight obscuring in a front yard may be six feet in height. The Planning Commission's review shall consider aesthetic and maintenance factors.

SECTION 10.07 OFF-STREET PARKING

Off-street parking shall conform to requirements of Article -20 - Off-Street Parking of this ordinance.

SECTION 10.08 SIGNS

All signs must comply with Article- 22 - Signs of this ordinance.

SECTION 10.09 LANDSCAPING

All lot area not covered by building, parking, or paved or enclosed storage is to be landscaped. In addition, a parcel of land shall be landscaped that is equal in size to at least 15 percent of the total area of land dedicated to off-street parking. This landscaping shall complement the parking area. See Article 25 - Site Plan Review of this ordinance for further information.

ARTICLE 11 - HEAVY INDUSTRIAL DISTRICT (I-2)

SECTION 11.01 PURPOSE

The purpose of the heavy industrial district is to provide areas for industries that are primarily engaged in the processing of raw materials into refined materials in large volumes. The I-2 district is typically appropriate to areas that are more distant from residential areas and have extensive rail or shipping facilities.

SECTION 11.02 USES AND STRUCTURES

- (1) Permitted uses and structures:
- (a) Accessory buildings and uses normal and incidental to the uses permitted in this section;
 - (b) Compounding, assembly or treatment of previously prepared raw materials;
 - (c) Junk yards and auto wrecking yards;
 - (d) Kennels and veterinary clinics;
 - (e) Manufacture of lumber, wood and paper products, chemical and petrochemical products, metal and metal alloy products, and the storage of any raw materials for such industries;
 - (f) Quarries, gravel pits, and surface and subsurface mining, including the crushing, screening, or washing of extracted materials;
 - (g) Uses involving any manufacturing, processing, assembling, research, or wholesaling;
 - (h) Accessory buildings and uses normal and incidental to the uses permitted in this section;
 - (i) Automobile and truck repair;
 - (j) Building material sales yards, excluding concrete or asphalt batch or mixing plants;
 - (k) General warehousing, wholesale, or storage use;
 - (l) Mobile or other manufactured home for a caretaker or guard employed on the premises;
 - (m) Public buildings and public utility service buildings, except sewage treatment plants;
 - (n) Railroad yards and freight stations, trucking and motor freight stations and facilities;
 - (o) Retail sale of wood for fuel or the sale of other wood products.
- (2) Uses and structures permitted conditionally. The Planning Commission, subject to the procedures and criteria of Article 24 - Conditional Use Permits and Article 25 - Site Plan Review of this ordinance, may grant a conditional use permit for the following uses.
- (a) Bulk plants;
 - (b) Service stations, subject to the special requirements imposed by Article 24 - Conditional Use Permits of this ordinance;
 - (c) Slaughter houses;
 - (d) Uses similar to those listed above and are normally located in and are consistent with the purpose of this district.
 - (g) Service stations, subject to the special requirements imposed by Article 24 - Conditional Use Permits of this ordinance;
 - (e) Sewage treatment plants;
 - (f) Uses similar to those listed above and are normally located in and are consistent with the purpose of this district.

SECTION 11.03 LOTS

- (1) Lot area. The minimum lot area shall be 10,000 square feet. However, the Planning Commission may allow heavy industrial uses on previously platted lots in this district that are smaller than 10,000 square feet using the procedures of Article 24 - Conditional Use Permits.
- (2) Lot dimensions. The minimum lot width shall be 100 feet. The Planning Commission may allow heavy industrial uses on previously platted lots in this district that are narrower than 100 feet using the procedures- of Article 24 - Conditional Use Permits.
- (3) Lot coverage. One hundred percent coverage is allowable when minimum loading space, yards, landscaping and parking are provided.

SECTION 11.04 YARDS

- (1) Front. Each lot shall maintain a front yard of 20 feet.

(2) Side. Each lot shall maintain a side yard of ten feet, except that it shall be 20 feet when abutting a residential district.

(3) Rear. Rear yards are not required except where the use abuts a residential district, in which case they shall be 20 feet.

See Article 21 - Vision Clearance of this ordinance for more information.

SECTION 11.05 HEIGHT LIMITS

The maximum structural height for any building shall be three stories or 35 feet, whichever is less.

SECTION 11.06 FENCES, WALLS AND OTHER STRUCTURES

Where an industrial use abuts a residential district, the Planning Commission shall require that a fence, wall or other structure be erected along and immediately next to the abutting property line. Such a fence, wall or other structure shall screen 70 percent of the view between the districts. Such a fence, wall, or other structure shall be not less than five or more than six feet in height, unless located in the required front yard, in which case it shall not exceed 2-1/2 feet in height. The Planning Commission's review shall consider aesthetic and maintenance factors.

ARTICLE 12 - OPEN SPACE/AGGREGATE EXTRACTION DISTRICT (OS/AE)

SECTION 12.01 PURPOSE

- (1) Allow the extraction of aggregate resources for the construction industry.
- (2) Provide for reclamation of the area following termination of extraction activities.
- (3) Provide for fish and wildlife habitat through the protection of riparian vegetation, spawning beds, marshes, and other features.
- (4) Ensure coordination of federal, state, and local plans and permits for the beneficial, multi-purpose management of the river channel and bank areas.
- (5) Provide for channel maintenance to help flood control and prevention activities.
- (6) Provide for recreational opportunities.

SECTION 12.02 USES AND STRUCTURES

- (1) Permitted principle uses and structures:
 - (a) Aggregate extraction and storage.
 - (b) Aquaculture.
 - (c) Exploration for and production of geothermal energy resources.
 - (d) Park land and open space.
 - (e) Production of domestic/municipal water supplies.
 - (f) Public works buildings and yards. '
 - (g) Recreational activities, such as fishing, swimming, hiking, bike paths.
 - (h) River channel maintenance.
- (2) Uses and structures permitted conditionally. The Planning Commission, subject to the procedures and criteria of Article 24 - Conditional Use Permits and Article 25 - Site Plan Review of this ordinance, may grant a conditional use permit for those uses similar to those listed above and are normally located in and are consistent with the purpose of this district.

SECTION 12.03 LOTS

There are no minimum lot requirements.

SECTION 12.04 YARDS

All non-recreational or open space uses shall maintain yards of 20 feet from adjacent residential property lines. See Article 21 - Vision Clearance of this ordinance for more information.

SECTION 12.05 HEIGHT LIMITS

The maximum structural height for any building shall be three stories or 35 feet, whichever is less.

SECTION 12.06 FENCES, WALLS AND OTHER STRUCTURES

No fences, walls or other structures are required unless imposed by conditions required by the site review permit process.

SECTION 12.07 OFF STREET PARKING

Off-street parking shall conform to requirements of Article 20 - Off-Street Parking of this ordinance.

SECTION 12.08 SIGNS

All signs must comply with Article 22 - Signs of this ordinance

SECTION 12.09 LANDSCAPING

All developed lot area not covered by buildings, parking, or paved or enclosed storage is to be landscaped. In addition, a parcel of land shall be landscaped that is equal in size to at least 15 percent of the total area of land

dedicated to off-street parking. This landscaping shall complement the parking area. See Article 25 - Site Plan Review of this ordinance for further information.

SECTION 12.10 PERFORMANCE STANDARDS

- (1) Aggregate extraction, well drilling, channel maintenance, and other development activities shall be conducted only according to appropriate federal and state permits and policies.
- (2) Reclamation of land at termination of such activities shall be guided by the appropriate state and federal permits that authorized the activities.
- (3) The active promotion of recreational pursuits shall be directed toward public property in the district and is not intended to create burdens that may occur from illegal trespass upon private property.
- (4) All activities and uses in the district shall conform to applicable policies of the Oakridge Comprehensive Plan that concern aggregate extraction and the protection of natural resources.

ARTICLE 13 - PUBLIC FACILITIES. DISTRICT (PF)

SECTION 13.01 DESCRIPTION AND PURPOSE

The City of Oakridge recognizes the need to develop and modify public facilities without requiring the City to go through the conditional use permit process. This district is intended to do that and at the same time be in keeping with the general intent and purpose of the Comprehensive Plan.

SECTION 13.42 USES AND STRUCTURES

- (1) Permitted uses and structures.
 - (a) Communication facilities and structures including:
 - (i) Radio broadcasting studios, stations and towers;
 - (ii) Telegraph message centers, transmitting and receiving stations;
 - (iii) Telephone exchange stations and relay towers; and
 - (iv) Television broadcasting studios, transmitting stations and relay towers.
 - (b) Governmental services including:
 - (i) Airport and accessory structures;
 - (ii) City Hall;
 - (iii) City or county maintenance facilities;
 - (iv) Community buildings;
 - (v) County Courthouse;
 - (vi) Fire stations;
 - (vii) Jails and juvenile detention facilities;
 - (viii) Police stations;
 - (ix) Post offices;
 - (x) Public cemeteries;
 - (xi) Public hospitals;
 - (xii) Public libraries;
 - (xiii) Public museums;
 - (xiv) Public restrooms;
 - (xv) Senior centers;
 - (xvi) Any building or structure erected by a governmental entity not listed above;
 - (xvii) Accessory structures for any of the above.
 - (c) Park land and open space:
 - (i) Public open space;
 - (ii) Public parks;
 - (iii) Recreational activities, such as fishing, swimming, hiking, bike paths;
 - (iv) River channel maintenance.
 - (d) Utilities essential to the physical and social welfare of an area including:
 - (i) Electric utility, electric transmission right-of-way, electric generation plants, electricity regulating substation;
 - (ii) Gas utility, gas pipeline right-of-way, natural or manufactured gas storage and distribution points, gas pressure control stations;
 - (iii) Sewage disposal, sewage treatment plants, sewage sludge drying beds, sewage pressure control stations;
 - (iv) Solid waste disposal, refuse incineration, central garbage grinding stations, composting plants, sanitary landfills and refuse disposal;
 - (v) Water utility, production of domestic water supply, water pipeline right-of-way, water and wastewater treatment plants, water storage.

SECTION 13.03 SITING REQUIREMENTS

Development of all uses in this district are subject to Article 25 - Site Plan Review.

SECTION 13.04. LOTS

- (1) For structures:
 - (a) The minimum lot width shall be 25 feet.

(b) One hundred percent lot coverage is allowable when minimum loading space, yards, landscaping and parking are provided.

(2) For parks and open spaces: none.

SECTION 13.05 YARDS

(1) Corner lots shall have ten feet next to a side street right-of-way.

(2) All non-recreation or open space uses shall be set back 20 feet from adjacent residential property lines.

SECTION 13.05 HEIGHT LIMITS

The maximum structural height for any building shall be three stories or 35 feet, whichever is the lesser.

SECTION 13.07 FENCES, WALLS AND OTHER STRUCTURES

No fences, walls or other structures are required unless imposed by conditions of the site plan review process.

SECTION 13.08 OFF-STREET PARKING AND LOADING

Off-street parking requirements shall conform to Article 20 - Off-Street Parking of this ordinance.

SECTION, 13.09 SIGNS

All signs must conform to Article 22 - Signs of this ordinance.

SECTION 13.10 LANDSCAPING

All lot area not covered by building, parking, or paved or enclosed storage is to be landscaped. In addition, a parcel of land shall be landscaped that is equal in size to at least 15 percent of the total area of land dedicated to off-street parking. This landscaping shall complement the parking area. See Article 25 - Site Plan Review of this ordinance for further information.

SECTION 13.11 PERFORMANCE STANDARDS

River channel maintenance shall be conducted only according to appropriate federal and state permits and policies.

ARTICLE 14 - PARK, RECREATION AND OPEN SPACE DISTRICT (PRO)

SECTION 14.01 PURPOSE

The purpose of the park, recreation and open space district is to ensure that land for park and recreation use is developed to serve its intended use while not disrupting nearby land uses. It is also to guide recreational development, ensure adequate standards for development and preservation of park, recreation and open space uses, protect and enhance vital natural resources, provide a buffer between incompatible land uses, and to promote the health, safety and welfare of the City residents.

SECTION 14.02 USES AND STRUCTURES

- (1) Permitted uses and structures
 - (a) Bicycle and pedestrian trails;
 - (b) Boat ramps;
 - (c) Historical areas, structures, interpretive signs and monuments;
 - (d) Picnic areas;
 - (e) Public recreation, open space, parks and playgrounds;
 - (f) Public rest stop;
 - (g) Public restrooms;
 - (h) Structures and accessory buildings and uses normal and incidental to uses in this section such as:
 - (i) Caretaker's house;
 - (ii) Community meeting building;
 - (iii) Information kiosk and buildings;
 - (iv) Maintenance facility;
 - (v) Emergency fire camp facilities.

- (2) The following buildings and uses shall be permitted conditionally subject to Article-24 -Conditional Use Permits of this ordinance.
 - (a) Open outdoor recreation uses not housed or enclosed within a building or structure, including but not limited to:
 - (i) Equestrian facilities;
 - (ii) Ball fields and play fields;
 - (iii) Swimming pools;
 - (iv) Tennis courts.
 - (b) Indoor, enclosed recreational uses that clearly reflect the purpose and intent of this district, including but not limited to:
 - (i) Athletic clubs;
 - (ii) Museums;
 - (iii) Performing arts centers;
 - (iv) Other uses similar in scope and impact to uses listed in this section.

SECTION 14.03 SITE PLAN REVIEW

Permitted uses in this district are not subject to the requirements of Article 25 - Site Plan Review of this ordinance.

SECTION 14.04 YARDS

All structures permitted outright shall have yards of 20 feet from adjacent residential property lines. The placement of all structures for conditional uses shall be subject to approval of the Planning Commission.

SECTION 14.05 HEIGHT LIMITS

The maximum height of any building shall be three stories or 35 feet, whichever is less.

SECTION 14.06 FENCES, WALLS AND OTHER STRUCTURES

No fences, walls or other structures are required unless imposed by conditions required by the conditional use process.

SECTION 14.07 OFF-STREET PARKING

Off-street parking requirements shall conform to Article 20 - Off-Street Parking of this ordinance.

SECTION 14.08 SIGNS

- (1) For permitted uses. One sign at each major entrance shall be permitted. The sign shall not exceed 32 square feet in area for all faces. The sign height shall not exceed eight feet above grade. The sign shall be either free standing or wall mounted and may be indirectly lighted.
- (2) For conditional uses. See Article 22 - Signs of this ordinance for sign regulations.

SECTION 14.09 LANDSCAPING

All developed lot area not covered by building, parking, or paved or enclosed storage is to be landscaped. In addition, a parcel of land shall be landscaped that is equal in size to at least 15 percent of the total area of land dedicated to off-street parking. This landscaping shall complement the parking area. See Article 25 - Site Plan Review of this ordinance for further information.

ARTICLE 15: SUBDISTRICTS

SECTION 15.01: FLOOD PLAIN SUBDISTRICT (/FP)

- (1) **PURPOSE.** The Flood Plain Subdistrict designation shall be applied in any district where the area is subject to inundation by flooding or surface water. The area subject to flooding shall be shown on the Oakridge Flood Insurance Rate Map, which designates regulated floodways and areas subject to a one percent loss or 100-year flood. Its purpose is to minimize property loss, danger of injury and health hazards. To accomplish such purposes, floor elevations will be established by the City prior to issuing any building permits.

The Flood-Plain Subdistrict establishes special concern requirements for the placement and construction of buildings and development site improvements in areas that may be subject to flooding or surface water in order to safeguard the life and health of people in the area and of the general public.

- (2) **ESTABLISHMENT OF A FLOOD PLAIN (/FP) SUBDISTRICT IN COMBINATION WITH A BASIC DISTRICT.** The Flood Plain Subdistrict (/FP) shall be established in combination with any basic district in which there is a special concern due to inundation by flooding or surface water. (For example, R-1/FP would mean the low density residential district with combining flood plain subdistrict regulation.)
- (3) **COMPLIANCE.** In addition to complying with the provisions of the primary zoning district, all uses and activities shall comply with the provisions of this overlay subdistrict. In the event of any conflict between any provisions of this overlay subdistrict and the primary zone district, the provisions of this Section shall apply. All construction within the overlay shall also comply with all relevant provisions of the State Building Code (OSSSC) Appendix 23, Division IV.
- (4) **DESIGNATION OF SPECIAL FLOOD HAZARD AREAS.**
- (a) The area of Oakridge's jurisdiction that is within the flood hazard and floodway areas are identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Oakridge," dated September 19, 1985, with accompanying Flood Insurance Rate Maps, and is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Oakridge City Hall.
- (b) In areas where base flood elevations have not been provided in accordance with subsection (a) of this section, the City Administrator or his designee shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, state, or other sources, in order to administer this Section. When only approximate flood information is available, the property owner shall be cautioned that the property is within the identified flood hazard area.
- (5) **DESIGNATION OF THE ADMINISTRATOR.** The City Administrator or his designee is hereby appointed to administer and implement this Section of this ordinance. In areas of special flood hazard, the City Administrator or his designee shall review all development proposals to determine that the requirements of this ordinance have been satisfied and that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (6) **FLOOD HAZARD DEVELOPMENT PERMITS**
- (a) A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Subsection 15.01(4)(a). All structures, including manufactured homes, being erected, repaired, or relocated in these areas must first obtain a flood hazard development permit. The permit must also be obtained before undertaking all other activities, including grading, excavation and filling. The degree of flood hazard will dictate precautions that must be taken to protect the structure and contents from base flood levels, unless exempted by the current State Building Code or amendments.
- (b) Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for flood hazard development 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 the use of historical data, high water marks,

photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

- (7) **CONDITIONAL USES AND BUILDINGS PERMITTED.** Conditional use permits, approved by the Planning Commission, under the process established by Article 24 - Conditional Use Permits of this ordinance, shall be required for development permitted outright in the underlying zoning district, subject to the provisions of this Section.
- (8) **CRITERIA.** Conditional use permits may be issued by the Planning Commission when, and only when, the Planning Commission has determined the following.
- (a) The proposed development site will not, during potential future flooding, be so inundated by floodwater as to result in injury to property or to the health, safety, and welfare of residents or potential residents of the immediate area.
 - (b) All new construction, relocation, or substantial improvements of structures within /FP areas shall have the lowest floor (including basement and mechanical systems) elevated to one foot above the 100-year flood level. Nonresidential structures may be constructed to be flood resistant in lieu of the elevation of the lowest floor. Flood resistant construction plans shall be prepared by an engineer registered by the State of Oregon to practice civil or structural engineering.
 - (c) No improvements are proposed that will have a serious tendency to change the flow of surface water during potential future flooding so as to endanger the health, safety and welfare of residents or potential residents or other property in the area.
 - (d) Emergency vehicles, such as ambulances, police and fire, will have access to the site during occurrence of any such flooding for the purpose of evacuating residents or inhabitants of any residential structures or living quarters within the /FP area.
- (9) **STANDARDS.** Conditional use permits will only be approved that meet the following standards. The City Engineer and City Administrator or his designee will determine whether the standards have been met.
- (a) The lowest flood elevation (including basement and mechanical systems), foundation elevation, ground elevation, or top of flood resistant elevation required in conjunction with building permit issuance shall be certified in mean sea level datum by a Land Surveyor, architect or engineer registered by the State of Oregon and the certification filed with the City Administrator or his designee. The certifications must be filed within 30 days of completion of that part of the structure to be certified. An unsatisfactory certification will not be accepted. Failure to comply will be a violation of this ordinance.
 - (b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and shall be constructed using methods and practices that minimize flood damage. 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) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the new systems.
 - (d) New and replacement sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - (e) All subdivision proposals and other proposed new developments shall minimize flood damage; shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and shall have adequate drainage provided to reduce exposure to flood damage. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated by the developer for subdivision proposals and other proposed developments which contain at least 50 lots or five acres, whichever is less.
 - (f) All public utilities and facilities appurtenant to the application of the requirements of City ordinances and standards, such as sewer, gas, electric and water systems, shall be located and constructed to minimize flood damage and to improve drainage.
 - (g) Replacement in kind shall comply with standards for new construction.

- (10) SITE INVESTIGATION REPORT. A site investigation report shall be required that provides information on the site of the development and adjacent land that is likely to be affected. The site investigation report shall be prepared by a person or a team of persons qualified by experience and training to assemble and analyze physical conditions in a flood potential area. The person or team shall be employed by the applicant but shall be subject to approval as to qualifications by the Planning Commission.

The site investigation report shall provide topographic information of the area in sufficient detail to accurately assess potential flooding elevations based on the recognized definition of area flood potential and shall identify existing natural drainage ways and potential drainage ways and other characteristics of the area and their significance, as related to the proposed development flooding potential. The report also may serve to refine boundaries showing the Comprehensive Plan and/or Zoning Map that classify land areas within the Flood Plain Subdistrict. The report shall comply with the standards for the kind of area being investigated and the kind of development being proposed.

- (11) GENERAL REQUIREMENTS - NO BASE FLOOD ELEVATIONS ESTABLISHED. In a special flood hazard area where base flood elevations have not been established:

- (a) The applicant shall be notified that the building site is in an Approximate Study Flood Hazard Area, and extra precautions may be appropriate to assure that the building site will be reasonably safe from flooding.
- (b) All new construction, substantial improvements, and replacement structures, including manufactured homes, shall be anchored to prevent floatation, collapse, or lateral movement of the structure. In addition, all manufactured homes shall be installed using methods and practices that minimize flood damage, and shall be installed within 30 days of placement. Anchoring methods may include, but are not limited to, use of over-the-top frame ties to ground anchors and shall be installed in a manner to comply with state standards.

A time extension to the tie-down requirements may be granted for hardship by the City Administrator or his designee between May and October based on written appeal. A request shall contain a time schedule for achieving compliance and an agreement not to remonstrate against enforcement action for failure to comply.

For a development that is greater than 50 lots or five acres, whichever is the lesser, base flood elevation data shall be generated by the developer.

- (12) GENERAL REQUIREMENTS - BASE FLOOD ELEVATIONS ESTABLISHED. Where base flood elevation data is provided through the Flood Insurance Study the City shall:

- (a) Obtain and record the actual elevation in relation to mean sea level of the lowest floor (including basement) on all new or substantially improved structures.
- (b) For all new or substantially improved flood resistant structures:
 - (i) Verify and record the actual elevation in relation to mean sea level;
 - (ii) Maintain the flood resistant construction certifications required by this Section.
- (c) Maintain for public inspection all records pertaining to the provisions of this Section.
- (d) Require that all new construction and substantial improvements of residential structures have the lowest floor (including the basement and mechanical systems) elevated to one foot above base flood elevation.
- (e) Require that all new construction and substantial improvements of residential structures and replacement residential structures, including manufactured homes, shall be anchored to prevent floatation, collapse, or lateral movement of the structure. In addition, all manufactured homes shall be installed using methods and practices that minimize flood damage; and shall be installed within 30 days of placement. Anchoring methods may include, but are not limited to, use of over-the-top frame ties to ground anchors and shall be installed in a manner to comply with state standards.
 - (i) A time extension to the tie-down requirements may be granted for hardship by the City Administrator or his designee between May and October based on written appeal. A request shall contain a time schedule for achieving compliance and an agreement not to remonstrate, against enforcement action for failure to comply.
- (f) Require that fully enclosed areas of residential structures below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces

on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (i) A minimum of two openings, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - (ii) The bottom of all openings shall be no higher than one foot above grade;
 - (iii) Openings equipped with screens, louvers, or other coverings or devices are allowed provided that they permit the automatic entry and exit of floodwaters.
- (g) Require that all new construction and substantial improvements of nonresidential structures have the lowest floor (including basement and mechanical systems) elevated to one foot above the base flood elevation, or together with attendant utility and sanitary facilities, shall:
- (i) Be flood resistant so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;
 - (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (iii) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the City Administrator or his designee;
 - (iv) Nonresidential structures that are elevated and not flood resistant must meet the same standards for space below the lowest floor, as described in Section (g) of this section;
 - (v) Applicants using flood resistant construction for nonresidential structures shall be notified that flood insurance premiums will be based on rates that are one foot below the flood resistant level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
- (h) Require that all new construction and substantial improvements of agricultural structures have the lowest floor elevated to at least one foot above the base flood elevation or that the structure be elevated on an engineer-designed fill so that the lowest floor is one foot above the base flood elevation or be certified by an engineer or architect that the portion of the structure below the base floor level is watertight with walls substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (i) Require that all new placements of mobile homes in mobile home parks in a flood hazard area be anchored with approved tie-downs in order to resist floatation, collapse, or lateral movement. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (j) Require for expansions of existing mobile home parks, where the repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced, that stands or lots are elevated on engineer-designed fill or pilings so that the lowest floor of the mobile home will be one foot above the base flood elevation.
- (13) GENERAL REQUIREMENTS – FLOODWAYS. Mobile homes are prohibited in designated regulatory floodways. In all designated regulatory floodways the City shall require that no partitions or land divisions be permitted, or other development occur, if the development site for the structure is inside the floodway boundary or unless the developer can demonstrate through an engineering-analysis that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood levels during the occurrence of a base flood discharge.
- (14) WAIVER FOR HISTORIC PLACES. Requirements of this ordinance shall not apply when specifically waived in accordance with federal or state laws governing the reconstruction, rehabilitation, or restoration of structure listed on the National Register of Historic Places or the State Inventory of Historic Places.
- (15) WATERCOURSE ALTERATION OR RELOCATION

- (a) Adjacent communities and the Department of Land Conservation and Development shall be notified prior to any alteration or relocation of a watercourse, and evidence of such notification shall be furnished to the Federal Insurance Administration.
 - (b) Maintenance shall be required within the altered or relocated portion of altered or relocated watercourses so that the flood carrying capacity is not diminished.
- (16) GRADING, EXCAVATING AND FILLING. Grading, excavation and filling in areas identified as special flood hazards are subject to the following:
- (a) No development will occur within 50 feet of any primary or secondary stream channel, including but not exclusive to Salmon Creek, and no swale or other low area necessary to discharge water downstream during periods of flooding shall be obstructed unless a grading permit is approved.
 - (b) Channel improvement or bank protection shall be performed only after receiving a flood hazard development permit from the City. The permit shall not authorize any work that is not in compliance with local zoning or other local, state or federal regulations pertaining to the operations authorized by the permit. The permit holder is responsible for obtaining any other necessary permits before proceeding under the approval provisions imposed by the City.
 - (c) In riverine areas, adjacent communities and the State Coordinating Officer shall be notified prior to any alteration or relocation of a watercourse and copies of such notifications shall be submitted to the Federal Administrator.
 - (d) The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.
- (17) VARIANCES
- (a) The issuance of a variance is for flood plain management purposes only. Insurance premium rates are determined by statute and will not be modified by the granting of a variance.
 - (b) Variances shall not be issued by the City within any designated regulatory floodway if any increase in base flood discharge would result.
 - (c) Variances shall only be issued by the City upon showing good and sufficient cause based on scientific technical data compiled by an Oregon registered surveyor, engineer or architect and submitted by the applicant. It must be determined that the granting of a variance will not result in increased flood heights, additional threats to public safety, or conflict with local laws or ordinances.
 - (d) In all cases, the applicant is charged with the responsibility of obtaining all technical or other evidence for review and filing and providing them for the City Administrator or his designee and the City Engineer.
- (18) FEES. Fees established by the City for the flood plain permits or variances shall be required by this section to defray the cost of processing applications.

SECTION 15.02 MOBILE HOME PARK SUBDISTRICT (/MHP)

- (1) PURPOSE. The purpose of the mobile home park subdistrict is to allow mobile homes on designated spaces in areas designated low or medium density residential. Except for a hardship (as described in Article 4, Section 4.02(4) and Article 5, Section 5.02(4) of this ordinance), this subdistrict shall be the only permitted or conditional use of mobile homes in the City. Manufactured homes are permitted within any residential district in the City. See Article 33 - Definitions of this ordinance for clarification.
- (2) APPLICABILITY. As well as applying to any new mobile home park, the provisions of this Section shall also apply to any enlargement or remodeling of a mobile home park, or an increase in the number of mobile home sites in an existing mobile home park.
- (3) USES AND STRUCTURES PERMITTED CONDITIONALLY IN RESIDENTIAL DISTRICTS. Mobile home parks may be conditionally permitted in any residential district and are subject to the provisions of Article 24 - Conditional Use Permits and Article 25 - Site Plan Review of this ordinance. The following uses and structures may be permitted conditionally within a mobile home park.
 - (a) Mobile homes in mobile home parks with sites on spaces designated by permanently flush stakes, markers or other suitable means.

- (b) Buildings and structures accessory to a mobile home park.
- (c) Private parks, playgrounds, golf courses, community centers, swimming pools or other recreational centers associated with a mobile home park.
- (d) Public and semi-public buildings essential to the physical and economic welfare of the area, such as substations, pump stations, and reservoirs.
- (e) State-approved mobile home accessory buildings or structures and site-built mobile home accessory buildings or structures. Fences and attached accessory buildings or structures are not considered as separate structures.
- (f) Overnight vacation trailers and recreational vehicles.

(4) INSTALLATION AND CONSTRUCTION

- (a) Mobile homes are to be installed on the site in a way that complies with the current minimum standards established for mobile home installation by the State of Oregon, Department of Consumer and Business Services, Building Code Division, by administrative rule and enforced by the Building Inspector.
- (b) Each mobile home shall be tied-down to protect against uplift, sliding, rotation and overturning.
 - (i) The tie-downs installed shall be manufacturer-approved and capable of withstanding a 4,725-pound load. They shall be located not more than 5-1/2 feet from each end of the mobile home.
 - (ii) Tie-downs shall also be installed at each outside corner of a tip-out.
- (c) No mobile home shall occupy more than 40 percent of its space area.
- (d) No additions or outbuildings shall be constructed or added to or placed upon a mobile home space or lot that do not conform to all aspects to the State Building Code.
- (e) The space provided for each mobile home shall have, adjacent and parallel to it, one or more patio slabs of concrete, asphalt, flagstone, or similar material that singularly or in combination total at least 120 square feet. This patio space may not be used for the parking of vehicles.
- (f) The streets in the mobile home park shall be paved and shall be at least 20 feet wide if no parking is allowed on the streets or at least 30 feet wide if parking is allowed on the streets.
- (g) The space provided for each mobile home shall be equipped with running water and electrical and sewerage connections.
- (h) The total number of vehicle parking spaces in the mobile home park, exclusive of parking provided for the exclusive use of the manager or employees of the park, shall be at least two parking spaces per mobile home space. Parking spaces shall be paved with asphalt, concrete, pavers or other suitable material.
- (i) No mobile home shall be placed on any lot until arrangements have been made to connect the mobile home to the City sewer system with approval by the Building Inspector, and no mobile home shall be occupied until the connection is made.
- (j) Mobile homes shall be a minimum of 650 square feet of occupied space.
- (k) Mobile homes shall contain toilets, sinks and shower or tub connected to running water and a drain system located in a room or rooms that afford privacy to the occupant. They shall also contain a kitchen room or space containing a sink supplied with hot and cold running water connected to a drain system. The drain system shall be connected to the sewer system.
- (l) Mobile homes shall contain integral electrical wiring that supplies connection to convenience outlets in each room of the mobile home, if there is no separate kitchen room, at least one convenience electrical outlet shall be located in the kitchen space that is in addition to outlets in other parts of the room in which the kitchen space is located. Outlets provided in the ceiling or wall intended for lighting purposes shall not be counted as convenience outlets.
- (m) The wheels of mobile homes shall be removed and the unit shall be enclosed by a continuous skirting of non-decaying, non-corroding, fireproof material and shall extend at least six inches into the ground or into an impervious surface.
- (n) Common storage areas shall be surrounded, except at entry and exit places, by sight-obscuring fences with accompanying landscaping, both of which shall be maintained in a neat appearance.
- (o) All mobile homes located in a mobile home park must conform to conditions and criteria required by this ordinance and all applicable conditions attached to the approval of that mobile home park.
- (p) If space provided for a mobile home or permanent structure in the mobile home park is more than 500 feet from a public fire hydrant, the mobile home park shall be provided with hydrants so that no space or structure within the mobile home park shall be more than 500 feet from a hydrant.

Each hydrant shall be located on a vehicular way within the mobile home park and shall conform in design and capacity to the public hydrants in the City.

- (q) Laundry facilities are required only when vacation/overnight trailers or recreational vehicles are allowed in the mobile home park.
- (r) A mobile home park shall have access to a public street with a right-of-way of at least 40 feet. The mobile home park shall not be established on any site that does not have access to any public street on which the potential paving width is less than 28 feet.
- (s) Except for necessary openings, access points for pedestrians, and vehicular entrances and exits, the front, side and rear boundaries of the mobile home park shall be developed with a combination of landscaping and fences or walls as a screen. Such landscaping, fences and walls shall:
 - (i) Screen at least 70 percent of the view between the mobile home park and adjacent areas.
 - (ii) Be at least five feet and not more than eight feet in height.
 - (iii) Be at least three feet in height in the required front yard.
 - (iv) Include at least one tree not on the following list planted every 30 feet. Trees that shall not be planted are poplar, cottonwood, black walnut, willow, box elder, ailanthus or elm.
 - (v) Be installed before the mobile home park is occupied.

The Planning Commission's review of landscaping and screening requirements are based on neighborhood conditions. The Planning Commission shall consider and require the use of materials that are aesthetic and relatively free from excessive maintenance.

- (5) APPROVAL CRITERIA. All mobile home parks are subject to the site plan review process in Article 25 of this ordinance. In addition, the Planning Commission shall find the following to approve a mobile home park.
 - (a) Construction on the project will begin within one year from the date of full approval and will be completed within one year of commencement of the project. The Planning Commission may grant one six-month extension to this time period.
 - (b) The proposed development conforms to the Comprehensive Plan.
 - (c) The applicant has submitted a plot plan that contains, at least, the following information:
 - (i) A vicinity map showing the relationship of the mobile home park to adjacent properties.
 - (ii) The location, width, and improvements of all walkways, bikeways, and streets.
 - (iii) The size, location, and arrangement of property improvements of all open space, landscaping, fences, and walls.
 - (iv) An enlarged plot plan of a typical mobile home space, showing the location of the mobile home, patios, storage space, walkways, utility connections, signs, accessways, and landscaping.
- (6) YARDS
 - (a) In a mobile home park, mobile homes shall maintain the following yards:
 - (i) Six feet from any building accessory to the mobile home;
 - (ii) Ten feet from any building that is not accessory to the mobile home, public street or boundary line;
 - (iii) Fifteen feet from any other mobile home;
 - (iv) Five feet from any rear space line, property boundary line, or edge of a street;
 - (v) Two feet from the edge of a sidewalk;
 - (vi) Seven and one-half feet from any interior space line.
 - (b) In a mobile home park, state-approved mobile home accessory buildings or structures and site-built mobile home accessory buildings or structures shall maintain the following yards:
 - (i) Ten feet from any building;
 - (ii) Twenty feet from any public street or the mobile home park boundary line;
 - (iii) Five feet from the edge of a street;
 - (iv) Two feet from the edge of a sidewalk,
 - (v) Three feet from any interior space line or rear space line except a double garage or carport may be built which serves two adjacent mobile homes.

See Article 21 - Vision Clearance of this ordinance for more information.

- (7) BUILDING OR STRUCTURE HEIGHT
 - (a) The maximum height of all buildings within the mobile home park shall be 30 feet.
 - (b) The maximum height of all state-approved and site-built mobile home accessory buildings or structures shall be no higher than the mobile home, except that an unattached roof that covers the mobile home may be higher.

- (8) LOT AND SPACE AREA
 - (a) The minimum lot area required for the development of a new mobile home park shall be one acre.
 - (b) There shall be no minimum space area requirements so long as the Subsection of this Section regarding yards and space coverage are observed. No mobile home space line adjustments shall be made without notifying the Building Inspector. Space line adjustments shall require the approval of the Planning Commission when deemed necessary by the Building Inspector.

- (9) SPACE COVERAGE AND DENSITY
 - (a) The space coverage by all structures shall not exceed 65 percent of the mobile home space area.
 - (b) The maximum density is ten mobile homes per acre.
 - (c) The total coverage of the total land area of the mobile home park, excluding streets, shall not exceed 65 percent.

- (10) SIGNS. All signs must conform to Article 22 - Signs of this ordinance.

- (11) LANDSCAPING. All lot area not covered by building or parking areas is to be landscaped. In addition, a parcel of land shall be landscaped that is equal in size to at least ten percent of the total area of land dedicated to off-street parking exclusive of parking on individual mobile home sites. This landscaping shall complement the parking area. See Article 25 - Site Plan Review of this ordinance for further information.

SECTION 15.03 MANUFACTURED HOME SUBDIVISION SUBDISTRICT (/MHS)

- (1) PURPOSE. The Manufactured Home Subdivision Subdistrict is intended to provide for areas that have a stable, healthful environment, with a full range of urban services for those residents choosing to reside in manufactured homes on individually owned lots.

Besides complying with the standards in this Section, a manufactured Home Subdivision must also conform to the requirements of the City of Oakridge Land Division Ordinance. When specific standards in this Section are different from specific standards in the Land Division Ordinance, the standards in this Section shall apply.

- (2) INSTALLATION AND CONSTRUCTION. Placement of all manufactured homes within manufactured home subdivisions, shall conform to the requirements of the placement of manufactured homes on single-dwelling unit residential lots as stated in Article 4, Section 4.09 of this ordinance. In addition, they shall conform to the following standards.
 - (a) No manufactured home shall occupy more than 40 percent of its lot area.
 - (b) No additions or outbuildings shall be constructed or added to or placed upon a manufactured home lot that do not conform to all requirements of the applicable rules of the State of Oregon Department of Consumer and Business Services, Building Code Division. No accessory building or addition shall exceed 13 feet or the roofline of the manufactured home, whichever is greater in height.
 - (c) The space provided for each manufactured home shall have, adjacent and parallel to it, one or more patio slabs of concrete, asphalt, flagstone, or similar material which singularly or in combination total at least 120 square feet. This patio space may not be used for the parking of vehicles.

- (d) The streets in the manufactured home subdivision shall be paved and shall be at least 20 feet wide if no parking is allowed on the streets or at least 30 feet wide if parking is allowed on the streets.
 - (e) The lot provided for each manufactured home shall be equipped with running water and electrical and sewerage connections.
 - (f) The total number of vehicle parking spaces in the manufactured home subdivision, exclusive of parking provided for the exclusive use of the manager or employees of the subdivision, shall be at least two parking spaces per manufactured home lot. Parking spaces shall be paved with asphalt, concrete, pavers or other suitable material.
 - (g) No manufactured home shall be placed on any lot until arrangements have been made to connect the manufactured home to the City sewer system with approval by the Building Inspector, and no manufactured home shall be occupied until such connection is made.
 - (h) Common storage areas shall be surrounded, except at entry and exit places, by sight-obscuring fences with accompanying landscaping, both of which shall be maintained in a neat appearance.
 - (i) A manufactured home subdivision shall have access to a public street with a right-of-way of at least 40 feet. The manufactured home subdivision shall not be established on any site that does not have access to any public street on which the potential paving width is less than 28 feet.
- (3) APPROVAL CRITERIA. Besides the requirements of this Section, all manufactured home subdivisions are subject to the City of Oakridge Land Division Ordinance and the following other parts of this ordinance: Article 24 - Conditional Use Permits and Article 25 - Site Plan Review.
- (4) YARDS
- (a) In a manufactured home subdivision, manufactured homes shall maintain the following yards:
 - (i) Fifteen feet from any other manufactured home;
 - (ii) Six feet from any accessory building;
 - (iii) Ten feet from any building not accessory to the manufactured home, public street or boundary line;
 - (iv) Five feet from any rear space line, property boundary line, or edge of a street;
 - (v) Two feet from the edge of a sidewalk;
 - (vi) Seven and one-half feet from any interior space line.
 - (b) In a manufactured home subdivision, state-approved manufactured home accessory buildings or structures and site-built manufactured home accessory buildings or structures shall maintain the following yards:
 - (i) Ten feet from any building except the manufactured home to which it accessory;
 - (ii) Twenty feet from any public street or the manufactured home park boundary line;
 - (iii) Five feet from the edge of a street;
 - (iv) Two feet from the edge of a sidewalk;
 - (v) Three feet from any interior space line or rear space line except a double garage or carport may be built which serves two adjacent manufactured homes.
 - (c) See Article 21 - Vision Clearance of this ordinance for more information.
- (5) HEIGHT LIMITS
- (a) The maximum height of all buildings within the manufactured home subdivision shall be 30 feet.
 - (b) The maximum height of all state-approved and site-built manufactured home accessory buildings or structures shall be no higher than the main building or structure.
- (6) MINIMUM AREA. The minimum lot area required for the development of a new manufactured home subdivision shall be three acres.
- (7) SPACE COVERAGE AND DENSITY
- (a) The space coverage by all structures shall not exceed 65 percent of the manufactured home lot area.
 - (b) The maximum density is ten manufactured homes per acre.
- (8) SIGNS. All signs must comply with Article 22 - Signs of this ordinance.

- (9) LANDSCAPING. All lot area not covered by building or parking areas is to be landscaped. In addition, a parcel of land shall be landscaped that is equal in size to at least 15 percent of the total area of land dedicated to off-street parking, exclusive of off-street parking on individual lots. This landscaping shall complement the parking area. See Article 25 - Site Plan Review of this ordinance for further information.

SECTION 15.04 PLANNED UNIT DEVELOPMENT SUBDISTRICT (/PUD)

- (1) DESCRIPTION AND PURPOSE. The purpose of the Planned Unit Development (PUD) Subdistrict is to provide opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Subdistrict is intended to be used to encourage the application of new techniques and new technology to community development that will result in superior living or development arrangements with lasting values. It is also intended to serve as an economical way to develop land, maintenance and street systems, and utility networks while providing building groupings for privacy, usable and attractive open spaces, safe circulation, protection of solar access and the general well-being of the inhabitants.

The proposal for the PUD Subdistrict shall be prepared by one or more persons with professional qualifications in such design-related fields as architecture, landscape architecture, urban planning, and civil engineering. The names of professional persons shall be provided with the application.

- (2) OBJECTIVES. The general objectives of the PUD Subdistrict are:
 - (a) To encourage innovation and variety in the development or reuse of property;
 - (b) To maximize choices available in the types of environment available in the City of Oakridge;
 - (c) To encourage a more efficient use of land and of public services and facilities;
 - (d) To take advantage of and promote advances in technology, architectural design, and functional land-use design;
 - (e) To provide for the enhancement and preservation of property with unique features (such as historical, topographical, and natural landscape);
 - (f) To simplify processing of development proposals for developers and the Planning Commission by providing for concurrent review of land use, subdivision, public improvements, and siting considerations;
 - (g) To enable special problem areas or sites in the City of Oakridge to be developed or improved, in particular where these areas or sites are characterized by special features of geography, topography, size, shape, or historical legal nonconformance;
 - (h) To allow flexibility of design that will create desirable public and private common open spaces, a variety in type, design, and layout of buildings, and utilize, to the best possible extent, the potentials of individual sites;
 - (i) To help reduce the public service cost of development;
 - (j) To provide for enhancement and preservation of desirable vegetation and trees within the area;
 - (k) To encourage the use of solar energy in buildings through the provision and protection of solar access.

- (3) ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT (/PUD) SUBDISTRICT IN COMBINATION WITH A BASIC DISTRICT. A PUD Subdistrict (/PUD) may be established in combination with any basic district. In cases of conflict between standards of the basic district and the PUD Subdistrict, the standards of the PUD Subdistrict will apply.

- (4) PROCEDURES FOR PRELIMINARY APPROVAL. The applicant shall submit at least 10 copies of a preliminary development plan to the Planning Commission for approval of the project in principle. The plan shall be submitted to the City Administrator at least 30 days before the Planning Commission meeting at which the proposal shall first be discussed. See Article 25 – Site Plan Review of this ordinance for further information. The proposal shall consist of a preliminary plan in schematic fashion and a written program with consideration given to the following elements:

- (a) Elements of the Plan
 - (i) Vicinity map showing the location of streets and lots in the area within 500 feet of the proposed development.

- (ii) Existing land uses and zoning of property and vicinity.
- (iii) Proposed land uses including housing unit densities (number of units per acre, type of residence, and number of bedrooms by type of residence).
- (iv) Building types and approximate bulk.
- (v) Vehicular and pedestrian access, circulation and parking pattern and status of street ownership.
- (vi) Parks, playgrounds and open spaces.
- (vii) Existing natural features such as trees, streams and topography.
- (viii) Landscaping, screening and fencing proposals.
- (ix) Proposed method of solid waste disposal.
- (x) Proposed method for provisions of water supply and sewage disposal.
- (xi) Proposed method for the handling of surface water drainage.
- (xii) Proposed grading patterns.
- (xiii) Street and open space lighting proposals.
- (b) Elements of the Program
 - (i) Proposed ownership pattern and verification of ownership.
 - (ii) Operation and maintenance proposal, such as condominium, co-op or Homeowner's Association.
 - (iii) Commercial facilities such as shopping and community facilities such as schools or parks.
 - (iv) Timetable of development, to include expected starting dates, projection of completion time and project phasing, if anticipated.
 - (v) Method of public improvements financing, if any.
- (c) Planning Commission Review of Preliminary Development Plan
 - (i) The Planning Commission shall informally review the Preliminary Development Plan and Program and may recommend either preliminary approval in principle, with or without modifications or denial. Such action shall be based upon the City's Comprehensive Plan, the standards of this ordinance and other regulations, and the suitability of the proposed development in relation to the physical characteristics of the area and the development characteristics of the neighborhood.
 - (ii) Approval in principle of the Preliminary Development Plan and Program shall be limited to the preliminary acceptability of the land uses proposed and their interrelationships. Approval in principle shall not be construed to endorse the precise location of uses or of engineering feasibility. The Planning Commission may require the submission of information other than that specified for submittal as part of the General Development Plan and Program.
 - (iii) Informal review of the Preliminary Development Plan and Program shall be held at a regular Planning Commission meeting, but does not require a public hearing.
 - (iv) The Planning Commission shall evaluate design team needs and may recommend additional members, depending upon the scope of the proposal, to facilitate preparation of the General Development Plan and Program.
 - (v) The Planning Commission shall determine the extent of any environmental assessment to be included in the General Development Plan and Program.
- (5) GENERAL DEVELOPMENT PLAN AND PROGRAM - PROCEDURE
 - (a) After receiving approval in principle of the Preliminary Development Plan and Program, the applicant shall submit ten copies of the General Development Plan and Program to the City Administrator at least 30 days before the date of the Planning Commission hearing scheduled to review the Plan and Program.
 - (b) The applicant shall petition for an amendment to the zoning map according to the provisions of Article 29 - District Changes of this ordinance.
 - (c) Upon receipt of the redistrict petition accompanied by the General Development Plan and Program, the Planning Commission shall hold a public hearing on both the redistrict and the Plan and Program to allow the applicant to present the Plan and Program. The procedures for the public hearing and notice shall conform to the requirements of Article 31 - Public Hearings of this ordinance.

- (6) GENERAL DEVELOPMENT PLAN AND PROGRAM – PLAN ELEMENTS. The General Development Plan and Program shall contain the following plan elements.
- (a) It shall be in conformance with the approved preliminary plan, including a vicinity map showing the circulation pattern within and next to the proposed development, integration of water, sewer and other underground utilities with existing utilities, and the integration of proposed site drainage with existing drainage systems.
 - (b) Existing and proposed contour map of the site to a scale commensurate with the size of the development.
 - (c) Location, widths, and names of all existing or platted streets or other public ways, railroad and utility rights-of-way, parks or other public open spaces and land uses within 500 feet of the development.
 - (d) Existing sewer, water and other underground utilities within and next to the development and their certified capacities.
 - (e) Proposed location and capacity of sewers or other disposal facilities, water mains and other underground utilities.
 - (f) Proposed system for handling of storm drainage.
 - (g) A preliminary subdivision plan if the property is proposed to be subdivided.
 - (h) A land use plan showing the uses planned for development.
 - (i) Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings, bikeways or other uses dedicated or reserved to the public, if any.
 - (j) Open space that is to be maintained and controlled by the owners of the property and proposed users of it.
 - (k) A traffic flow map showing the circulation pattern within and next to the proposed development, including fire equipment access and turnarounds.
 - (l) Location and dimensions of bikeways, pedestrian walkways, malls and trails or easements.
 - (m) Location, arrangement, number, and dimensions of automobile garages and parking spaces, and width of aisles, bays and angle parking.
 - (n) Location, arrangement, and dimensions of truck loading and unloading spaces, if any.
 - (o) Preliminary architectural plans and elevations of typical buildings and structures, showing the general height, bulk, appearance, and number of dwelling units.
 - (p) A preliminary tree planting and landscaping plan. All existing trees over six inches in diameter at chest height, and groves of trees shall be shown. Trees to be removed by development shall be so marked.
 - (q) The approximate location, height, and materials of all walls, fences, and screen planting. Elevation drawings of typical walls and fences shall be included.
 - (r) Location, size, height, and means of illumination of all proposed signs.
 - (s) The stages, if any, of development construction. Such stages shall be clearly marked on the General Development Plan.
 - (t) Specifications of the extent of emissions and potential hazard or nuisance characteristics caused by the proposed use, including approvals of all regulatory agencies having jurisdiction. Uses which possess nuisance characteristics or those potentially detrimental to the public health, safety, and general welfare of the community such as noise, vibration, smoke, odor, fumes, dust, heat, glare, or electromagnetic interference shall not be allowed unless additional safeguards are specified by the Planning Commission. The applicant shall accurately specify the extent of emissions and nuisance characteristics concerning the proposed use. Misrepresentation or omission of required data shall be grounds for termination of an occupancy permit.
 - (u) Shadow patterns for all buildings and trees illustrating areas shaded between the hours of 9:30 a.m. and 2:30 p.m. on December 21. Guidelines for determining shadow patterns will be developed by the City Administrator.
 - (v) Any such other information or data as may be necessary to allow the Planning Commission to make the required findings.
- (7) GENERAL DEVELOPMENT PLAN AND PROGRAM – PROGRAM ELEMENTS. The General Development Plan and Program shall contain the following program elements.
- (a) Narrative statement of the basic purposes of the PUD.
 - (b) A completed environmental assessment, if required by the Planning Commission.

- (c) Tables showing the total number of acres and the percentage of the total area which is designated for each type of use, including each dwelling type, off-street parking, streets, parks, playgrounds, schools, and open spaces.
 - (d) Tables showing the overall density of the residential development and showing density by dwelling types and any proposals for the limitation of density.
 - (e) Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common open space or required dedications or reservations of public open spaces and of any dedications of development rights.
 - (f) A timetable showing when utility and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the timetable shall reflect this.
- (8) ACTION AND FINDINGS BY PLANNING COMMISSION. The Planning Commission, after public hearing on any amendment to the zoning map, may recommend approval of the PUD Subdistrict and the General Development Plan and Program, with or without modifications, or may deny the application. A decision to recommend approval of the PUD Subdistrict shall be based on the following findings.
- (a) That the proposed development is in substantial conformance with the City of Oakridge Comprehensive Plan.
 - (b) That exceptions from the standards of the underlying zone are warranted by the design and amenities incorporated in the development plan and program.
 - (c) That the system of ownership and the means of developing, preserving, and maintaining open spaces as outlined in Subsection (12)(g) - Ownership and Maintenance of the Planned Unit Development and according to restrictive covenants or improvement agreements approved by the City Attorney and the Planning Commission, is suitable to the proposed development, to the neighborhood, and to the City as a whole.
 - (d) That the proposed development or a unit of it can be substantially completed within one year of final approval or completed according to an approved development plan timetable.
 - (e) That the streets are adequate to support the anticipated traffic, and that the development will not overload the streets outside the PUD area.
 - (f) That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem outside the planned area. That the timing of installation of utility and drainage facilities will be closely coordinated with development construction and that it will not create a hardship to residences, either within or outside the planned area.
 - (g) That the density in the proposed development will not result in any substantial negative impact on any public facility or utility.
 - (h) That the location, design, size, and land uses are such that the long axis of 70 percent of all proposed buildings shall be oriented to within 45 degrees of the true east/west axis to provide proper solar orientation and that the south facing walls and rooftops of buildings with proper solar orientation shall be protected from shadows between the hours of 9:30 a.m. and 2:30 p.m. on December 21. The Planning Commission may exempt from solar orientation requirements those buildings that, by innovative design, provide for the use of solar energy.
- (9) CITY COUNCIL ACTION. After reviewing the recommendation from the Planning Commission, the City Council shall hold a hearing on the proposal for a PUD Subdistrict zone change and the General Development Plan and Program. The City Council shall either approve the application, with or without modifications, or deny it.
- (10) CONDITIONS FOR APPROVAL. The Planning Commission or City Council may require conditions for approval that may include, but are not limited to, the following.
- (a) Increasing the required setbacks.
 - (b) Limiting the height of buildings.
 - (c) Controlling the location and number of vehicular access points.
 - (d) Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks and, in general, improving the traffic circulation system.
 - (e) Requiring additional improvements for utilities or storm drainage facilities.
 - (f) Increasing the number of parking spaces and improving design standards for parking areas.
 - (g) Limiting the number, size, location, and lighting of signs.

- (h) Designating sites for open space and recreation and improving landscaping requirements.
- (i) Requiring additional view obscuring screening or fencing.
- (j) Establishing any special time limits for completion of all or any portion of the project, including but not limited to, utilities, drainage facilities, streets, curbs, gutters, sidewalks, parking areas, landscaping, fencing, screening, recreation areas, or community buildings.
- (k) Any condition specified shall be placed on the official General Development Plan and Program and signed by the owners. Where applicable, the requirements may be made part of any existing or future deed as a covenant.

(11) FINAL PLAN AND PROGRAM

- (a) Following approval of the PUD Subdistrict by the City Council, the applicant shall prepare a Final Plan and Program and shall submit five copies to the City Administrator to check for compliance with the approved General Development Plan and Program.
- (b) If the Final Plan and Program is found to be in compliance, it shall be so certified by the Planning Commission Chair and recorded by the applicant in the office of the City Recorder as the Final Development Plan along with all documents relating to dedications, improvements, agreements, restrictions, and associations that shall constitute the Final Program.
- (c) The procedures set forth in the City of Oakridge Land Division Ordinance shall be followed if the property is to be divided or streets are to be dedicated unless exceptions have been formally granted by the Planning Commission and City Council.
- (d) All public site dedications, development rights to open space, or other dedications for the entire site or approved staged portion shall be recorded before the issuance of any building permits.
- (e) Final copies of all approved articles governing operation and maintenance shall be placed on file with the City Recorder's office before the issuance of any building permits.
- (f) After an area has been placed in the PUD Subdistrict, all building permits shall only be issued based on the Final Plan and Program as recorded in the office of the City Recorder, The area shall henceforth be shown on the official zoning map as a PUD Subdistrict (/PUD) in addition to the basic zone.

(12) DEVELOPMENT STANDARDS

- (a) Minimum site size. A PUD Subdistrict shall not be established on less than two acres unless the Planning Commission and City Council find less area suitable by virtue of its unique character.
- (b) Compatibility with neighborhood.
 - (i) The plan and program shall present an organized arrangement of buildings, service facilities, open spaces, and improvements such as recreation facilities and fencing to ensure compatibility with the City of Oakridge Comprehensive Plan and the character of the neighborhood.
 - (ii) Periphery yards of a PUD Subdistrict shall be at least as deep as those required by the yard regulations of the underlying zone unless the Planning Commission finds that equal protection will be accorded through specific features of the approved plan.
- (c) Lot coverage and building height. Lot coverage and building height shall be no greater than for the underlying zone unless the Planning Commission finds that an exception is warranted in terms of the character and amenities proposed in the total development.
- (d) Open space. Open space in a PUD Subdistrict means the land area to be used for scenic or open recreational purposes within the development.
 - (i) Open space does not include street rights-of-way, driveways, parking areas, required setbacks or public service easements unless these areas have some special recreational design or purpose.
 - (ii) Open space shall be adequate for the recreational and leisure use of the population occupying the planned unit development and designed to enhance the present and future value of the development.
 - (iii) To the maximum extent possible, the Plan and Program shall assure that natural features of the land are preserved and landscaping is provided.
 - (iv) To assure that open space will be permanent, dedication of development rights to the City for other than open space may be required.
 - (v) Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the Planning Commission. Documents dedicating development rights and

provisions for maintenance of open space shall be approved as to form by the City Attorney.

- (e) Density. Greater overall density, not to exceed 3,000 square feet of site area per dwelling unit, may be allowed under a PUD Subdistrict but only by recommendation of the Planning Commission and approval of the City Council based on the entire development design. Areas used for public street right-of-way or private roadways intended to provide access to more than two dwelling units shall be excluded when determining the overall density of the development. In any PUD Subdistrict established in a Low Density Residential District the overall density shall not exceed 5,000 square feet of site area per dwelling unit.
- (f) Subdivision lots. Minimum area, depth and frontage requirements for subdivision lots in a PUD Subdistrict may be less than the minimum specified in the basic zone if in accordance with the approved General Development Plan and Program and the density standards of this section.
- (g) Ownership and maintenance of planned unit development. Except as provided here, the area in a proposed PUD must be in a single ownership or under the development control of a joint application of owners or option holders of the property involved. Dwelling units or individual portions of a planned unit development may be transferred to additional parties provided:
 - (i) The Planning Commission finds that the purpose of the PUD regulations and the findings and conditions of approval at each step have been satisfied and the Planning Commission approves of the transfer based on them; and
 - (ii) Documents necessary to assure permanent maintenance of buildings, common use facilities, landscaping, open space and outdoor living areas at no expense to the City have been approved by the City Attorney.

(13) PHASED DEVELOPMENT

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

(14) PERMITTED USES IN RESIDENTIAL DISTRICTS COMBINED WITH PUD SUBDISTRICT. The following uses and their accessory uses are permitted in a PUD Subdistrict that has been combined with a residential zone.

- (a) Residential use of land.
- (b) Related commercial uses that are designed to serve the development of which they are a part, when approved by the Planning Commission and City Council.
- (c) Related community service uses which are designed to serve the development of which they are a part, when approved by the Planning Commission and City Council, Such community service uses may also be designed to serve the surrounding area if considered desirable upon review of the proposal.

(15) BONDING

- (a) A developer may be required to post one of the following instruments, to assure his or her full and faithful performance in completion of the approved plan.
 - (i) A surety bond executed by a surety company authorized to transact business in the State of Oregon. The bond shall be in a form approved by the City.
 - (ii) Instead of said bonds:
 - The developer may deposit with the City Recorder cash money in an amount fixed by the City Administrator and the City Engineer.
 - The developer may provide certification by a bank or other reputable lending institution that money is being held to cover the cost of the improvement and that it will be released only upon authorization of the City Engineer.
- (b) If the developer fails to carry out the project as approved, and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the developer shall be liable to the City for the difference.

(16) PROPOSED CHANGES IN APPROVED PLANS

- (a) Major changes. Major changes in the General Development Plan and Program after it has been adopted shall be considered as a new application and shall be made according to the procedures specified in this Section.
- (b) Minor changes. Minor changes in an approved General Development Plan and Program may be approved by the City Administrator if such changes:
 - (i) Do not change the character of the development or the population density.
 - (ii) Do not change the boundaries of the PUD Subdistrict.
 - (iii) Do not change any use, such as residential to commercial.
 - (iv) Do not change the location or amount of land devoted to a specific land use.
 - (v) Do not relax dimensional standards or other specific requirements established by the Planning Commission or City Council as a condition of approval.

(17) EXPIRATION

- (a) If substantial construction or development has not taken place within one year from the date of final approval by the City Council of the General Development Plan and Program, the PUD Subdistrict shall become null and void.
- (b) Upon abandonment of a particular planned unit development, or if it is specified in the General Plan and Program, it may be decided by the Planning Commission and the City Council, after the appropriate public hearings, that the granting of approval be nullified and the rezone repealed and further use of the property and structures thereon shall be according to the existing basic district, unless a request to extend the time limit is approved.

SECTION 15.05 AIRPORT SAFETY SUBDISTRICT (/AS)

(1) PURPOSE. The Airport Safety Subdistrict (AS) is intended to prevent air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Oakridge and Lane County. Specifically, the Airport Safety Subdistrict is intended to carry out the following purposes:

- (a) Prevent the creation or establishment of obstructions that are a hazard to air navigation and flight.
- (b) Prevent the creation or establishment of other hazards to air navigation and flight such as distracting light and glare producing surfaces, radio interference, smoke, steam and dust, areas which attract birds and hazards of a similar nature.
- (c) Restrict new development of land uses not normally compatible with noise and safety hazards associated with airport operations.

(2) APPLICABILITY. The Airport Safety District is applied to those lands adjacent to the Oakridge State Airport that are encompassed by the Airport Imaginary Surfaces set forth and described in Subsection (4) of this Section and diagrammed in Subsection of this Section. Such zones are shown on the current Airport Approach and Clear Zone Map, prepared by Oregon State Aeronautics Division and dated March 4, 1975. For purposes of this Section, the elevation of the Oakridge runway is established as 1,419 feet above sea level.

(3) COMPLIANCE. In addition to complying with the provisions of the primary zoning district, all uses and activities shall comply with the provisions of this overlay subdistrict. In the event of any conflict between any provisions of this overlay subdistrict and the primary zone district, the more restrictive provision shall apply.

(4) SPECIAL DEFINITIONS. The following terms used in this Section are defined below.

- (a) Airport Approach Safety Zone: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of 1,250 feet. The Airport Approach Safety Zone extends for a horizontal distance of 5,000 feet to a slope of 20 Feet for each foot upward (20:1).
- (b) Airport Hazard: Any structure, tree or use of land that exceeds height limits established by the Airport Imaginary Surfaces.

- (c) Airport imaginary Surfaces: Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
- (d) Clear Zone: Extends from the Primary Surface to a point where the approach surface is 50 feet above the runway and elevation.
- (e) Conical Surface: Extends one foot upward for each 20 feet outward (20:7) for 4,000 feet beginning at the edge of the Horizontal Surface (5,000 feet from the center of each end of the Primary Surface) and extending upward to a height of 350 feet above the airport elevation.
- (f) Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface and connecting the adjacent arcs by lines tangent to those arcs.
- (g) Noise Sensitive Areas: Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn (day/night sound level).
- (h) Place of Public Assembly: A structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.
- (i) Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface or planned hard surface, the Primary Surface ends at each end of that runway. The width of the Primary Surface is 250 feet.

For purposes of this section, the Primary Surface shall be considered as having the same elevation as its respective runway. The centerpoints at the ends of the Primary Surface shall be considered as having the following state plan coordinates, based on the North American Datum 1927 (NAD 27), for the Oakridge State Airport:

North Coordinate	East Coordinate
766146	1472836
767325	1469017

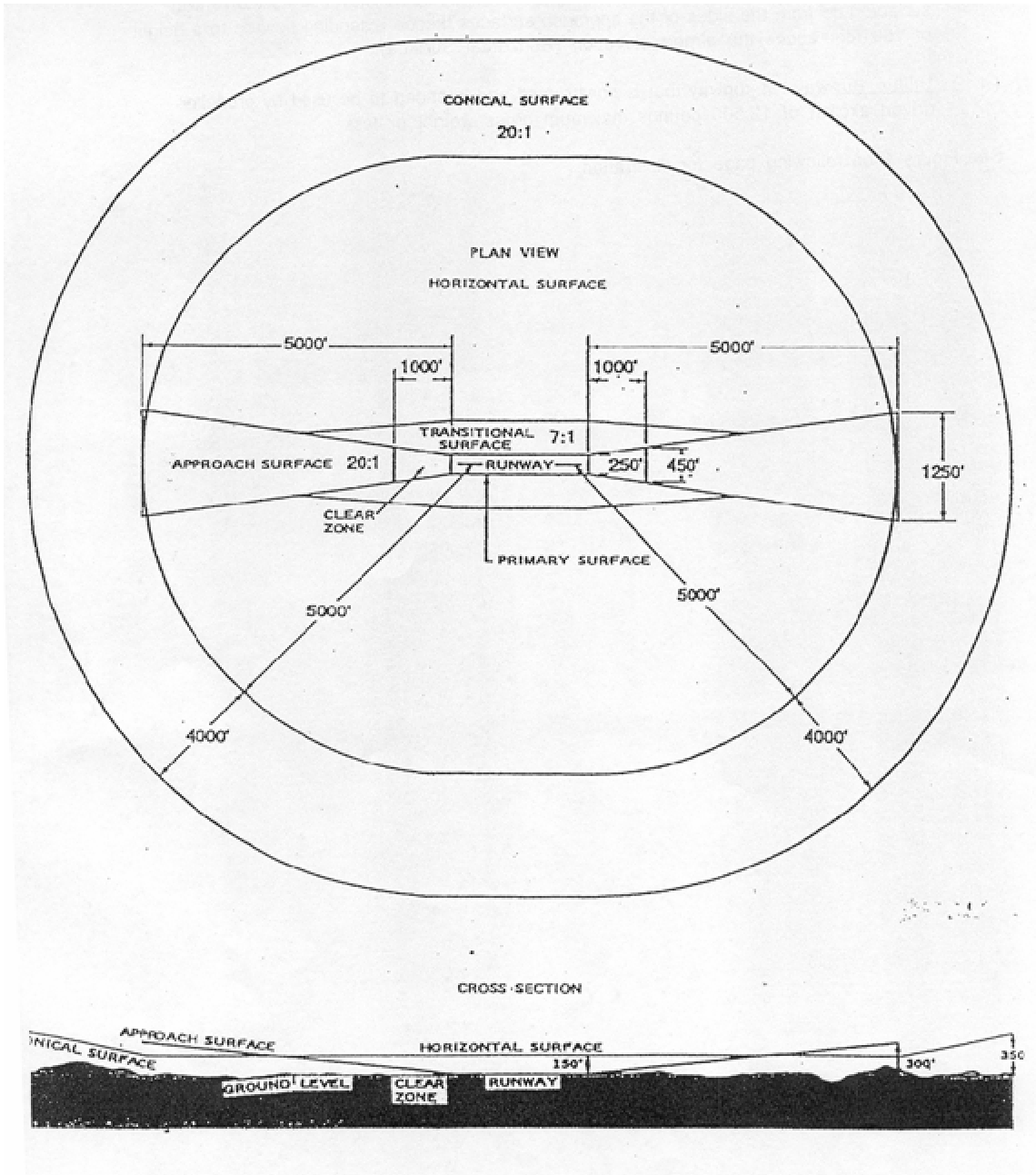
The coordinates of the center of the airport are:

Latitude 43 degrees, 45 minutes, 10 seconds North
Longitude 122 degrees, 30 minutes, 5 seconds West

- (j) Transitional Zones: Extend one foot upward for each seven feet outward (7:1), beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).
- (k) Utility Runway: A runway that is constructed and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

See Figure 1 on following page for illustration.

Figure 1



(5) USES AND STRUCTURES

- (a) Permitted uses and structures:
- (i) Farm use, excluding the raising and feeding of animals that would be adversely affected by aircraft passing overhead;
 - (ii) Landscape nursery, cemetery or recreation areas which do not include buildings or structures;
 - (iii) Roadways, parking areas and storage yards in such a manner that vehicle lights will not make it difficult for pilots to distinguish, between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the land approach. Approach surfaces must clear these areas by a minimum of 15 feet;
 - (iv) Pipeline;
 - (v) Underground utility wire.
- (b) Uses and structures permitted conditionally. The Planning Commission, subject to the procedures and criteria of Subsection (7) of this Section, may grant a conditional use permit for the following uses.
- (i) A structure or building accessory to a permitted use authorized in the primary zone district.
 - (ii) Single-unit dwellings, manufactured homes, duplexes, multiple-unit dwellings, and other structures intended for human occupancy, when authorized in the primary zone district, provided the landowner signs and records in the Lane County Deed Records a Hold Harmless Agreement and Aviation and Hazard Easement and submits them to the airport sponsor and City Administrator. The purpose of this Agreement and Easement is to waive action against the City and the airport for noise, property damage or personal injuries resulting from activities connected with the airport. Such waiver shall apply only when airport activities are conducted in conformance with rules and regulations of the airport and applicable Federal and State air regulations and no negligence on the part of the City or the airport is involved. The waiver shall be in a form prescribed by the City Administrator and shall be binding on the grantees, their heirs, assigns and successors in title.
 - (iii) Commercial and industrial uses, when authorized in the primary zone district, provided the use does not result in the following:
 - Creating electrical interference with navigational signals or radio communication between the airport and the aircraft;
 - Making it difficult for pilots to distinguish between airport lights or others;
 - Impairing visibility;
 - Creating bird strike hazards;
 - Endangering or interfering with the landing, taking off or maneuvering of aircraft intending to use the airport;
 - Attracting large numbers of people.
 - (iv) Buildings and uses of public works, public service or public utility nature, when authorized in the primary zone district.

(6) NONCONFORMING USES

- (a) Regulations not retroactive: The regulations prescribed by this ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained in here shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance and is diligently prosecuted
- (b) Marking and lighting: Despite subparagraph (a) of this Subsection, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the airport owner to indicate to the operators of aircraft in the vicinity of she airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the airport owner. The airport owner shall obtain any required permit or authorization to build from the appropriate agency prior to beginning construction.

- (7) PROCEDURES. An applicant seeking a conditional use under Subsection (5)(b) of this Section, shall follow procedures set forth in the urban growth management plan/agreement between the City of Oakridge and Lane County. Information accompanying the application shall also include the following:
 - (a) Property boundary lines as they relate to the Airport Imaginary Surfaces;
 - (b) Location and height of all existing and proposed buildings, structures, utility lines and roads; and
 - (c) A Statement from the Oregon Aeronautics Division indicating that the proposed use will not interfere with the operation of the landing facility.

- (8) USE LIMITATIONS
 - (a) To meet the standards and reporting requirements established in Federal Aviation Regulations, Part 77 (14 CFR 77.21-.29), no structure or object shall be erected, altered, allowed to grow, or be maintained in such a manner as to penetrate into the Airport Imaginary Surfaces as defined in Subsection 4 of this Section.
 - (b) No Place of Public Assembly shall be permitted in the Airport Approach Safety Zone.
 - (c) No structure or building shall be allowed within the Clear Zone.
 - (d) Whenever there is a conflict in height limitations prescribed by this overlay zone subdistrict and the primary zone district, the lowest height limitations shall be used, provided however that the height limitations approved here shall not apply to structures customarily employed for aeronautical purposes.
 - (e) No glare-producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.
 - (f) In Noise Sensitive Areas where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit or development approval. In areas where the noise level is anticipated to be 55 Ldn and above, prior to issuance of a building permit for construction of noise sensitive land use (real property normally used for sleeping, schools, religious institutions, hospitals, or public libraries) that permit application shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design which will achieve an indoor noise level equal to or less than 55 Ldn. The City Building Inspector will review building permits for noise sensitive developments.

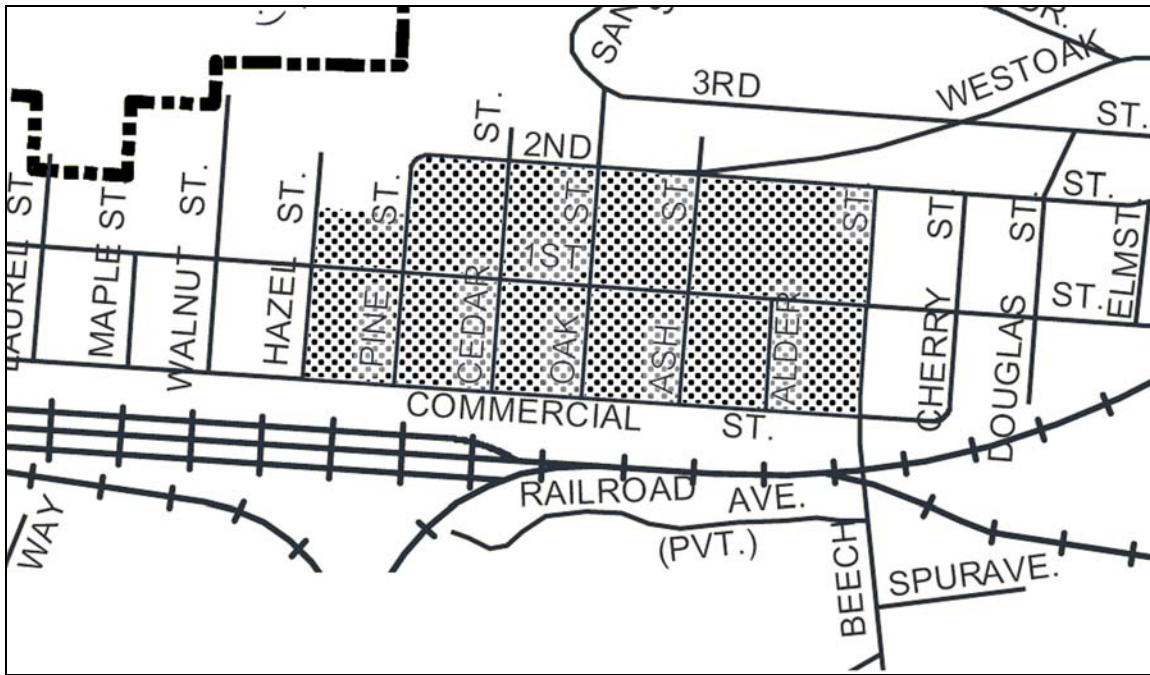
SECTION 15.06 OLD TOWN DESIGN SUBDISTRICT (/OT)

- (1) Purpose. Building design and streetscape in the Old Town Design Subdistrict shall be reminiscent of historic frontier town main streets. The Old Town Design Subdistrict establishes the following:
 - (a) Site Development Standards. The Old Town Site Development Standards are primarily concerned with the location and orientation of a building on a site, and its visual relationship to the street and adjacent buildings.
 - (b) Site Design Standards. The Old Town Site Design Standards are primarily concerned with the basic design features of a building, landscaping and other improvements on a site with the goal of creating a pedestrian friendly environment with the character of Oakridge's historic shopping and civic center.
 - (c) Architectural Standards. The Oakridge Frontier Style is based on the architecture of structures built in the late nineteenth and early twentieth centuries in Oakridge and most Western towns. Typical characteristics of this architectural style are a false front that gives the impression of a flat roof and a taller building, simple construction featuring storefront windows on the ground level, unadorned wood siding, and modest decorative moldings.
 - (d) Streetscape Design Standards. The streetscape is the public space between buildings located on adjacent private properties and typically includes some or all of the following elements: vehicular travel lanes, on-street parking lanes, curbs, sidewalks, landscaped planting strips and street trees, street lighting, and street furniture such as fountains, or benches. The streetscape shall be designed to encourage safe and convenient pedestrian and bicycle travel, while maintaining sufficient vehicular access and circulation for private, commercial, and emergency service vehicles.

- (2) Applicability.

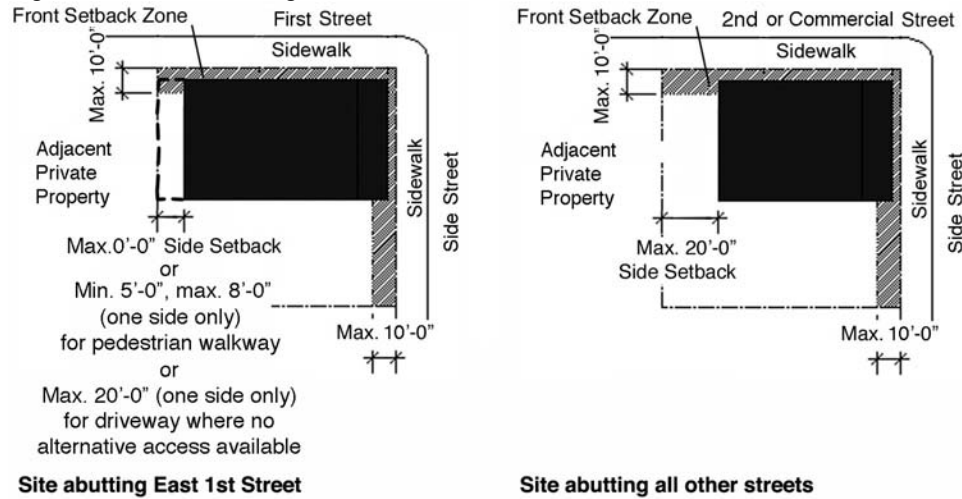
- (a) The Old Town Design Subdistrict designation shall be applied within the C-2 Central Commercial District as shown on Figure 15.06 -1 (Old Town Design Subdistrict) and described below:
 - (i) All parcels abutting East 1st Street between Beech Street and Hazel Street;
 - (ii) All parcels abutting the north side of Commercial Street between Beech Street and Hazel Street; and
 - (iii) All parcels abutting the south side of East 2nd Street between Pine Street and Beech Street.

Figure 15.06 -1: Old Town Design Subdistrict



- (b) Except as noted below, the standards of the Old Town Design Subdistrict apply to all proposed new construction, site improvements, and exterior alterations to existing development.
 - (c) Exemptions. The following items are exempt from the standards of the Old Town Design Subdistrict:
 - (i) Single-family residential dwellings and associated accessory structures;
 - (ii) Modifications to a structure to meet the requirement of the Americans With Disabilities Act; and
 - (iii) Ordinary maintenance or repair of any structure.
 - (d) The graphics and images provided herein are intended to show examples of how to comply.
- (3) Old Town Site Development Standards.
- (a) Building Location.

Figure 15.06 -2: Building Location



- (i) Front Setbacks
 - (A) Minimum: zero (0) feet.
 - (B) Maximum: ten (10) feet from the front property line, except that a maximum of one-third of a building’s width may be set back a maximum of 20 feet to allow for paved courtyards. Courtyards shall either be enclosed by building walls on three sides or, on corner lots, courtyards located at the street fronting corner may be enclosed by building walls on two sides.
 - (C) For properties abutting East 1st Street with front setbacks wider than the minimum of zero feet, development permitted within the front setback zone is limited to the following:
 - i. Pavement to create extra-wide sidewalks or similar pedestrian amenities;
 - ii. Paved areas for outdoor seating or display of merchandise;
 - iii. Arcades, front porches, decks, stoops or stairs;
 - iv. Non-permanent landscaping in raised planters or pots; permanent landscaping shall be prohibited.
 - (D) For properties abutting all other streets with front setbacks wider than the minimum of zero feet, development permitted within the front setback zone is limited to the following:
 - i. Pavement to create extra-wide sidewalks or similar pedestrian amenities;
 - ii. Paved areas for outdoor seating or display of merchandise;
 - iii. Arcades, front porches, decks, stoops or stairs;
 - iv. Landscaping.
- (ii) Side Setback.
 - (A) Minimum: zero (0) feet.
 - (B) Maximum side setback for properties abutting East 1st Street: zero (0) feet except to allow for pedestrian or vehicular access on one side as described below.
 - i. A pedestrian walkway connecting parking areas to the sidewalk as follows:
 - Minimum walkway width: five (5) feet.
 - Maximum walkway width: eight (8) feet .
 - A minimum walkway clear area of five (5) feet shall be kept free of obstacles.
 - ii. A vehicular access, where no alternative access is available, up to a maximum of 20 feet wide.
 - (C) Maximum side setback for properties abutting all other streets: 20 feet.
- (iii) Rear Setback.
 - (A) Minimum:
 - i. Adjacent to non-residential uses: zero (0) feet.
 - ii. Adjacent to residential uses: ten (10) feet

(B) Maximum: none.

(b) Building Orientation.

- (i) The primary façade (typically the façade featuring the main entrance and major architectural features such as ornamentation, bays, and awnings) shall face the principal street. For properties fronting on East 1st Street, East 2nd Street or Commercial Street, the primary façade shall face East 1st Street, East 2nd Street or Commercial Street, respectively. For properties fronting on both East 1st Street and Commercial Street, or East 1st Street and East 2nd Street, primary façades shall be required on both streets;
- (ii) Building entries may be oriented to a courtyard or breezeway that faces a public right-of-way.
- (iii) On corner lots, entrances may be oriented to the street corner at a 45-degree angle measured from either of the intersecting property lines.

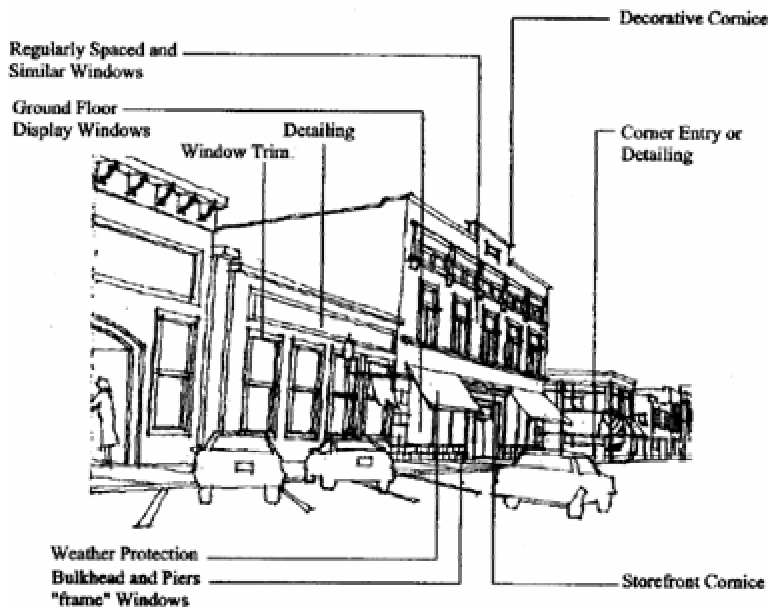
(c) Building Height. The maximum building height shall be 35 feet measured from average grade at the building's front façade to the top of the roof ridge or parapet, whichever is higher.

(d) Lot Coverage. The allowed maximum lot coverage shall not be limited other than by required setbacks described above.

(4) Old Town Site Design Standards

(a) Applicability. Within the Old Town Design Subdistrict, the Old Town Site Design Standards shall only apply to the front façades and elements of a building, landscaping, and any other site improvements that are located within the front setback zone established in Section (3) (a) above. All other development within the Old Town Design Subdistrict is exempt from these standards.

Figure 15.06 -3: Façade Elements



(b) Each building façade shall have all of the following horizontal design elements (can be produced by material change or applied façade elements):

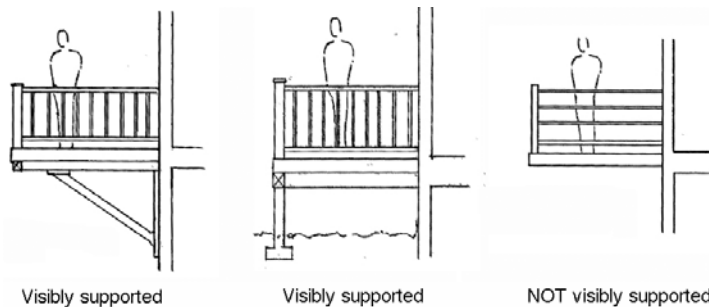
- (i) Distinctive building base;
- (ii) Occupied building middle; and
- (iii) Articulated eave, cornice, and/or parapet line.

(c) Each building façade shall have at minimum one of the following vertical elements, spaced a maximum of 50 feet apart, measured horizontally center to center:

- (i) Change of siding material along vertical lines;
- (ii) Applied vertical façade elements, such as trim boards; or

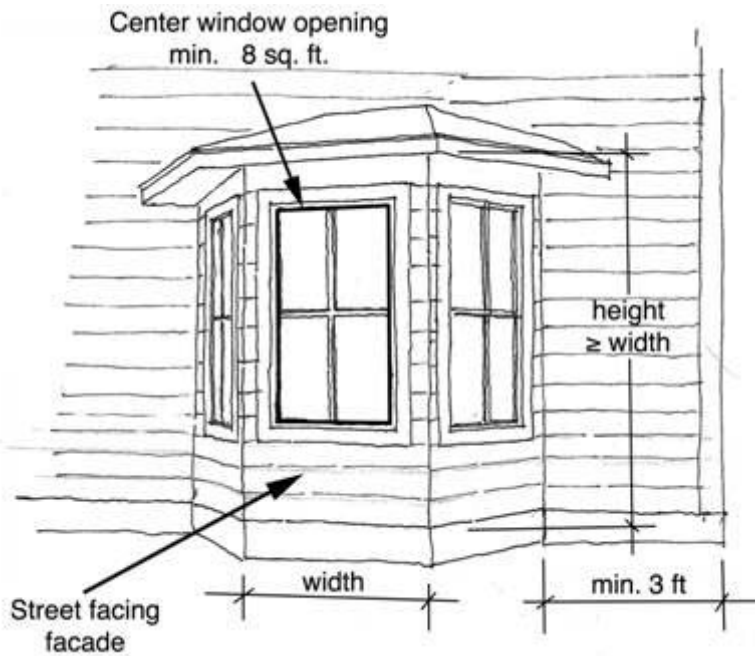
- (iii) Change in vertical planes.
- (d) A building's primary entry shall either project or be recessed from the surrounding façade by at least eight inches.
- (e) The ground floor façade(s) shall be glazed with storefront windows; at minimum 50% of the ground floor façade shall be comprised of transparent windows and doors that abut actively used interior spaces and may be covered at any time only by shades, blinds, draperies, or other adjustable interior window and door coverings. The ground floor façade shall be measured vertically from average finished sidewalk grade to the ground floor ceiling, and horizontally from outside building corner to outside building corner; the windows shall be measured including the window frames.
- (f) At minimum 25% of upper floor façades shall be comprised of transparent windows. Upper floor façade shall be measured vertically from finished floor to the ceiling, and horizontally from outside building corner to outside building corner; the windows shall be measured including the window frames.
- (g) All building elements, including but not limited to decks, balconies, porch roofs and bays, that project from the connecting building wall by more than 16 inches shall be visibly supported by brackets, posts, or beams that are sized at minimum six inches in nominal width or diameter.

Figure 15.06 -4: Projecting Building Elements



- (h) A landscape buffer shall be required between any public right-of-way and adjacent parking lots.
 - (i) The landscape buffer shall consist of one of the following elements:
 - (A) A planting strip a minimum of six feet wide with a minimum three foot and a maximum five foot vertical growth maintained at maturity.
 - (B) A wall or fence a minimum of 36 inches and a maximum of 42 inches high with a three foot wide planter with a minimum two foot and a maximum five foot vertical growth maintained at maturity. Fences shall consist of wood, welded or soldered metal, or iron. Chain link or similar metal mesh fences and barbed wire fences shall be prohibited. Walls shall be masonry construction a minimum of eight inches thick and finished with a top course or cap;
 - (ii) The landscape buffer shall have at least one walkway opening a minimum of three feet and a maximum of six feet wide for every 20 feet of frontage;
 - (iii) Openings for driveway access shall be limited to 24 feet in width.
- (i) Lighting.
 - (i) Lighting shall be provided at all building entrances, pathways and other pedestrian areas, mounted at a minimum of six and a maximum of 15 feet above grade; fixtures shall match the City's Old Town street light standards in style and color.
 - (ii) Lighting of parking areas shall be limited to a height of 24 feet and must be shielded from adjacent lots and the public right-of-way.
- (j) Awnings or Fixed Canopies. If provided, awnings or fixed canopies shall:
 - (i) Be attached to the building façade a minimum of eight feet above the sidewalk;
 - (ii) Be shed style with open or closed sides; balloon awnings shall be prohibited;
 - (iii) Be made of woven fabric; vinyl shall be prohibited; and
 - (iv) Not encroach into the right-of-way beyond the width of the sidewalk or to a maximum of ten feet, whichever is less.
- (k) Bays. If provided, bays shall:

Figure 15.06 -5: Bay Windows



- (i) Have windows on all three sides. The center window opening shall be a minimum of eight square feet; the window opening's height shall be equal or greater than its width;
 - (ii) Have a street facing façade height that is equal or greater than its width, measured from the bottom to the top of the bay's vertical plane; and
 - (iii) Be a minimum of three feet from any building corner or other bay, measured horizontally.
- (l) Covered porches or arcades. If provided covered porches or arcades shall:
- (i) Be at minimum six feet deep; and
 - (ii) Be visibly supported by posts or columns which shall be spaced a minimum of eight feet and a maximum of 25 feet.
- (m) Stairs, Stoops and Decks. If provided, stairs, stoops and decks shall have vertically oriented balustrades or railings when 30 inches or greater above adjoining grade.
- (n) Mixed-use and Non-residential Signage.

Figure 15.06 -6: Historic Frontier Signage



- (i) Signs shall be reminiscent of historic Frontier town signs with regard to detailing and lettering.

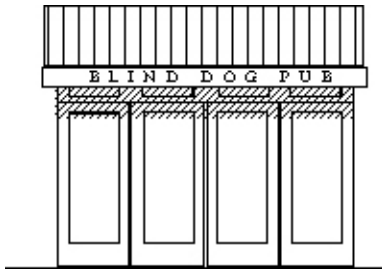
- (ii) Signs shall be made of wood, stone, etched or stained glass, wrought iron, non-shiny metal, or polymer.
- (iii) Each use shall be permitted to install a maximum of two signs. Permitted signs include:
 - (A) Wall signs, maximum of 26 square feet in size, a maximum of 18 feet above grade;

Figure 15.06 -7: Wall Sign



- (B) Awning signs, maximum of twelve square feet in size, and subject to subsection (j) above;

Figure 15.06 -8: Awning Sign



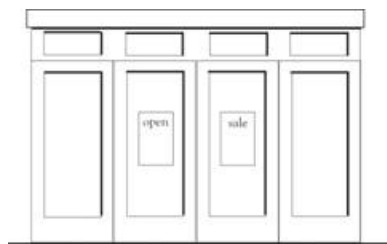
- (C) Projecting signs, maximum of six square feet in size; the bottom edge shall be a minimum of seven feet above grade;

Figure 15.06 -9: Projecting Sign



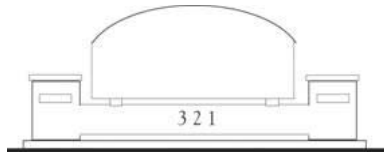
- (D) Window signs, maximum four square feet in size; and

Figure 15.06 -10: Window Sign



- (E) Monument signs shall be a maximum of ten square feet in size and a maximum of three feet in height; to prevent a sign from interfering with pedestrian or vehicular circulation, monument signs shall not be located in or encroaching onto a sidewalk, plaza, driveway, public right-of-way, or any other area intended for pedestrian or vehicular use.

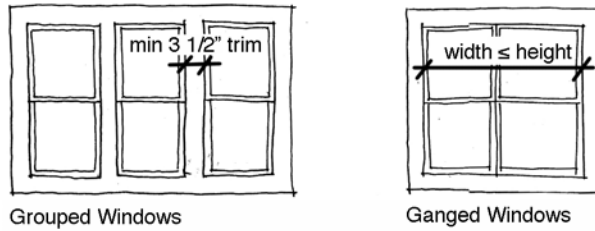
Figure 15.06 -11: Monument Sign



- (5) Oakridge Frontier Style Architectural Standards.
 - (a) Applicability. Within the Old Town Design Subdistrict, the Oakridge Frontier Style Architectural Standards shall only apply to front façades facing East 1st Street and those elements of a building that are located within the front setback zone, as established in Section (3) (a) above.
 - (b) Building front façades facing East 1st Street.
 - (i) Any façade shall feature a false front that gives the appearance of a flat or pediment roof. A false front shall be created by a façade that is higher than the perpendicular walls, hiding the roof from street view behind a parapet or pediment.
 - (A) A single material shall be used to clad exterior walls; and
 - (B) A kick plate or bulkhead shall be located below storefront windows.
 - (ii) In addition, a minimum of one of the following elements is required:
 - (A) Decorative storefront cornice separating the first floor from upper floors.
 - (B) Decorative frieze board below the cornice line.
 - (c) Portions of All Building Façades Located Within the Front Setback Zone.
 - (i) Permitted Siding Materials and Configurations:
 - (A) Lap siding, using wood or cementitious boards;
 - (B) Board and batten siding, using wood or cementitious boards;
 - (C) Brick, or brick veneer;
 - (D) Stucco, in combination with wood or cementitious window and corner trim;
 - (E) The building base may be clad in stone or textured concrete a maximum of two feet in height.
 - (ii) Prohibited Siding Materials:
 - (A) Vinyl;
 - (B) Aluminum;
 - (C) Plywood;
 - (D) Particleboard; and
 - (E) T1-11.
 - (d) Roof Elements.
 - (i) Roofs may be flat or pitched.
 - (ii) At minimum, the false front shall be capped with simple cornice molding.
 - (iii) In addition, a minimum of one of the following elements is required:
 - (A) Elaborate decorative molding along the cornice line of the false front.
 - (B) Decorative brackets supporting the cornice molding.
 - (C) Overhanging eaves at the building side walls; the roof overhang shall be at minimum 12 inches measured horizontally from the outside of the building wall, not including the gutter.
 - (e) Windows and Doors.
 - (i) The ground floor shall be glazed with storefront windows. Each pane of glass shall be at maximum 24 square feet in area; the height of each pane shall be equal or greater than its width. Larger openings shall consist of grouped windows separated by a minimum of 3 1/2 inches of trim; and

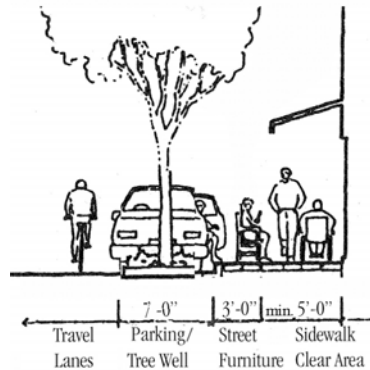
- (ii) Upper level windows shall not exceed 18 square feet in area each. The width of ganged windows shall not exceed their height. Grouped windows shall be separated by 3 1/2 inch minimum width trim.

Figure 15.06 -12: Grouped and Ganged Windows



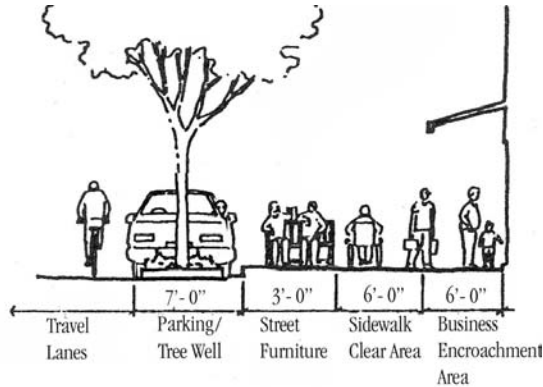
- (iii) In addition, a minimum of one of the following elements is required:
 - (A) Decorative shelf or hood molding over doors and windows.
 - (B) Transom or clerestory windows above storefront windows on ground floor.
 - (iv) Permitted Materials.
 - (A) Exterior trim materials shall be wood or cementitious boards.
 - (B) Window frames shall be wood, vinyl or painted metal.
 - (v) Prohibited Materials.
 - (A) Vinyl trim or metal trim.
 - (f) Permitted Colors. Exterior colors shall be consistent with the City's approved color palettes for the Old Town Design Subdistrict.
- (6) Old Town Streetscape Standards.
- (a) Applicability. Within the Old Town Design Subdistrict, the Old Town Streetscape Standards shall be applied to all public street rights-of-way.
 - (b) Sidewalk Standards
 - (i) The minimum width of a sidewalk shall be eight feet.

Figure 15.06 -13: Minimum Sidewalk Width



- (ii) The preferred width of the sidewalk in a pedestrian-friendly main street is 12 to 15 feet to allow businesses, such as cafes, to utilize the sidewalk for seating, display, and other customer-related activities, excluding storage and signage. The business encroachment zone may be located within the front setback zone on adjacent private properties.

Figure 15.06 -14: Preferred Sidewalk Width



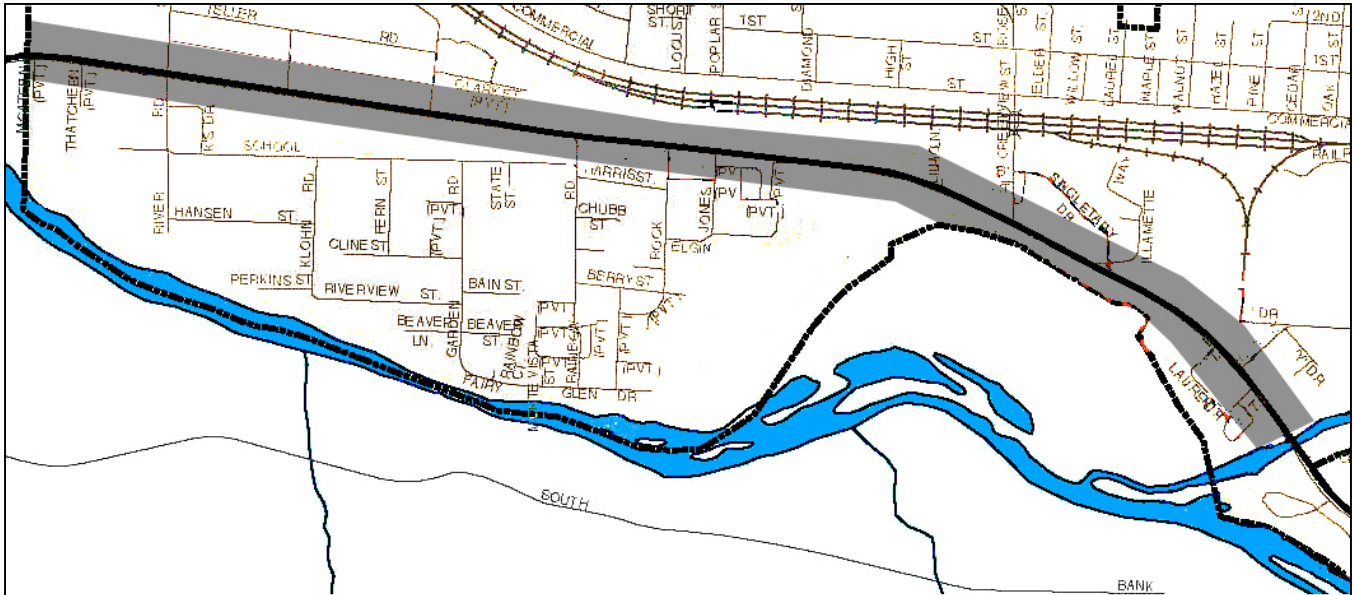
- (iii) An area no less than 5 feet in width but preferably at least 6 feet wide shall be kept free of obstacles. No street furniture, mechanical equipment, newspaper racks, landscaping, or any other item shall be located within the sidewalk clear area.
- (c) Street Tree Standards.
 - (i) Deciduous street trees shall be planted in tree wells located in curb extensions that encroach into the parking lane. A minimum of three trees per block on either side of the street shall be planted.
 - (ii) Tree species shall be selected from the City's street tree list.
 - (iii) Tree species are permitted to vary along streets and individual blocks.
- (d) Street Lighting Standards.
 - (i) Street lighting is required to illuminate sidewalks through pedestrian-scaled lamps at 9 to 15 feet above grade.
 - (ii) Street lighting shall be spaced at a maximum of 60 feet on center and shall be located adjacent to the curb.
 - (iii) Sidewalks shall be lit to two-foot candles.
 - (iv) Street light fixtures shall comply with the City's Old Town street light standards.
- (e) Street Furniture Standards.
 - (i) A minimum of one trash receptacle and one bench per block.
 - (ii) Street furniture shall match the Oakridge Frontier style of architecture. The use of a consistent design of street furniture throughout the Old Town Design Subdistrict is encouraged.

SECTION 15.07 HIGHWAY 58 DESIGN SUBDISTRICT (/HD)

- (1) Purpose. The purpose of the Highway 58 Subdistrict is to establish a unique visual identity for Oakridge along its main thoroughfare. Building design in the Highway 58 Subdistrict shall be reminiscent of historic Cascadian or Oregon Rustic architecture, exemplified in buildings such as the great lodges of the Northwest. The Highway 58 Subdistrict establishes the following standards:
 - (a) Site Design Standards. The Highway 58 Site Design Standards are primarily concerned with the basic design features of a building, landscaping and other improvements on a site. The Highway 58 Site Design Standards establish requirements for façade elements on all sides of a building, signage, lighting, and landscaping. The Standards aim at creating a unique visual identity along Highway 58.
 - (b) Architectural Standards. The Oakridge Cascadian architectural style is reminiscent of historic buildings constructed in the Oregon Rustic or Cascadian style, such as the Timberline Lodge (Mt. Hood National Forest), Multnomah Falls Lodge (Columbia Gorge National Scenic Area), and Crater Lake Lodge (Crater Lake National Park). The underlying principles of this style include simple craftsmanship and building forms, sloped rooflines, and materials with rustic finishes used to express the structural strength of the building.
- (2) Applicability.
 - (a) The Highway 58 Design Subdistrict designation shall be applied as described below:

- (i) All parcels abutting Highway 58 between the city limits to the west and the bridge over Salmon Creek to the east as shown on Figure 15.07 -1 (Highway 58 Subdistrict); and
- (ii) All parcels not abutting Highway 58 if they are part of a multi-parcel development with at minimum one parcel abutting Highway 58 between the city limits to the west and the bridge over Salmon Creek to the east.

Figure 15.07-1: Highway 58 Subdistrict*

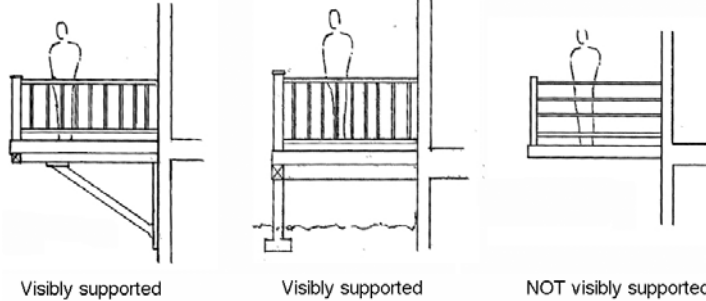


* NOTE: The above map identifies the frontage abutting Highway 58 between the city limits to the west and the bridge over Salmon Creek to the east that is subject to the standards of the Highway 58 Design Subdistrict. The actual depth of parcels and multi-parcel developments subject to this Section vary.

- (b) Except as noted below, the standards of the Highway 58 Design Subdistrict apply to all proposed new construction, site improvements and exterior alterations to existing development.
- (c) Exemptions. The following items are exempt from the standards of the Highway 58 Subdistrict:
 - (i) Modifications to a structure to meet the requirement of the Americans With Disabilities Act; and
 - (ii) Ordinary maintenance or repair of any structure.
- (3) Highway 58 Site Design Standards.
 - (a) Each building wall shall have a masonry building base:
 - (i) The base shall be clad in stone, stone veneer, or scored or textured concrete;
 - (ii) The base shall extend a minimum of 24 inches above grade and may extend to the second floor level of multistory buildings; windows may encroach into the base to allow a minimum sill height of 18 inches above grade; and
 - (iii) The base shall extend horizontally across the entire length of any façade and shall only be interrupted to accommodate doors and entryways.
 - (b) Building walls above the base shall be clad in one of the following:
 - (i) Wood or cementitious shingles;
 - (ii) Wood or cementitious lap siding;
 - (iii) Wood or cementitious board and batten siding; or
 - (iv) Log construction of half-round log siding;
 - (v) Prohibited siding materials include vinyl, aluminum, plywood, and T1-11.
 - (c) For building elements, including but not limited to decks and balconies, porch roofs, and bays, that project from the connecting building wall by more than 16 inches, all such elements shall be

visibly supported by brackets, posts, or beams that are sized at minimum six inches in nominal width or diameter. Exempt elements include signs and awnings.

Figure 15.07 -2: Projecting Building Elements



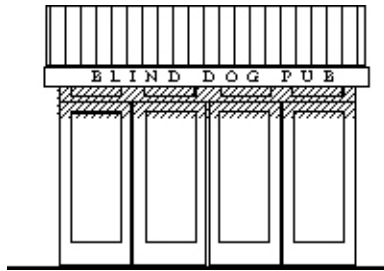
- (d) A landscape buffer shall be required between any public right-of-way and adjacent parking lots.
 - (i) The landscape buffer shall consist of one of the following elements:
 - (A) A planting strip a minimum of six feet wide with a minimum three foot and a maximum five foot vertical growth maintained at maturity.
 - (B) A wall or fence a minimum of 36 inches and a maximum of 42 inches high with a three foot wide planter with a minimum two foot and a maximum five foot vertical growth maintained at maturity. Fences shall consist of wood, welded or soldered metal, or iron. Chain link or similar metal mesh fences and barbed wire fences shall be prohibited. Walls shall be masonry construction a minimum of eight inches thick and finished with a top course or cap;
 - (ii) Landscape strips, walls or fences shall have at least one walkway opening a minimum of three feet and a maximum of 6 feet wide for every 20 feet of frontage.
- (e) Lighting.
 - (i) Lighting shall be provided at all building entrances, pathways and other pedestrian areas, mounted at a minimum of six and a maximum of 15 feet above grade.
 - (ii) Lighting of parking areas shall be limited to a height of 24 feet and must be shielded from adjacent lots and the public right-of-way.
- (f) Commercial and Mixed-Use Signage.
 - (i) Signs shall be made of wood, stone, etched or stained glass, wrought iron, non-shiny metal, or polymer.
 - (ii) Each use shall be permitted to install a maximum of two signs. Permitted signs include:
 - (A) Wall signs, a maximum of 26 square feet in size, a maximum of 18 feet above grade;

Figure 15.07 -3: Wall Sign



- (B) Awning signs, a maximum of twelve square feet in size;

Figure 15.07 -4: Awning Sign



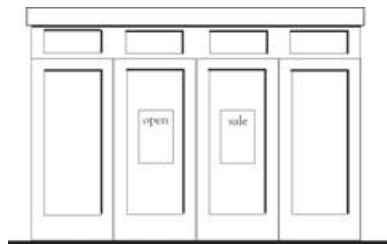
- (C) Projecting signs, a maximum of ten square feet in size; the bottom edge shall be a minimum of seven feet above grade;

Figure 15.07 -5: Projecting Sign



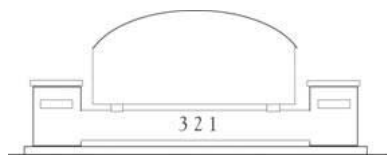
- (D) Window signs, a maximum of six square feet in size;

Figure 15.07 -6: Window Sign



- (E) Monument signs, a maximum of 32 square feet in size and a maximum of four feet in height measured from average grade to the top of the sign; to prevent a sign from interfering with pedestrian or vehicular circulation, monument signs shall not be located in or encroaching onto a sidewalk, plaza, driveway, public right-of-way, or any other area intended for pedestrian or vehicular use; and

Figure 15.07 -7: Monument Sign



- (F) Pedestal signs, a maximum of twelve square feet in size, and the height of the sign equal or greater than its width. Pedestal signs shall be mounted on poles that match the city's street lights a maximum of 18 feet high, measured from average grade to the top of the sign.

- (4) Oakridge Cascadian Style Architectural Standards.
 - (a) Applicability. Within the Highway Design Subdistrict, the Oakridge Cascadian Architectural Design Standards shall only apply to exterior building walls fronting a public right-of-way and to building elements located within twenty feet of any street facing wall, measured perpendicular to the street facing wall. All other development within the Highway 58 Design Subdistrict shall be exempt from the Oakridge Cascadian Style Architectural Standards.

Figure 15.07 -8: Historic Example of a Cascadian Style Building



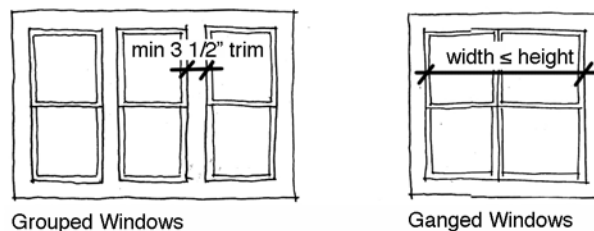
- Steep roof pitch
- Large stone chimney
- Dormers near roof ridge
- Varied roof line
- Asymmetrical composition
- Step in horizontal line of wall material at step in facade
- Windows with multiple panes
- Stone base

Figure 15.07 -9: Contemporary Buildings that incorporate Cascadian Design Elements



- (b) Façade design:
 - (i) Vertical stepping of horizontal façade elements (such as cornices, or horizontal lines created by a change in siding material) shall occur where portions of the façade step back or project from the primary façade (such as projecting gables, bays, recessed entries, or covered porches).
 - (ii) In addition, the façade design may incorporate the following optional elements:
 - (A) Asymmetrical building composition; and/or
 - (B) Decorative cornice storefront cornice to separate the first floor from upper stories.
- (c) Primary building entrance:
 - (i) A building's primary entrance shall be located in the building's front façade and face Highway 58.
 - (ii) A buildings primary entrance shall be accentuated using at minimum one of the following elements:
 - (A) Entryway projected or recessed from the surrounding façade by at least eight inches; or
 - (B) A covered porch or walkway; the materials and detailing used for the construction of these elements shall match the building.
- (d) Windows:
 - (i) Ground floor windows
 - (A) Any ground floor façade facing a public right-of-way shall be glazed with storefront windows; at minimum 30 percent of the ground floor façade shall be comprised of transparent windows and doors that abut actively used interior spaces and which may be covered at any time only by shades, blinds, draperies, or other adjustable interior window and door coverings. The ground floor façade shall be measured vertically from average finished sidewalk grade to the ground floor ceiling, and horizontally from outside building corner to outside building corner; the windows shall be measured including the window frames;
 - (B) Each pane of glass shall be at maximum 24 square feet in area; the height of each pane shall be equal or greater than its width. Larger openings shall consist of grouped windows separated by a minimum of 3 1/2 inches of trim.
 - (ii) Upper story windows
 - (A) For multi-story buildings, at minimum 25% of any upper floor façade facing a public right-of-way shall be comprised of transparent windows. Upper floor façades shall be measured vertically from finished floor to the ceiling, and horizontally from outside building corner to outside building corner; the windows shall be measured including the window frames;
 - (B) Upper level windows shall not exceed 18 square feet in area each. The width of ganged windows shall not exceed their height. Grouped windows shall be separated by 3 1/2 inch minimum width trim.

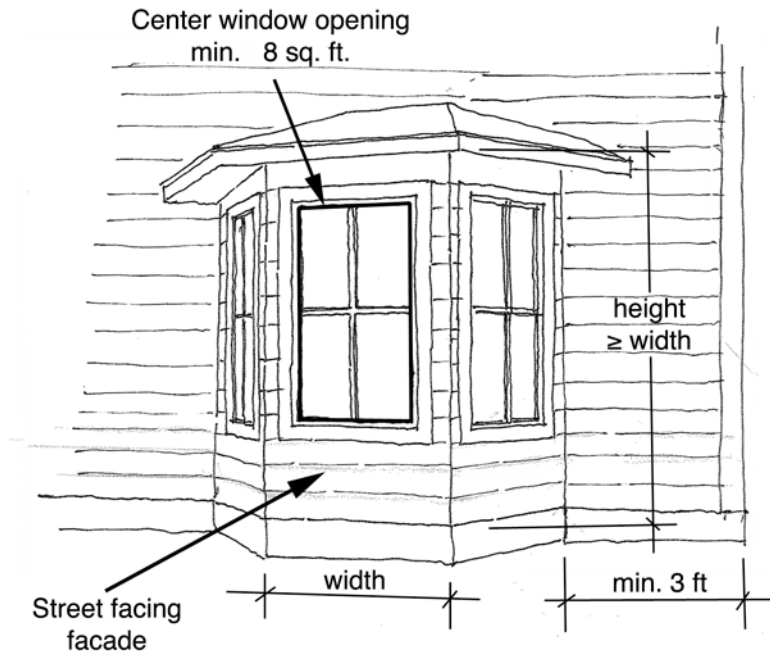
Figure 15.07 -10: Grouped and Ganged Windows



- (iii) Permitted Materials:
 - (A) Exterior trim materials shall be wood or cementitious boards;
 - (B) Window frames shall be wood, vinyl or painted metal.
- (iv) Prohibited Materials:
 - (A) Vinyl trim or metal trim.

- (e) Roofs:
 - (i) Gabled or hipped roof with a minimum 25-degree and a maximum 60-degree pitch.
 - (ii) Roof overhang shall be a minimum of 18 inches measured horizontally from the outside of the building wall, not including gutters
 - (iii) At minimum one of the following elements is required:
 - (A) Roof pitch of the main roof shall be a minimum of 40 and a maximum of 60 degrees.
 - (B) Roofline shall be varied, using at minimum one of the following elements:
 - i. Shed or gabled dormers located near the roof ridge;
 - ii. Varied ridge height for different parts of the roof;
 - iii. Cupolas or towers up to 200 square feet in size, or stone chimneys that exceed the ridge height by a minimum of 48 inches;
 - iv. Gable end that interrupts roofline to accentuate the location of the building's main entrance; or
 - v. Exposed rafter ends.
 - (iv) Permitted roofing materials:
 - a. Clay or concrete tiles;
 - b. Slate, equivalent synthetic or better; and
 - c. Ribbed metal.
 - (v) Prohibited materials:
 - a. Bitumen, built-up, liquid-applied or similar roofing systems.
- (f) Permitted Colors. Exterior colors shall be consistent with the City's approved color palettes for the Highway 58 Design Subdistrict.
- (g) Awnings or Fixed Canopies. If provided, awnings or fixed canopies shall:
 - (i) Be attached to the building façade a minimum of eight feet above the sidewalk;
 - (ii) Be shed style with open or closed sides; balloon awnings shall be prohibited;
 - (iii) Be made of woven fabric; vinyl shall be prohibited; and
 - (iv) Not encroach into the right-of-way beyond the width of the sidewalk or to a maximum of ten feet, whichever is less.
- (h) Bays. If provided, bays shall:

Figure 15.07 -11: Bay Windows



- (i) Have windows on all three sides. The center window opening shall be a minimum of eight square feet; the window opening's height shall be equal or greater than its width;

- (ii) Have a street facing façade height that is equal or greater than its width, measured from the bottom to the top of the bay's vertical plane; and
- (iii) Be a minimum of three feet from any building corner or other bay, measured horizontally.
- (i) Covered porches or arcades. If provided:
 - (i) Covered porches or arcades shall be visibly supported by posts or columns which shall be spaced a minimum of eight feet and a maximum of 25 feet; and
 - (ii) Covered porches shall have shed or gable roofs pitched a minimum of 20 degrees and constructed to match the building roof's detailing and material.
- (j) Stairs, Stoops and Decks. If provided, stairs, stoops and decks shall:
 - (i) Have vertically oriented balustrades or railings when 30 inches or greater above adjoining grade; and
 - (ii) Be made of wood or ironwork.

ARTICLE 16 - RESERVED

ARTICLE 17 - RESERVED

ARTICLE 18 - RESERVED

ARTICLE 19 - RESERVED

ARTICLE 20 - OFF STREET PARKING

SECTION 20.01 PURPOSE

The purpose of the Off-Street Parking Article is to set forth the off-street parking requirements for the various buildings and uses without regard to the districts in which they occur.

SECTION 20.02 REQUIRED OFF-STREET PARKING

For each new structure or use, each structure or use increased in area and each change in the use of an existing structure, there shall be provided and permanently maintained off-street parking spaces in accordance with the provisions of this Article.

SECTION 20.03 VEHICLE PARKING AREA DESIGN

- (1) All public or private parking areas and parking spaces, except those required with a single-unit or two-unit dwelling on a single lot, shall be designed and laid out to conform to the requirements of this ordinance and the Planning Commission.
- (2) Groups of three or more parking spaces, except those with single-unit or two-unit dwellings on a single lot, shall be served by a service drive so that no backward movements or other maneuvering of a vehicle within a street, other than an alley, shall be required. Service drives shall be designed and constructed to help the flow of traffic and to provide maximum safety in traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site.
- (3) All parking area design shall comply in all respects with the Americans with Disabilities Act (ADA). The minimum number of accessible parking spaces shall be provided as follows. The accessible spaces shall be provided in addition to the total number of required parking spaces:

Total No. of Parking Spaces Provided (per lot)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle	Total Minimum number of Accessible Parking Spaces (60" and 96" aisles)
1 to 25	1	0	1
26 to 50	1	1	2
51 to 75	1	2	3
76 to 100	1	3	4
101 to 150	1	4	5
151 to 200	1	5	6
201 to 300	1	6	7
301 to 400	1	7	8
401 to 500	2	7	9
501 to 1,000	7 out of every 8 accessible spaces	1 out of every 8 accessible spaces	2% of total parking in each lot
1,001 and over	7 out of every 8 accessible spaces	1 out of every 8 accessible spaces	20 plus 1 for each 100 over 1,000

- (4) A plan, drawn to scale, showing how the off-street parking requirements are to be fulfilled, shall accompany a request for a building permit.

SECTION 20.04 VEHICLE PARKING SPACES REQUIRED

Except as provided elsewhere in this ordinance, the number of off-street parking spaces required shall be no less than the following:

- (1) All uses shall provide parking space for each employee working on or from the site as determined by the maximum number of employees during any single hour of a day.
- (2) All uses shall provide parking space for each vehicle operating on or from the site.
- (3) For all of the following, fractional space requirements shall be counted as a whole space.

When square feet are specified, the area measured shall be the gross floor area of the building primary to the use but shall exclude any space within a building used for off street parking, loading or service functions not primary to the use. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season.

	Use	Parking Spaces Required
(a)	Residential	
	Dwelling, single	Two for each dwelling unit on a single lot
	Dwelling, duplex, tri-plex or multiple	One and one-half for each dwelling unit
	Senior housing	One for each dwelling unit
	Hotels, motels, motor hotels, etc.	One for each guest room
	Rooming or boarding houses, and bed and breakfast establishments	One for each guest room
(b)	Place of public assembly	
	Churches, clubs, lodges, and other public assembly	One for every four fixed seats or every eight feet of bench length or every 35 square feet of main assembly room (sanctuary) where no permanent seats or benches are maintained
	Libraries, museums, art galleries	One for each 250 square feet of gross floor area
(c)	Institutional	
	Hospitals	One and one-half for each bed; plus two for each nurses station
	Nursing homes, homes for the aged, residential homes and facilities, sanitarium, etc.	One for each three beds
	Preschool, nursery or day care center or facility	Two per teacher
	Elementary, middle school or junior high school	One and one-half for each classroom, plus one for every six fixed seats or for every 42 square feet of seating area where there are no fixed seats in the auditorium or assembly area
	High school	One and one-half for each class room, plus one for every 28 square feet of floor area in the largest auditorium or of assembly area
(d)	Commercial amusement	
	Stadium, arena, theater	One per four seats or eight feet of bench length
	Bowling alley	Five per alley, plus one per two employees
	Dance hall, skating rink	One per 100 square feet of floor area, plus one per two employees
(e)	Commercial	
	Retail store except as provided below	One per 200 square feet of floor area designated for retail sales
	Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles or furniture	One space per 600 feet of floor area designated for retail sales
	Bank, office (except medical and dental)	One per 300 square feet of floor area
	Medical and dental clinic	One per 300 square feet of floor area, plus one per two employees
	Eating or drinking establishments	One per 100 square feet of floor area

	Use	Parking Spaces Required
	Mortuaries	One per six seats or eight feet of bench length in chapels
(f)	Industrial	
	Industrial uses which entail manufacturing, research or processing, except as otherwise specified in this ordinance	One per 600 square feet of gross floor area
	Industrial uses which are primarily warehousing and distribution, except as otherwise specified in this ordinance	One per 800 square feet of gross floor area
	Industrial uses shall provide spaces for patrons and visitors	Minimum of three besides above requirements

- (4) Unspecified uses. Any use not specifically listed in this section shall have a parking requirement determined by the Planning Commission, based on the parking space requirements for comparable uses listed in this section.

SECTION 20.05 MIXED USES

For mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses, except for shared parking under section 20.06 below. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use except as provided in this ordinance.

SECTION 20.06 JOINT USE

The City encourages joint use of parking facilities and may, upon application, authorize them, provided there is no substantial conflict in hours of operation, the parking facility proposed is no further than 400 feet from the building or use for which it is intended, and substantial proof is presented to the City about the cooperative use of the parking facilities.

SECTION 20.07 ON-STREET PARKING

The City may approve the use of on-street parking spaces instead of required off-street parking spaces in any commercial or residential district as follows.

- (1) The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards. The following constitutes an on-street parking space:
 - (a) Parallel parking, each 22 feet of uninterrupted curb;
 - (b) 45 degree diagonal, each with 14.1 feet of curb;
 - (c) 60 degree diagonal, each with 11.5 feet of curb;
 - (d) 90 degree (perpendicular) parking, each with 10 feet of curb;
 - (e) Curb space must be connected to the lot which contains the use;
 - (f) Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
- (2) On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces are permitted.

SECTION 20.08 VEHICLE PARKING AREA IMPROVEMENTS

All public or private parking areas which contain four or more parking spaces, and outdoor vehicle sales areas, shall be improved according to the following.

- (1) All required parking areas shall be paved with a durable dust-free surfacing of asphaltic concrete, Portland cement concrete, or other paving materials approved by the City Engineer.
- (2) All parking areas shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.

- (3) All parking areas, except those with a single-unit or two-unit dwelling, shall provide a substantial bumper or curb stop that will prevent cars from extending over the property line.
- (4) All parking areas and service drives, except for those with a single-unit or two-unit dwelling shall be enclosed along any interior property which abuts any residential district, with a 70 percent opaque, sight-obscuring fence, wall or hedge not less than three feet nor more than six feet in height, but following the visual clearance and interior yard requirements established for the district in which it is located.
- (5) Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall be established parallel to the street or driveway. The required wall or screening shall provide breaks to allow for access to the site and sidewalk by pedestrians via pathways and shall not prevent the visual surveillance of the site for security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover. All walls shall be maintained, or otherwise replaced by the owner.
- (6) Parking lot landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per 5 parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 15 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 8 contiguous parking spaces. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for healthy plant growth.
- (7) All plant vegetation in this area shall be adequately maintained by a permanent irrigation system, and said fence or wall shall be maintained in good condition. Screening or plantings shall be of such size as to provide the required degree of screening within 20 months after installation. Adequate provisions shall be maintained to protect walls; fences, or plant materials from being damaged by vehicles using the parking area.
- (8) Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district or use.
- (9) All parking spaces and service drives shall be clearly and permanently marked.
- (10) A grading structure and drainage plan shall be submitted to the City Administrator and approved by the City Engineer.
- (11) Parking lots shall be provided with landscaping as specified for the district in which the use or structure is located, and also the landscaping provisions of Article 25 - Site Plan Review, Section 25.07, of this ordinance.

SECTION 20.09 OFF-STREET LOADING

All loading spaces for commercial and industrial buildings and uses shall be off the street and shall be in excess of required parking spaces. They shall meet the improvement requirements of Section 20.08 of this Article and shall be approved by the Planning Commission. No loading space or dock shall be located in a manner which will cause vehicles being served to project into the required front yard or any public right-of-way.

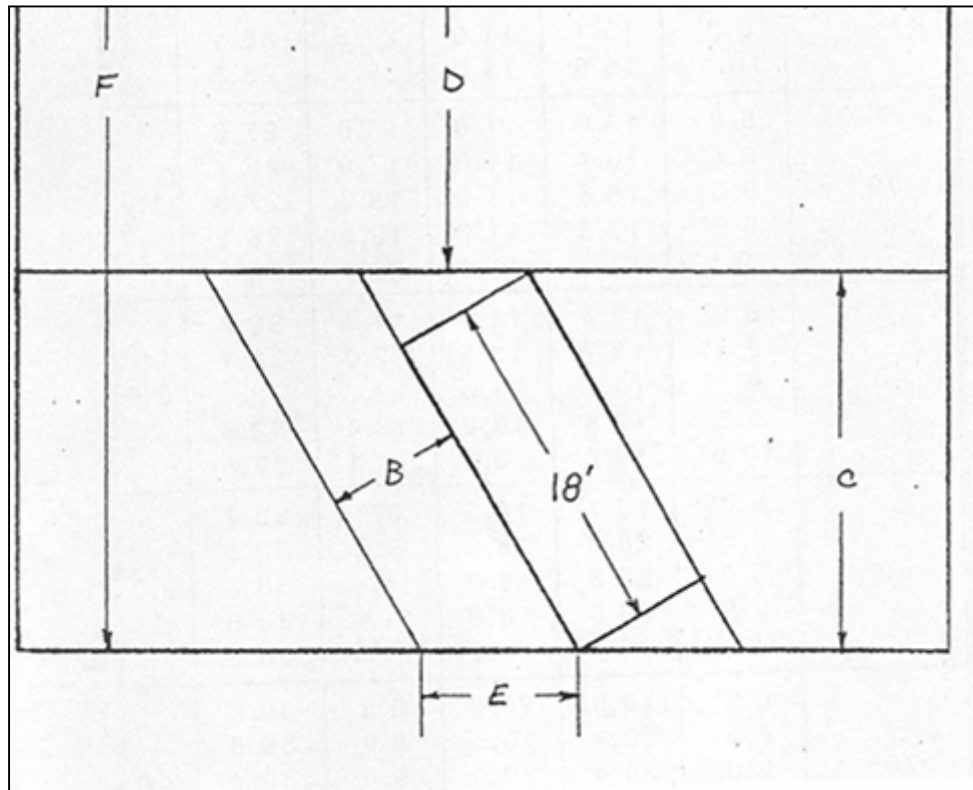
SECTION 20.10 VEHICLE PARKING SPACE DIMENSIONS

Table 1 provides the minimum dimensions of public or private parking areas, except single-unit or two-unit dwellings on a single lot. Table 1 is based on Figure 2 where "A" equals the parking angle, "B" equals the stall width, "C" equals the minimum stall depth, "D" equals the minimum clear aisle width, "E" equals the stall distance at bay side, "F" equals the minimum clear bay width, and "G" is the maximum permitted decrease in clear aisle width for private parking areas.

TABLE 1

A	B	C	D	E	F	G
Parallel	8.0'	18.0'	12.0'	22.0'	20.0'	2.0'
20°	8.0'	13.6	11.0	23.4	24.6	1.0
	8.5'	14.1	11.0	24.9	25.1	
	9.0'	14.6	11.0	26.3	25.6	
	9.5'	15.1	11.0	27.8	26.1	
	10.5'	15.5	11.0	29.2	26.5	
30°	8.0'	16.0	11.0	16.0	27.0	1.0
	8.5'	16.4	11.0	17.0	27.4	
	9.0'	16.8	11.0	18.0	27.8	
	9.5'	17.3	11.0	19.0	28.3	
	10.5'	17.7	11.0	20.0	28.7	
45°	8.0'	18.4	14.0	11.3	32.4	3.0
	8.5'	18.7	13.5	12.0	32.2	
	9.0'	19.1	13.0	12.7	32.1	
	9.5'	19.4	13.0	13.4	32.4	
	10.5'	19.8	13.0	14.1	32.8	
60°	8.0'	19.7	19.0	9.2	38.7	3.0
	8.5'	20.0	18.5	9.8	38.5	
	9.0'	20.3	18.0	10.4	38.3	
	9.5'	20.5	18.0	11.0	38.5	
	10.5'	20.8	18.0	11.5	36.8	
70°	8.0'	19.5	20.0	8.5	39.8	3.0
	8.5'	20.1	19.5	9.0	39.6	
	9.0'	20.4	19.0	9.6	39.4	
	9.5'	20.6	18.5	10.1	39.1	
	10.5'	20.9	18.0	10.6	38.9	
80°	8.0'	19.2	25.0	8.1	44.2	3.0
	8.5'	19.3	24.0	8.6	43.3	
	9.0'	19.4	24.0	9.1	43.4	
	9.5'	19.5	24.0	9.6	43.5	
	10.5'	19.6	24.0	10.2	43.6	
90°	8.0'	18.0	26.4	8.0	44.0	3.0
	8.5'	18.0	25.0	8.5	43.0	
	9.0'	18.0	24.0	9.0	42.0	
	9.5'	18.0	24.0	9.5	42.0	
	10.5'	18.0	24.0	10.0	42.0	

Figure 2



SECTION 20.11 BICYCLE PARKING REQUIREMENTS

- (1) Bicycle parking requirements shall apply to all developments that require a site plan or amended site plan for new development, change of use, and building expansions and remodels. Bicycle parking spaces shall provide a convenient place to lock a bicycle and shall not interfere with pedestrian circulation.
 - (a) Multi-Family Residences. Every residential use of four or more multi-family dwelling units shall provide at least one sheltered bicycle parking space for each unit. Sheltered bicycle parking areas may be in a conveniently located garage or storage unit, or under an eave, independent structure, or similar cover.
 - (b) Non-Residential Parking. There shall be a minimum of one bicycle space for every seven (7) motor vehicle spaces. At least ten percent (10%) of all bicycle parking spaces shall be sheltered. Bicycle parking provided in outdoor areas shall be located near the building entrance, similar to vehicle parking spaces, unless existing development on site precludes that option. Fractions shall be rounded to the nearest whole number.
- (2) Bicycle Parking Facilities Design Standards
 - (a) Bicycle parking facilities shall either be stationary racks which accommodate bicyclist's locks securing the frame and both wheels, or lockable rooms or enclosures in which the bicycle is stored.
 - (b) Bicycle parking spaces shall provide a convenient place to lock a bicycle and shall be at least six feet long, two feet wide and seven feet high. Upright bicycle storage structures are exempt from the parking space length standard.
 - (c) A 5-foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking.
 - (d) Bicycle racks or lockers shall be anchored to the surface or to a structure.
 - (e) Covered bicycle parking facilities may be located within a building or structure, under a building eave, stairway, entrance, or similar area, or under a special structure to cover the parking. The

- cover shall leave a minimum 7-foot overhead clearance and shall extend over the entire parking space. If a bicycle storage area is provided within a building, a sign shall be placed at the area indicating that it is for bicycle parking only.
- (f) Bicycle parking shall not be located in or encroaching onto a sidewalk, pathway, plaza, or other area for pedestrian use.

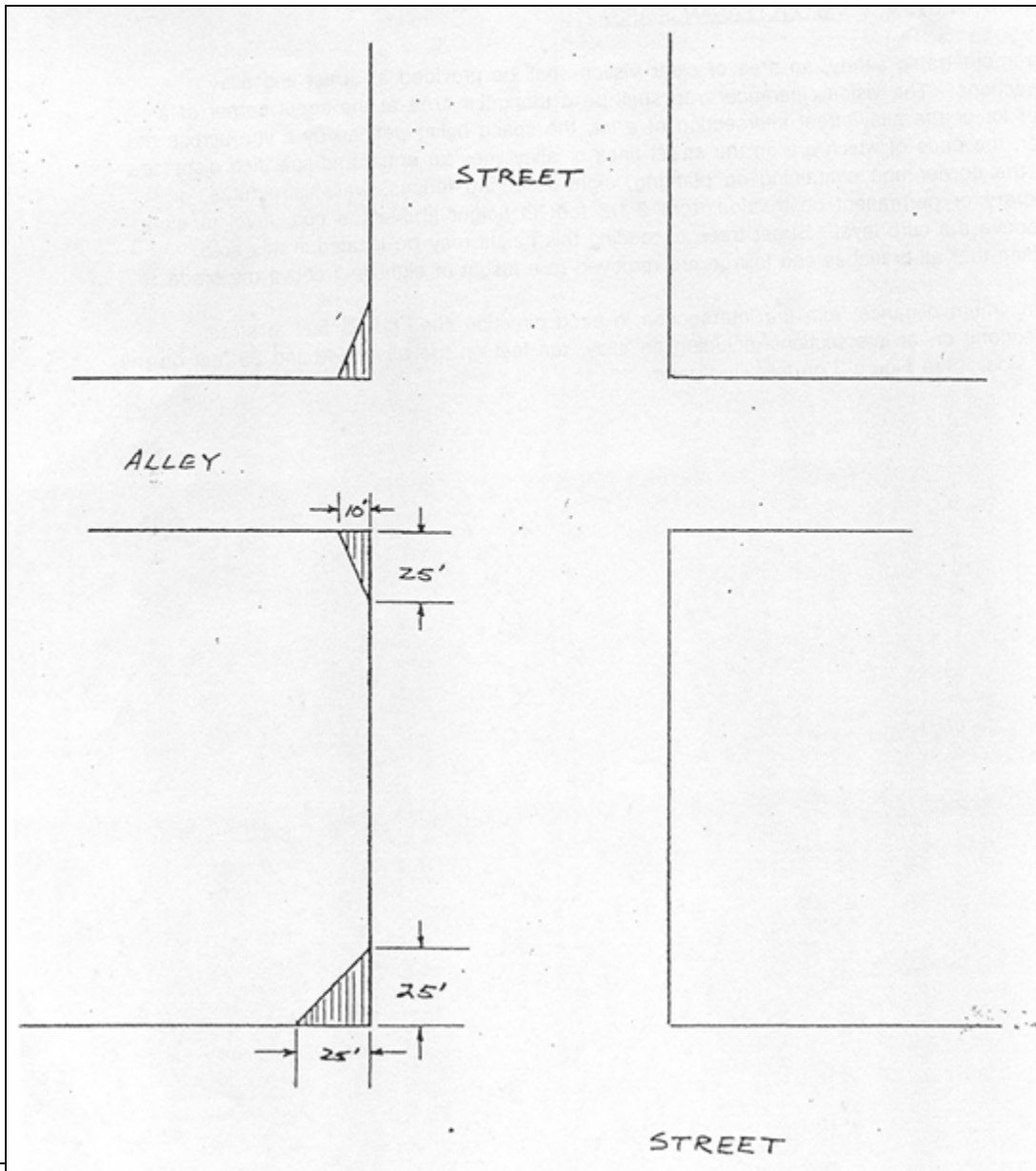
ARTICLE 21 - ACCESS MANAGEMENT AND VISION CLEARANCE

SECTION 21.01 VISION CLEARANCE AREA

To promote traffic safety, an area of clear vision shall be provided at street and alley intersections.

- (1) The vision clearance area shall be a triangular area at the street corner of a corner lot or the alley-street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the street lines or alley lines an equal and specified distance from the corner and containing no planting, sight-obscuring fences, walls, structures, or temporary or permanent obstruction from 2-1/2 feet in height above the curb level to eight feet above the curb level.
- (2) Street trees exceeding this height may be located in this area, providing that all branches and foliage are removed to a height of eight (8) feet above the grade.
- (3) The minimum distance from the intersection in each direction shall be 25 feet at street intersections or, at intersections including an alley, ten (10) feet on the alley side and 25 feet on the street side. However, the City may allow buildings on corner lots within the Central Commercial District (C-2) to be located within the vision clearance area provided doing so will not create a traffic safety hazard. See Figure 3 on following page.

Figure 3



SECTION 21.02 ACCESS MANAGEMENT

- (1) Corner Clearance. Corner clearance for roadway access connections shall meet or exceed the minimum access spacing requirements for that roadway, as shown in Table 2. The measurement shall be from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

ROADWAY TYPE	ACCESS SPACING
Arterial	150 feet
Major Collector	75 feet
Minor Collector	50 feet
Local Street	25 feet

- (a) New roadway access connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available.
 - (b) Where no other alternatives exist, the City may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.
- (2) Where applicable, residential driveways shall access off the street with the lowest functional classification. For example, if a house is located on the corner of a local street and a minor collector, the driveway shall access from the local street as long as it can be located a sufficient distance from the intersection.
 - (3) Property with frontage on two or more streets shall not be divided in a manner that would preclude access to a portion of the property from the road(s) with the less functional class. Access could be provided via an access easement.
 - (4) Properties that only front on collector or arterial streets are encouraged to share an access with neighboring properties.
 - (5) Access to the state highway (Highway 58) is regulated by the Oregon Department of Transportation (ODOT) as described in the *Oregon Highway Plan*. Access to county roads is regulated by Lane County Public Works.

ARTICLE 22 – SIGNS

SECTION 22.01 PURPOSE

The purposes of this Article are to encourage the effective use of signs as a means of communication in the City, to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth, to improve pedestrian and traffic safety, to minimize the possible adverse effect of signs on nearby public and private property, and to enable the fair and consistent enforcement of these sign restrictions. A proliferation of unregulated signs can cause unsafe traffic conditions and an unpleasant atmosphere. In order to combat the ill effects created by the unregulated use of signs, these regulations are essential.

SECTION 22.02 GUIDELINES

Effective use of signs can increase the attractiveness of the City and legislating aesthetics is a difficult task. In order to encourage effective and attractive use of signs, the Planning Commission recommends the following guidelines be used by businesses and individuals where designing signs in the City.

- (1) Signs should convey their information as simply and clearly as possible and fit in with the overall design of a building or building site.
- (2) To avoid visual clutter, signs should be flat against buildings rather than projecting or free standing.
- (3) When freestanding signs are necessary, their number should be minimized. Businesses are encouraged to integrate their signs into a single freestanding structure whenever possible.
- (4) Signs should not obscure other signs, landscaping, or important visual elements of buildings.
- (5) In commercial developments that are occupied by more than one business, the proprietors are urged to achieve as much visual unity as possible in their signs in terms of size, materials and colors, and graphic elements.

SECTION 22.03 DEFINITIONS

The definitions in this Article are intended to supplement the definitions found in Article 33 of this ordinance and are applicable only to this Article.

- (1) Advertising structure. Any notice or advertisement, pictorial or otherwise, and any structure used as, or for the support of, any such notice or advertisement, for the purpose of making anything known about goods, services, or activities not on the same lot as the said advertising structure.
- (2) Area of sign. The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices, plus the space between the letter or devices. Where a sign has two or more faces, the larger face of the sign shall determine the area of the sign.

Conforming and nonconforming signs in existence at the time of the enactment of this ordinance shall be counted in establishing the permitted area of size of all new signs to be allowed on the property.

- (3) Attraction board. A sign so constructed that all letters and/or other advertising material can be readily interchanged.
- (4) Banner. A long, narrow flag hung over a street or entrance.
- (5) Building. In addition to its common meaning, a building shall include any structure requiring a building permit.
- (6) Building wall. For purposes of computing wall area, all windows and wall area of a building in one plane shall be used.

- (7) Business establishment. Any institutional, business, commercial or industrial activity that is the sole occupant of one or more buildings having at least one frontage on a public street or roadway. The term also includes an institutional, business, commercial or industrial activity that occupies a portion of a building such that:
 - (a) The activity is a logical and separate entity from the other activities within the building and not a department of the whole.
 - (b) The portion of the building that is occupied by the activity has clearly defined frontage on a public street or roadway or to the common parking area of a commercial center.
 - (c) The activity has either:
 - (i) A separate entrance from the exterior of the building; or
 - (ii) A separate entrance from a common and clearly defined entryway that has direct access from the exterior of the building.
 - (d) The activity is located on the first or second floor of the building.
- (8) Flag. A piece of cloth or other flexible material usually attached at one edge to a staff or cord.
- (9) Frontage. The length of the property line of any one parcel of property along each accessible street or other public right-of-way it borders.
- (10) Glare. Disturbing or disabling brightness projected by a light into normal viewing angles from the street or residence.
- (11) Height or height of sign. The vertical distance from the grade to the highest point of a sign or any vertical projection of a sign.
- (12) Notice bulletin board. A permanent sign that accommodates changeable copy indicating the names of persons associated with, events conducted upon, or products or services offered upon the premises upon which the sign is located.
- (13) Off-premise advertisement. A sign that contains a message unrelated to a business, profession or other commercial or noncommercial enterprise conducted upon the premises where the sign is located.
- (14) Parcel. A parcel or lot of real property for the purpose of determining sign requirements shall mean any parcel or lot of real property under separate ownership, from any other parcel or lot or under separate lease of at least 25 years duration and having street frontage.
- (15) Pennant. Any lightweight plastic, fabric or other material whether or not containing a message, suspended from a rope, wire or string, usually in series, and designed to move in the wind.
- (16) Shopping center or other business enterprise. A group of five or more business establishments located in a building or adjacent buildings under the same ownership.
- (17) Sign. Anything of visual appearance primarily used for or having the effect of attracting attention from the streets, sidewalks, or other outside public area for commercial or noncommercial purposes including billboards, bus benches, telephone booths, trash receptacles stored out-of-doors, and all other forms of outdoor advertising. A sign shall not mean displays of merchandise of products for sale on the premises, signs inside buildings except when less than three feet behind a window and facing public view, or ornamentation, design, statuary, architecture or landscaping unless, in the case of any exceptions listed in this section, the attraction, because of location, size, use or the nature thereof, has the substantial effect of attracting attention for advertising purposes when viewed from an outside public area. Sign includes, but is not limited to:
 - (a) Animated sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
 - (b) Changing sign (automatic). An electronically or electrically controlled time, temperature, and date sign, message center, or reader board where different copy changes are shown on the location. A sign on which the message, other than time and temperature, changes more than eight times per day shall be considered an animated sign and not a changing sign.

- (c) Free standing sign. Any sign supported by one or more upright poles, columns, or braces that are placed or upon the ground, and not attached to any building.
- (d) Ground or Pediment sign. Any sign that rests on grade and is not elevated or attached to a building, posts, or like structure.
- (e) Indirectly lighted or shadow sign. An illuminated sign constructed so that the immediate source of the illumination is not visible when the sign is lighted.
- (f) Multiprism sign. Signs made with a series of sections that turn and stop, or flip to show several pictures or messages in the same area. Indexing multiprism units must not exceed a speed of two complete revolutions every 20 seconds.
- (g) Nonconforming sign. Any sign or advertising structure which was lawfully erected and maintained before the adoption of this ordinance but that fails to conform to all the applicable regulations and restrictions of this ordinance.
- (h) Political sign. Any sign advocating for the election or defeat of a candidate or the passage or defeat of a ballot measure.
- (i) Portable sign. Any sign not permanently affixed to a building, structure, or the ground; a sign designed to be self-supporting and movable; paper, cardboard, or canvas signs wrapped around supporting poles.
- (j) Projecting sign. Any sign, other than a wall sign, which is suspended from or supported by a building or wall and which projects more than 12 inches from the wall.
- (k) Roof sign. Any sign erected, maintained, and displayed above the eaves and under the roofline of a building or structure. The roofline to be considered shall be that of the roof belonging to the portion of the building on whose wall the sign is located.
- (l) Subdivision sign. Signs advertising land subdivisions involving more than three contiguous lots.
- (m) Temporary sign. Signs used for a specific event or project for a limited duration and that are not permanently affixed.
- (n) Wall sign. Any sign attached to, erected against, or painted on a wall of a building or structure with the exposed face of the sign parallel to the wall, supported throughout its length by the wall and not projecting more than 12 inches from the wall.

SECTION 22.04 GENERAL PROHIBITION

Any sign not expressly permitted by this ordinance is prohibited in the City. Except as expressly stated elsewhere in this Article, no off-premises commercial or noncommercial advertisements are permitted.

SECTION 22.05 EXEMPTIONS

The provisions and regulations of this ordinance shall not apply to the following signs except that they shall all be installed so that they do not pose an unreasonable obstruction or public hazard. Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by, or on the order of, a public officer in the performance of the officer's duty.

- (1) Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise a business or exceed two square feet in area; signs identifying rest rooms, public telephones or walkways; or signs providing direction such as parking lot entrance and exit signs and those signs to serve public safety or convenience such as "office" signs and "parking" signs.
- (2) Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons of such use or uses.
- (3) "No trespassing" signs or other such signs regulating the use of a property, such as "no hunting," "no fishing," etc., of no more than two square feet in area.
- (4) Reasonably sized flags, emblems, or insignia.
- (5) Flush mounted or inlaid signs or tablets of no more than two square feet.
- (6) Notice bulletin boards not over 24 square feet in area located on the premises.

- (7) Official notices posted by public officers or employees in the performance of their duties.
- (8) Works of art that do not include a commercial message.

SECTION 22.06 TEMPORARY SPECIAL PURPOSE SIGNS

Temporary special purpose signs, if not illuminated, are allowed and subject only to the restrictions imposed in this section.

- (1) Garage sale signs. One temporary sign advertising a garage sale posted on the premises from which the garage sale is to be held. In addition, one off-premise directional sign limited in size to four square feet may be mounted only on personal property and is prohibited on any public property. All such signs must be removed immediately at the close of the sale.
- (2) Political signs. Temporary political signs shall not exceed six square feet in area for each candidate or ballot measure. Such signs may be placed on private property only.
- (3) Construction project signs. After appropriate building permits have been obtained, signs may be erected in conjunction with construction projects and used for the purpose of publicizing the architects, engineers, and construction organizations participating in the project. No signs shall exceed 32 square feet in area, and no freestanding sign shall exceed eight feet in height. All such signs shall be removed five days after completion and prior to occupancy.
- (4) Special event signs. The City Administrator may grant, on such terms as may be deemed proper, temporary special permits for signs advertising or pertaining to any civic or special event of general public interest taking place within the City.
- (5) Real estate signs. One real estate sign advertising the sale, rental or lease of the premises on which it is displayed, not to exceed the following area and height requirements:
 - (a) Residential districts. Four square feet in surface area with a maximum height of three feet above grade.
 - (b) Commercial districts. Thirty-two square feet and 20 feet above grade.
 - (c) Industrial and other districts. Thirty-two square feet and eight feet above grade.Real estate signs may be single or double faced, and may be flat wall signs or pole-mounted.

SECTION 22.07 RESIDENTIAL DISTRICTS

Within residential districts, and except as otherwise provided in this Article, no sign shall be permitted except Temporary Special Purpose Signs as described in this Article and the following.

- (1) Residential use.
 - (a) One unlighted, freestanding sign no more than six square feet in size for whatever purpose the owner or lessee may choose, including the advertisement of any commercial or noncommercial enterprise permitted and carried on on the same zone lot. One flush-mounted or inlaid sign or tablet is also allowed. This subsection applies to any residence whether it is a single-dwelling unit, multiple-dwelling unit or located within a subdivision, manufactured home subdivision or mobile home park.
 - (b) For a subdivision, manufactured home subdivision, mobile home park or multiple-dwelling unit residence, one permanent sign, not exceeding 12 square feet in area and not more than five feet in height which denotes only the name of the subdivision or park, or for a multiple-dwelling unit residence, the name and the address. It may be shadow lighted or unlighted.
- (2) Nonresidential use. One sign facing the street, not more than 20 square feet in area, which is limited to the name, address, and to the advertisement of any commercial or noncommercial enterprise permitted and carried on on the same lot. It may be shadow lighted or unlighted.
- (3) Model homes. Banners and pennants will be allowed in residential districts in conjunction with a demonstration of model homes in a new subdivision for two days before the opening of the demonstration to two days after and not to exceed a total period of 15 days in any calendar year.

SECTION 22.08 DISTRICTS OTHER THAN RESIDENTIAL

No off-premises advertisements are allowed. Except as otherwise provided in this ordinance, no sign shall be permitted except Temporary Special Purpose Signs as described in this Article and the following.

- (1) Wall sign. One wall sign for each business establishment shall be allowed that shall not exceed an area of ten percent of the wall to which the sign is attached. In the event that there is more than one business establishment sharing occupancy of a single common space or suite, the total allowable area shall be divided equally among the tenants. A wall sign shall not extend above the roofline of the wall to which it is attached, and in no case shall the total height of the sign be more than 15 feet from the ground. A total of two wall signs on two different walls are allowed for each business establishment.
- (2) Freestanding sign. One freestanding sign for each business establishment, or shopping center or business enterprise shall be allowed. The maximum allowable area shall be 100 square feet. The maximum height of the sign shall be 25 feet. It shall not be located within 20 feet of any driveway intersecting a public street. The sign shall be set back from the property line at least 15 feet to allow for an adequate sign vision clearance area for motor vehicles entering or leaving the subject site.

Freestanding signs shall not be allowed on individual parcels having less than 100 feet of street frontage; however, a group of contiguous parcels whose combined street frontage on one street is in excess of 200 feet shall be allowed one freestanding sign. Freestanding signs shall not be allowed where the sign would be located less than 15 feet from the street right-of-way.

Banners and other types of signs shall be considered to be freestanding signs for purposes of computing the maximum allowable area.

- (4) Ground sign. One ground or pediment sign may be substituted for a freestanding sign, and may be 125 square feet in area, including any base. A ground sign may be placed in any location on a lot, but may not interfere with any sight distances from streets, alleys, driveways, or the like.
- (3) Attraction boards. One attraction board shall be allowed for each business or shopping center or other business enterprise. The maximum allowable size for an attraction board shall be 25 square feet if facing on the street, and 15 square feet on each side if the faces are at right angles to the street.

SECTION 22.09 PROHIBITED SIGNS

The following types of signs are expressly prohibited in all districts, except as otherwise provided by this ordinance.

- (1) Animated and intensely lighted signs. No sign shall be permitted that is animated by means of flashing, scintillating, blinking or traveling lights or any other means not providing constant illumination. Changing signs as defined by this ordinance are permitted.
- (2) Miscellaneous signs and posters. The tacking, pasting, or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, benches, trees, poles, posts, fences or other structures is prohibited unless specifically permitted by this ordinance.
- (3) Moving signs. Except as otherwise provided in this ordinance, no sign or any portion of a sign shall be permitted which moves or assumes any motion constituting a nonstationary or nonfixed condition except for the rotation of barber poles, changing signs, or multiprism units. This section is not meant to prohibit any form of vehicular sign such as a sign attached to a bus or lettered on a motor vehicle.
- (4) Abandoned signs. No person, firm or corporation shall abandon any sign anywhere in the City.
- (5) Public areas. No sign shall be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare except expressly authorized by this ordinance.

- (6) Pennants, search lights, etc. Pennants, search lights, pinwheels, twirling signs, sandwich board signs, sidewalk or curb signs, giant balloons or other gas-filled figures shall not be used except at the opening of a new business in a commercial or industrial district for a total period of 30 days. No more than one such display shall be allowed on any site during any consecutive six-month period. The same may be permitted at special events of a civic or philanthropic nature upon application to and approval by the City Administrator.
- (7) Obstructing signs. Notwithstanding any of the provisions of this ordinance, no sign or sign structure shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe. No sign shall be erected or maintained so as to obstruct any window to such an extent that light or ventilation is reduced below minimums required by any applicable law or ordinance. No sign shall interfere with vision clearance at intersections or public or private access points.
- (8) Bare bulb and other types of illumination. No bare bulb illumination or visible source of light, no exposed reflective bulb, no strobe light, and no incandescent lamp, which incandescent lamp exceeds 40 watts, shall be exposed to direct view from a public street or highway, but may be used for indirect illumination of the display surface of a sign if not directed toward the view from any public street. All signs are to be designed and used in such a manner as to avoid undue glare, or reflective light on private property in the surrounding area.
- (9) Public hazard. Notwithstanding any of the provisions of this ordinance, any sign or sign structure that constitutes a hazard to the public health or safety is prohibited. Signs above sidewalks shall be at least eight feet above sidewalk level.
- (10) Glaring sign. All illuminated signs are prohibited unless designed and used in such a manner as to avoid glare or reflection of light on private property in the surrounding area.
- (11) Other signs. The following signs are also prohibited.
 - (a) Signs which bear or contain statements, words or pictures of an obscene or pornographic character;
 - (b) Signs which are painted on or attached to any fence (except temporary fences around construction sites) or any wall or structure (other than structures for permitted signs) which is not structurally a part of a building;
 - (c) Signs which operate or employ any motion picture or video projection of media in conjunction with any advertisements, or have visible moving parts or give the illusion of motion except as expressly permitted in this ordinance;
 - (d) Signs which emit audible sound, odor or visible matter;
 - (e) Signs which purport to be, are an imitation of, or resemble an official traffic sign, signal or device, or the light of any emergency or road equipment vehicle, or which hide from view any traffic or street sign, signal or device;
 - (f) No signs, except for authorized traffic signs, shall be erected at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision;
 - (g) Flame as a source of light,
 - (h) Signs which project beyond 60 inches from a building wall;
 - (i) Billboards, posterboards, off-premise commercial or noncommercial advertisements and other outdoor advertising structures;
 - (j) Signs that rotate at a frequency of more than six rotations per minute.

SECTION 22.10 MAINTENANCE AND REMOVAL

- (1) Maintenance. All signs, together with all of their support, braces, -guy-anchors, and electrical equipment shall be kept fully operable, in good repair, and maintained in safe condition and in a neat, clean and attractive condition.
- (2) Removal of signs.
 - (a) Removal and appeal process. The City Building Inspector shall order the removal of any sign erected or maintained in violation of this ordinance. The City shall give ten days' notice in writing

to the owner of the building, structure, or premises on which the sign is located to remove the sign or bring it into compliance with this ordinance. If said owner fails to remove the sign or bring it into compliance within ten days after receipt of written notice from the City Building Inspector, and fails to appeal the notice within the allotted time period, the City Building Inspector may cause such sign to be removed at cost to the owner of the building, structure or premises. If, after the appeal process, the owner of the building, structure or premises upon which the sign is located fails to remove the sign or bring it into compliance within ten days after the decision of the Planning Commission or City Council on the appeal, the City may remove the sign at cost to the owner of the building, structure or premises.

- (b) Unsafe signs. If the City Administrator finds that any sign or sign structure by reason of its condition presents an immediate and serious danger to the public, the City Administrator may order its immediate removal or repair. If the owner of the building, structure or premises on which the sign is located fails to immediately remedy the danger, the City Administrator may cause the sign to be removed at cost to the owner of the building, structure or premises.
- (c) Abandoned signs. Any person who owns or leases a sign shall remove the sign when the business it advertises has discontinued doing business at that site. If the person who owns or leases the sign fails to remove it, the City Administrator shall follow the process described in subsection (a) of this section.
- (d) Existing illegal signs. All signs constructed or erected before the adoption of this ordinance that are in violation of any ordinance of the City in effect at the time such sign was constructed or erected, are hereby made subject to the provisions of this ordinance. Such signs shall be made to conform and comply with such requirements as soon as possible after the effective date of this ordinance. All signs and advertising structures which fail to conform and comply with this ordinance within a reasonable time shall be and are hereby declared to be public, nuisances and may be abated or removed by the City Administrator as allowed under subsection (a) of this section.

SECTION 22.11 NONCONFORMING SIGNS

- (1) Nonconforming signs may be maintained subject to the following conditions:
 - (a) No additions or enlargements may be made to a nonconforming sign except additions or enlargements required by law;
 - (b) If any nonconforming sign is moved, voluntarily or involuntarily, that sign shall thereafter conform to the requirements of this ordinance pertaining to newly constructed signs;
 - (c) Any sign that is constructed to replace a nonconforming sign shall be constructed in compliance with all applicable provisions of this ordinance.
- (2) If a nonconforming sign is damaged or destroyed to the extent of 50 percent or less of its value as of the last day of use, it may be restored and the use of the sign which existed at the time of the damage or destruction may be continued, if the restoration is started within 90 days.
- (3) Except where only a change in display copy is made, any nonconforming sign which is structurally altered or had illumination installed shall be brought into compliance with all applicable provisions of this ordinance within 94 days and shall thereafter be kept in compliance with this ordinance.
- (4) Nothing in this section shall be deemed to prevent the maintenance of any sign or regular manual changes of sign copy on a sign intended for such purposes.

SECTION 22.12 APPEALS

- (1) An appeal from a ruling of the City Building Inspector regarding an order to alter or remove a sign may be made only to the Planning Commission. Any action or ruling of the City Building Inspector shall become final 15 days after approval or disapproval is given, unless the decision is appealed to the Planning Commission. Written notice of the appeal shall be filed with the City. If the appeal is filed, the Planning Commission shall receive a report and recommendation from the City Administrator and shall hold a public hearing on the appeal.
- (2) Appeals to the Planning Commission and of Planning Commission decisions to the City Council shall be administered in accordance with the provisions of Article 2 - Appeals of this ordinance.

ARTICLE 23 - NONCONFORMING USES

SECTION 23.01 INTENT

It is the intent of the Nonconforming Uses Article of this ordinance to allow preexisting uses and structures that do not otherwise conform to the use or standards of this ordinance to continue under the specific conditions in this Article.

SECTION 23.02 CONTINUATION OF A NONCONFORMING USE

- (1) Subject to the provisions of this Article, a nonconforming use of a structure or a nonconforming use may be continued and maintained but shall not be altered or extended except as provided in this Article.
- (2) A nonconforming use may be extended to a portion of a structure that was designed for such use at the time of passage of this ordinance.
- (3) In any industrial or commercial district, a preexisting residence may be altered or extended, if such alteration or extension shall not exceed the yard, lot coverage, and building height requirements of the zone in which it is placed.

SECTION 23.03 COMPLETION OF A NONCONFORMING USE

Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which a building permit has been lawfully issued and construction has commenced before adoption of this ordinance, provided the structure, if nonconforming or intended for a non conforming use, is completed and in use within one year from the time the permit is issued.

SECTION 23.04 DISCONTINUATION OF A NONCONFORMING USE

- (1) If a nonconforming use involving a structure is discontinued from active use for 12 months, further use of the property shall be a conforming use.
- (2) If a nonconforming use not involving a structure is discontinued from active use for six months, further use of the property shall be for a conforming use.

SECTION 23.05 CONVERSION OF USE

Any nonconforming use may be changed to an allowable use if all applicable permit requirements and standards of this ordinance are satisfied. If a nonconforming use is converted to a conforming use, the nonconforming use shall not be resumed.

SECTION 23.06 DESTRUCTION OF A NONCONFORMING USE

If a nonconforming structure or a structure containing a nonconforming use is totally or substantially destroyed, a future structure or use on the site shall be either according to the provisions of the district in which the property is located or the property owner may apply for a conditional use permit to continue with the existing use or to replace the structure in its present location. This provision does not apply to voluntary destruction. If the nonconforming structure is voluntarily destroyed, then future use shall be according to the provisions of the zone in which the property is located.

SECTION 23.07 REPAIRS AND MAINTENANCE

Any building housing a nonconforming use may be maintained or restored to conform with the standards of the building code, including repair or replacement of fixtures, wiring or plumbing, provided' the building is not increased in cubic content or floor area.

SECTION 23.08 EXISTING MOBILE HOMES EXEMPTED

The use of a mobile home on a single lot in a residential district lawfully existing at the time of the adoption of this ordinance shall be exempt from the regulations of this Article and may continue. Mobile homes which qualify under this section may be enlarged, repaired or maintained, but not replaced with another mobile home, until abandoned for a period over one year or until replaced with another land use.

ARTICLE 24 - CONDITIONAL USE PERMITS

SECTION 24.01 DESCRIPTION AND PURPOSE

Certain types of uses require special consideration before their being permitted in a particular district. The reasons for requiring such special considerations involve, among other things, the size of the area required for the development of such uses, the effect such uses have on the public utility systems, the nature of the traffic problems incidental to the operation of the use, the effect such uses have on any adjoining land uses, and the effect such uses have on the growth and development of the community as a whole.

All uses permitted conditionally are declared to be possessing such unique and special characteristics as to make impractical their being included as outright uses in any of the various districts created by this ordinance. The authority for the location and operation of certain uses shall be subject to review by the Planning Commission and the issuance of a conditional use permit. The purpose of review shall be to determine that the characteristics of a proposed conditional use permit shall not be unreasonably incompatible with the type of uses permitted in surrounding areas and for stipulating reasonable conditions so that the basic purposes of this ordinance shall be served.

SECTION 24.02 CONDITIONAL USE PERMIT PREREQUISITE TO BUILDING

No building permit shall be issued when a conditional use permit is required by this ordinance until a conditional use permit has been granted by the Planning Commission, and then only according to the terms and conditions of the conditional use permit. Conditional use permits may be temporary or permanent for any use or purpose for which such permits are required or permitted by provisions of this ordinance.

SECTION 24.03 APPLICATION

The application for a conditional use permit shall be made in writing to the City Recorder by the owner of the land in consideration on forms provided by the City. The application shall be accompanied by a filing fee as determined by the City and the following information and documents.

- (1) Site and building plans and elevations.
- (2) Existing conditions on the site and within 300 feet of the site.
- (3) Utility and access data.
- (4) Operational data.
- (5) All other information requested by the Planning Commission.

SECTION 24.04 PUBLIC HEARING AND NOTICE

The Planning Commission shall hold at least one public hearing on each conditional use permit filed with the City Recorder. The procedures for the public hearing and notice shall conform to the requirements as stated in Article 31 - Public Hearings of this ordinance.

SECTION 24.05 ACTION

The Planning Commission shall make specific findings for granting or denying a conditional use permit according to the general criteria and, if appropriate, with the general conditions of this Article.

SECTION 24.06 GENERAL CRITERIA

A conditional use permit may be granted only if the Planning Commission finds that the proposal conforms to all the following general criteria and to all other additional criteria or conditions required by this section or the Planning Commission.

- (1) That the proposed development shall be compatible with applicable policies of the Oakridge Area Comprehensive Plan.
- (2) That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and surrounding neighborhood, with consideration to be given, to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

- (3) That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment and will be as attractive as the nature of the use and setting will allow.
- (4) That the required dedication and improvement of streets within the development site for the proper extension and/or connection of necessary streets, pedestrian facilities and bikeways shall be made.
- (5) That the required dedication of right-of-way within the development site for the extension of collector and arterial streets shall be made.
- (6) That the use of the development site shall not adversely affect access to and subdivision of abutting properties.

SECTION 24.07 GENERAL CONDITIONS

The Planning Commission shall designate conditions concerning the conditional use permit, as it deems necessary, to secure the purpose of this section. It may require guarantees and evidence that conditions have been met. Conditions set upon the permit may include the following,

- (1) Regulation of uses, special yard setbacks, coverage, and height.
- (2) Requiring fences, walls, screens, landscaping, and maintenance. Note that any area not covered by a structure or parking must be landscaped, following Article 25 - Site Plan Review of this ordinance.
- (3) Regulation and control of points of vehicular ingress and egress.
- (4) Regulation of signs.
- (5) Regulation of noise, vibration, odors, and sightliness.
- (6) Requiring surfacing of parking areas.
- (7) Requiring rehabilitation plans.
- (8) Regulation of hours of operation and duration of use or operation.
- (9) Requiring a time period within which the proposed use shall be developed.
- (10) Requiring bonds to ensure performance of special conditions.
- (11) Such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purposes set forth in this section.

SECTION 24.08 ADDITIONAL CONDITIONS

Some land uses, by the nature of the activity associated with them, require separate and intense consideration by the Planning Commission before their establishment.

- (1) Agriculture: Agricultural uses shall conform to the following criteria:
 - (a) Domestic farm animals shall not be kept on lots having an area of less than 20,000 square feet. The total number of all such animals, other than their young under the age of six months, allowed on a lot shall be limited to the square footage of the lot divided by the total minimum areas required for each animal as listed below:

Horses and cattle	10,000 square foot area
Goat and sheep	5,000 square foot area
Bee colonies	1,000 square foot area
Fowl and rabbits	500 square foot area
 - (b) No animal raising or breeding enterprise shall be conducted on a commercial basis.
 - (c) Animal runs or barns, fowl and rabbit pens, and bee colonies shall be located on the rear half of the property but not closer than 70 feet to the front property line nor closer than 50 feet from any residence nor closer than 20 feet to any interior property line.
 - (d) Domestic farm animals shall be properly caged or housed, and proper sanitation shall be maintained at all times.
 - (e) All animal or fowl food shall be stored in metal or other rodent-proof receptacles.
- (2) Boarding, lodging or rooming house having four or more boarders
 - (a) Lot area. The minimum lot area shall be 8,000 square feet.
 - (b) Lot coverage. The maximum coverage of the lot by all structures shall not exceed 45 percent of the lot area. The maximum coverage of the lot for all structures, driveways, and parking areas shall not exceed 65 percent of the lot area.
 - (c) Yards.
 - (i) Principal building. Each principal building shall be set back from all property lines at least one foot for each foot of height, except that no principal building shall be required to be set back more than 20 feet from any property line.
 - (ii) Accessory building. Accessory buildings are not allowed in any side yard.

- (d) Landscaping. All lot area not covered by building or parking areas is to be landscaped. A minimum of 35 percent of the total lot area shall be landscaped. See Article 25 - Site Plan Review of this ordinance for further information.
- (3) Hospitals. Any building used for hospital purposes shall provide and maintain a minimum of 50 feet from side and rear property lines, except in the street side of a corner lot where the street is dedicated to the public. Alleys next to or within the property being used for hospital purposes may be included in the required setback.
- (4) Public or private schools. Any building used for school purposes shall provide and maintain setbacks of 50 feet from side and rear property lines, except in the street side of a corner lot where a setback of at least 25 feet shall be required. Alleys next to or within the property being used for school purposes may be included in the required setback.
- (5) Religious institutions. Any building used for religious worship purposes in any residential area, except freestanding parsonages, shall provide and maintain a minimum setback of 20 feet from any property line that is under a different ownership and is zoned for residential use.
- (6) Service stations.
 - (a) A sight-obscuring fence or wall, not less than five feet in height, shall be provided between the service station and abutting property in any residential district. Said wall or fence shall reduce to a three-foot maximum in any required front yard setback.
 - (b) All lighting shall be such that its direction and color do not create a traffic hazard or a nuisance to any adjoining property.
 - (c) A minimum of 15 percent of the total lot area must be landscaped according to Article 25 - Site Plan Review of this ordinance.

SECTION 24.09 EFFECTIVE DATE

No conditional use permit granted by the Planning Commission shall become effective until after an elapsed time of 15 days from the date the notice of the action or decision has been provided to the parties to the decision.

SECTION 24.10 EXPIRATION

A conditional use permit shall be subject to the plans and other conditions upon the basis of which it was granted and shall terminate and become void unless:

- (1) The use authorized for such permit shall have commenced or construction necessary thereto shall have commenced on or before the time limit specified in the permit and after that diligently advanced;
- (2) If no time limit is specified on or before six months after the date the permit became effective unless the period of time is extended by the Planning Commission for six months but not more than 18 months from the date the first order granting it became effective.

SECTION 24.11 REVOCATION

The Planning Commission after notice and public hearing may revoke any conditional use permit based on any one or more of the following grounds.

- (1) Violation of any of the provisions of the Zoning Ordinance.
- (2) Failure to comply with any prescribed requirement of the conditional use permit.
- (3) The use for which the permit was granted has ceased to exist or has been suspended for six consecutive months, or for 18 months during any three-year period.
- (4) The use for which the permit was granted has been so exercised as to be detrimental to the public health, safety or general welfare or to constitute a nuisance.

ARTICLE 25 - SITE PLAN REVIEW PERMITS

SECTION 25.01 DESCRIPTION AND PURPOSE

It is the purpose of this part of the ordinance to establish a site plan review permit procedure for specified uses or applications to maintain or improve the character and attractiveness of the general area; to encourage the most appropriate development of the site compatible with the neighborhood; to prevent undue traffic and pedestrian hazards or congestion; to reduce adverse impacts upon public facilities and services to protect historic sites; and to provide a healthful, stable, efficient, and pleasant on-site environment.

The Planning Commission believes that the best designs come from individual professionals, builders, homeowners, and business people. It is not the purpose of this site plan review process to impose specific design solutions, but rather to encourage and allow development that will enhance the visual qualities of our city.

A Site Plan Review Permit may be used for applying the provisions of this ordinance or other ordinances to undivided property or to consolidate undivided property to dimension, shape and sizes that do not individually lend themselves advantageously to modern land uses.

This Article shall not be used to exclude 'needed housing' types as defined in OAR 660-08-015, and the Planning Commission shall consider the effect of its actions on the availability and cost of needed housing.

SECTION 25.02 SITE PLAN REVIEW PERMIT APPLICABILITY

- (1) Major Site Plan Review. Major Site Plan Review shall apply to all new construction of multiple-dwelling units (including mobile home parks), townhouses (attached single family dwellings), tri-plexes, commercial, public and semi-public, and industrial uses. It shall also apply to expansions or additions to multiple-dwelling units (including mobile home parks), townhouses, tri-plexes, commercial, public and semi-public, and industrial uses including parking lots and storage areas, that either affect the exterior of the building or that changes the use such that there is expected to be a 50 percent or greater increase in the traffic volume generated by the use. In addition, proposed developments that would otherwise require Minor Site Plan Review shall be subject to Major Site Plan Review if the City Administrator (or designee), at his or her discretion, determines that the proposed development warrants a higher level of review.
- (2) Minor Site Plan Review. Minor Site Plan Review shall apply to all new construction of detached single-family dwellings, duplexes, accessory dwelling units and all other new construction, including the expansion of existing development, which requires a building permit, but which is not subject to Major Site Plan Review.

SECTION 25.03 SITE PLAN REVIEW PERMIT REQUIRED

No building permit shall be issued before approval of a required Site Plan Review Permit, and then only according to the terms and conditions of the permit.

The conditions of the permit issued under this section shall supersede the general requirements of the applicable district or districts involved as far as they apply to a particular site.

SECTION 25.04 APPLICATION FOR SITE REVIEW PERMIT

- (1) Minor Site Plan Review shall be conducted in conjunction with building permit review. No separate application form shall be required. See Section 25.05 for the review and permit process.
- (2) Application for Major Site Plan Review shall be on a form prescribed by the City Administrator or designee and submitted to that office by any person(s) with a legal interest in the property. The application shall include the following.
 - (a) Name and address of the applicant.
 - (b) Statement of the applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.) and a description of that interest and, in case the applicant is not the owner, verification of the interest.
 - (c) Address and legal description of the property.
 - (d) Statement explaining the intended purpose of the site review.
 - (e) Application filing fee.

- (f) Any other materials or information as may be deemed necessary by the applicant to help in evaluation of the application.
- (g) Eight copies of drawings clearly showing the following, when appropriate:
 - (i) Parcel location, boundaries, dimensions, and total area;
 - (ii) Approximate location, setbacks, arrangement, floor plan, height, materials, finishes and dimensions of existing and proposed structures;
 - (iii) Approximate locations, heights, materials, and finishes of existing and proposed enclosures, walls, and fences;
 - (iv) Area and percentage of the site proposed for buildings, structures, driveways, sidewalks, patios and other impervious surfaces;
 - (v) Approximate location, dimensions, uses, and screening provisions for storage, refuse, and service areas;
 - (vi) Approximate location, arrangement, and dimensions of existing and proposed transportation features, including: streets, driveways, access points, off-street parking, loading areas and internal circulation plans, including sidewalks, trails and bikeways;
 - (vii) Existing and proposed electrical, drainage, water, and sanitary systems and facilities;
 - (viii) Approximate location, character, and type of signs and lighting facilities;
 - (ix) Location of all existing natural features including, but not limited to, trees eight inches in diameter or greater (measured at 4-1/2 feet above the ground), significant clusters of trees and shrubs, natural drainage ways or creeks and rock outcroppings. Proposed modifications to natural features shall be clearly shown;
 - (x) A site specific landscaping plan depicting the location, size at planting, and species of proposed trees, ground cover, and screen planting, along with plans for a permanent irrigation system, unless specifically exempt according to Section 25.07(2)(c) Landscape Standards of this Article.
 - (xi) Architectural sketches or drawings, if required, to clearly establish the scale, character, and relationship of buildings, streets, ways, parking places, garages, and open spaces;
 - (xii) Other data, such as information on soils, geology, typography, and hydrology;
 - (xiii) Proposed number of employees and future expansion plans.

Application may be made concurrent with a zone change, when applicable, or at a later date before the approval of a building permit for construction on the development site.

SECTION 25.05 REVIEW PROCESS

- (1) Minor Site Plan Review. Building permits for development subject to Minor Site Plan Review shall be reviewed by the City Administrator (or designee) for consistency with the requirements of this ordinance. Approval of a building permit by the City Administrator (or designee) as consistent with this ordinance shall constitute issuance of the Site Plan Review Permit. The City Administrator (or designee), at his discretion, may determine that a proposed development warrants a higher level of review and shall therefore be subject to Major Site Plan Review.
- (2) Major Site Plan Review. The Planning Commission shall review all of the information provided by applicant. In order to expedite site plan review, the City Administrator or designee shall review the application for completeness within thirty (30) working days after receipt of the application. After review the City Administrator or designee shall notify the applicant that the application is either complete or that additional information or materials must be submitted before the application is deemed complete. Within 30 days after acceptance of a complete application, the Planning Commission shall meet to conduct the site plan review.
- (3) In no case shall the processing time for site review, including all local appeals, exceed 120 days, unless agreed to by the applicant in writing.

SECTION 25.06 CRITERIA FOR SITE PLAN REVIEW EVALUATION

- (1) General
 - (a) There is a desirable, efficient, and workable interrelationship among buildings, parking, circulation, open space, landscaping, and related activities and uses, resulting in an attractive, healthful, and pleasant environment for living, shopping, and working.

- (b) The development is compatible with surrounding developments and does not detract from the character of the neighborhood.
- (c) Adequate methods are provided to ensure continued maintenance and necessary normal replacement of common facilities, uses, structures, landscaping, screening, ground cover, and similar items required to ensure compatibility with the surrounding areas and an attractive, healthful and pleasant environment within the development area.
- (d) All signs and lighting are in scale and harmonious with the site and area. Signs shall comply with Article 22 -- Signs of this ordinance. Lighting shall comply with Section 25.08 of this Article.
- (2) Uses and Structures. The location, design, size, shape and arrangement of the uses and structures are in scale and are compatible with the surroundings.
- (3) Landscaping. Effective use of landscaping can increase the attractiveness and livability of the City. As well as having aesthetic value, plants can create privacy, block sound and remove pollutants from the air.

The City of Oakridge has always had a close and interdependent relationship with the natural environment. The City's surrounding hilltops and the natural areas within the City contribute immeasurably to the City's image to visitors and desirability for residents. To preserve and enhance the City's natural charms and rural character, close scrutiny will be made of landscape plans submitted for Site Plan Review purposes. The Site Plan Review application shall comply with Section 25.07 Landscape Standards in this Article.

- (4) Traffic, Circulation and Parking. Off-street parking shall comply with Article 20 - Off-Street Parking of this ordinance.
 - (a) Based on anticipated traffic generation, adequate additional right-of-way and road improvements must be provided by the development to promote traffic safety and reduce traffic congestion. Consideration shall be given to the need and feasibility of widening and improving abutting streets and to the necessity for such additional requirements as lighting, sidewalks, and turn and deceleration/acceleration lanes.
 - (b) There is a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, bikeways, buildings, and other related facilities. Internal pedestrian and bicycle circulation shall be provided with a system of sidewalks or paths, and shall provide connections to parking areas, entrances to the development, and recreational or other community facilities associated with the development. Pedestrian and bicycle linkages shall connect with the peripheral street system and external existing or planner pedestrian and bicycle facilities wherever possible.
 - (c) There are adequate off-street parking and loading/unloading facilities provided in a safe, efficient, and pleasant manner. Consideration shall include the layout of the parking and loading/unloading facilities and their surface, lighting, and landscaping.
 - (d) The location, quantity, height, and shape of areas or structures that define interior circulation and parking arrangements are suitable for their intended purpose.
 - (e) Proposed roads shall conform to the City's Street Standards, as adopted in the Transportation System Plan. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.
 - (f) Roadway access shall be properly placed in relation to sight distance and driveway spacing in accordance with Section 21.02 of this ordinance. Any development 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. Access to county roads shall be reviewed by Lane County Public Works.
- (5) Adequacy of Facilities and Services. The location, design, and size of the uses are such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for intended uses, in conformity with the Oakridge Comprehensive Plan. Utility lines shall be underground whenever practical.
- (6) Screening. The quantity, location, height, and materials of walls, fences, hedges, screen planting, and landscape areas are such that they serve their intended purpose and have no undue adverse effect on existing or contemplated abutting land use. Screening shall comply with Section 25.08 of this Article.

SECTION 25.07 LANDSCAPE STANDARDS

- (1) Purpose. The purpose of the landscape plan shall be to adequately screen from less intensive development, retain significant natural trees and shrubs whenever possible, preserve distinctive historical or natural features, minimize run-off, erosion and dust, increase energy conservation and crime prevention, and improve the appearance of the City.
- (2) Planting Standards.
 - (a) Unless otherwise specified in this ordinance, the areas of a lot that shall be planted include all required setback areas and parking lot planting areas, except that the City may exempt from landscape requirements planted setbacks abutting required screening if the area is not visible from any public right-of-way or adjacent property.

At least 65 percent of each required planting area shall be covered with living plant materials within five years of the date of installation. The minimum planting acceptable per 1,000 square feet of required planting area shall be as follows:

 - (i) At least two trees no less than six feet in height and not less than two inches in diameter at the time of planting, not including root ball; and
 - (ii) Ten shrubs, five gallons or larger.
 - (b) In no event shall the following trees be planted in parking lots: poplar, cottonwood, black walnut, willow, box elder, ailanthus or elm. Parking lot planting areas shall include one tree that does not appear on the preceding list and at least four shrubs, five gallons or larger, for each 100 square feet of planting area. Shrubbery that abuts public right-of-way or in the interior of any parking lot shall generally not exceed 2-1/2 feet in height at maturity.
 - (c) Except where planted with native species, all new required planting areas on private property shall be provided with a permanent underground irrigation system unless exempted, by the Planning Commission. If permanent irrigation is exempted, a landscape architect or licensed nurseryman shall submit written verification and a program to ensure that the proposed plant materials will have at least a 90 percent survival rate over a five-year period without an irrigation system. The Development Agreement described in Section 25.10 of this Article shall require the owner to water and maintain the landscaping, recognizing that special attention will be needed due to the lack of a permanent irrigation system.
- (3) Street Trees. Street trees shall be planted next to the curb for all developments that are subject to Major Site Plan Review. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks.
 - (a) Growth Characteristics. Trees shall be selected from the City's approved street tree list based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:
 - (i) Provide a broad canopy where shade is desired.
 - (ii) Use low-growing trees for spaces under utility wires.
 - (iii) Select trees that can be "limbed-up" where vision clearance is a concern.
 - (iv) Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
 - (v) Use species with similar growth characteristics on the same block for design continuity.
 - (vi) Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
 - (vii) Select trees that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
 - (viii) Select trees for their seasonal color, as desired.
 - (ix) Use deciduous trees for summer shade and winter sun.
 - (b) Caliper Size. The minimum caliper size (i.e., diameter of trunk at 4 feet above grade) at planting shall be 1½ inches, based on the American Association of Nurserymen Standards.
 - (c) Spacing and Location.
 - (i) Street trees shall be planted in sidewalk cutouts where on-street parking is permitted, and in landscape parkway strips where on-street parking is not permitted.
 - (ii) Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where

- planting a tree would conflict with existing trees, retaining walls, utilities, curb cuts, and similar physical barriers.
- (d) Soil Preparation, Planting and Care. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting.
- (e) Assurances. The City shall require the developer to provide a performance and maintenance bond in an amount determined by the City, to ensure the planting of the tree(s) and care during the first two years after planting.

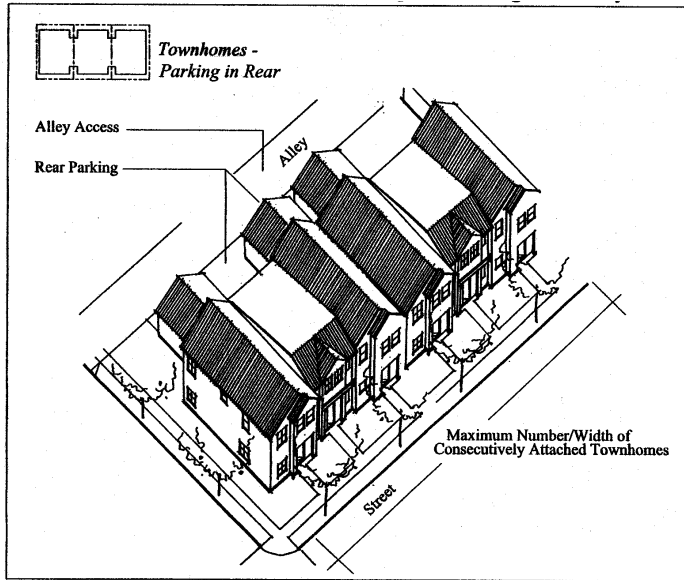
SECTION 25.08 SCREENING AND LIGHTING STANDARDS

- (1) Unless otherwise specified in this ordinance, screening shall be required for the following uses and using the indicated standards:
 - (a) Commercial and industrial districts which abut residential districts and no approved screening exists;
 - (b) Outdoor mechanical devices and minor and major public facilities;
 - (c) Outdoor storage areas and yards shall be provided with a five-foot planting strip according to Section 25.07 Landscape Standards of this Article when abutting a street;
 - (d) Except for single and duplex dwellings, any refuse container or disposal area that would otherwise be visible from a public street, customer or resident parking area, any public facility, adjacent property, or any residential area, shall be screened. All refuse materials shall be contained within the screened area.
- (2) Screening shall be vegetative, earthen and/or structural and shall be designed to minimize visual and audible incompatible uses from adjacent properties. Wherever a required screen in the form of a fence is next to a residential or commercial district or an arterial or collector street, it shall be non-metallic and of a subtle color to blend with surrounding vegetation. A slatted chain-link fence may be approved by the *City*. Except as specified in subsection (d) of this section, screening shall be continuous to at least six feet above ground level. The following standards shall apply:
 - (a) Vegetative screening: Evergreen shrubs shall be planted which will grow to form a continuous hedge. When immediate screening is necessary, a sight-obscuring fence shall be installed in place of, or with the plantings. The six-foot height standard specified in subsection (2) of this section shall occur within 20 months of planting.
 - (b) Earthen screening: No earth berm shall exceed a slope of 50 percent. An earth berm shall be terraced and/or completely planted with ground cover to minimize erosion. An earth berm shall be combined with evergreen plantings or a fence to form an attractive sight and noise buffer
 - (c) Structural screening: A fence or masonry wall shall be constructed to provide a uniform sight-obscuring screen.
 - (d) Exception: No screen shall exceed 2-1/2 feet in a residential district front yard setback, and all screening shall comply with Article 21 - Vision Clearance of this ordinance.
- (3) All lighting shall be designed to reflect away from any less intensive use and public rights-of-way.

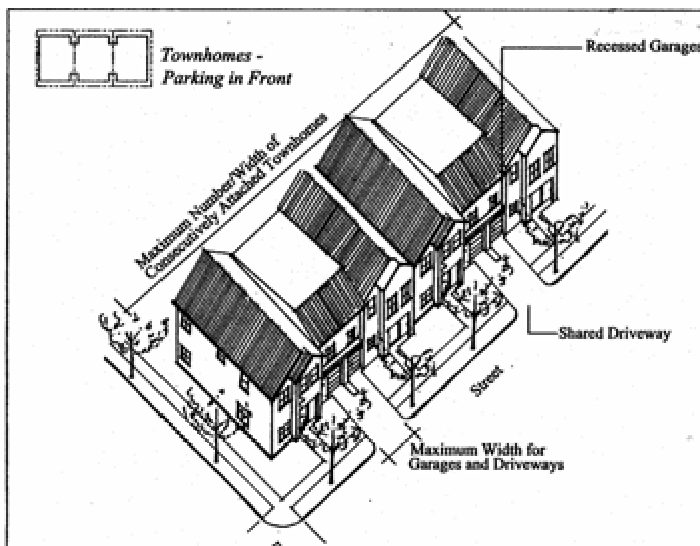
SECTION 25.09 SPECIAL DEVELOPMENT AND DESIGN STANDARDS FOR DUPEXES, TRI-PLEXES AND SINGLE FAMILY ATTACHED (TOWNHOUSES) DEVELOPMENT

- (1) Purpose. These standards are intended to supplement other development standards in this code applicable to all residential developments, in order to control development scale; avoid or minimize impacts for certain housing developments associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas. The architectural design standards are intended to provide detailed, human-scaled design, while affording flexibility to use a variety of building styles.
- (2) Applicability. This section applies to all of the following types of buildings, regardless of zoning district:
 - (a) Duplexes;
 - (b) Tri-plexes; and
 - (c) Single family attached townhomes.
- (3) Building Mass Supplemental Standard. Within the R-1 and R-2 districts, the maximum number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed 4 units, or 100 feet (from end-wall to end-wall), whichever is less.

- (4) Alley Access. Townhome, duplex and tri-plex subdivisions (4 or more lots) shall receive vehicle access only from a rear alley. Alley(s) shall be created at the time of subdivision approval. Alleys are not required when the City Administrator or designee determines that existing development patterns or topography make construction of an alley impracticable. The City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) when building length exceeds 100 feet.



- (5) Street Access Developments. Townhomes, duplexes and tri-plexes 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 5 feet.
 - (b) The maximum allowable driveway width facing the street is 18 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 garage facing the street.)



- (c) Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 22 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, prior to building permit issuance.
- (6) 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 or other legal entity 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 prior to building permit approval.

SECTION 25.10 SPECIAL DEVELOPMENT AND DESIGN STANDARDS FOR MULTIPLE-FAMILY DEVELOPMENTS

- (1) Common open space. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in all multiple family developments. The site area is defined as the lot(s) or parcel(s) 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.). Natural resource features and historic buildings or landmarks open to the public may be counted toward meeting the common open space requirements.
- (2) Private open space. Private open space areas shall be required for ground-floor and upper-floor housing units through compliance with all of the following standards:
 - (a) Ground-floor housing units shall have front or rear patios or decks at least 4 feet deep and 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 at least 4 feet deep and measuring at least 48 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade;
 - (c) Private open space areas shall be located near common open space areas and away from adjacent single family residences, trash receptacles, parking and drives to the greatest extent practicable;
- (3) Exemptions. Exemptions from the common open space and private open space requirements in subsections (1) and (2) above may be granted for (a) the first 10 units of a larger project or (b) developments with a total of 10 units or less, when these developments are within one-quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., federal Americans With Disabilities Act-compliant), lighted, and maintained pedestrian trail or sidewalk connecting the site to 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.
- (4) Trash receptacles. Trash receptacles shall be located to not be visible from adjacent residences and shall be screened with an evergreen hedge (3 feet minimum height at time of planting, and mature height of at least 6 feet) or solid fence or wall of not less than 6 feet in height. Receptacles must be accessible to trash pick-up trucks.

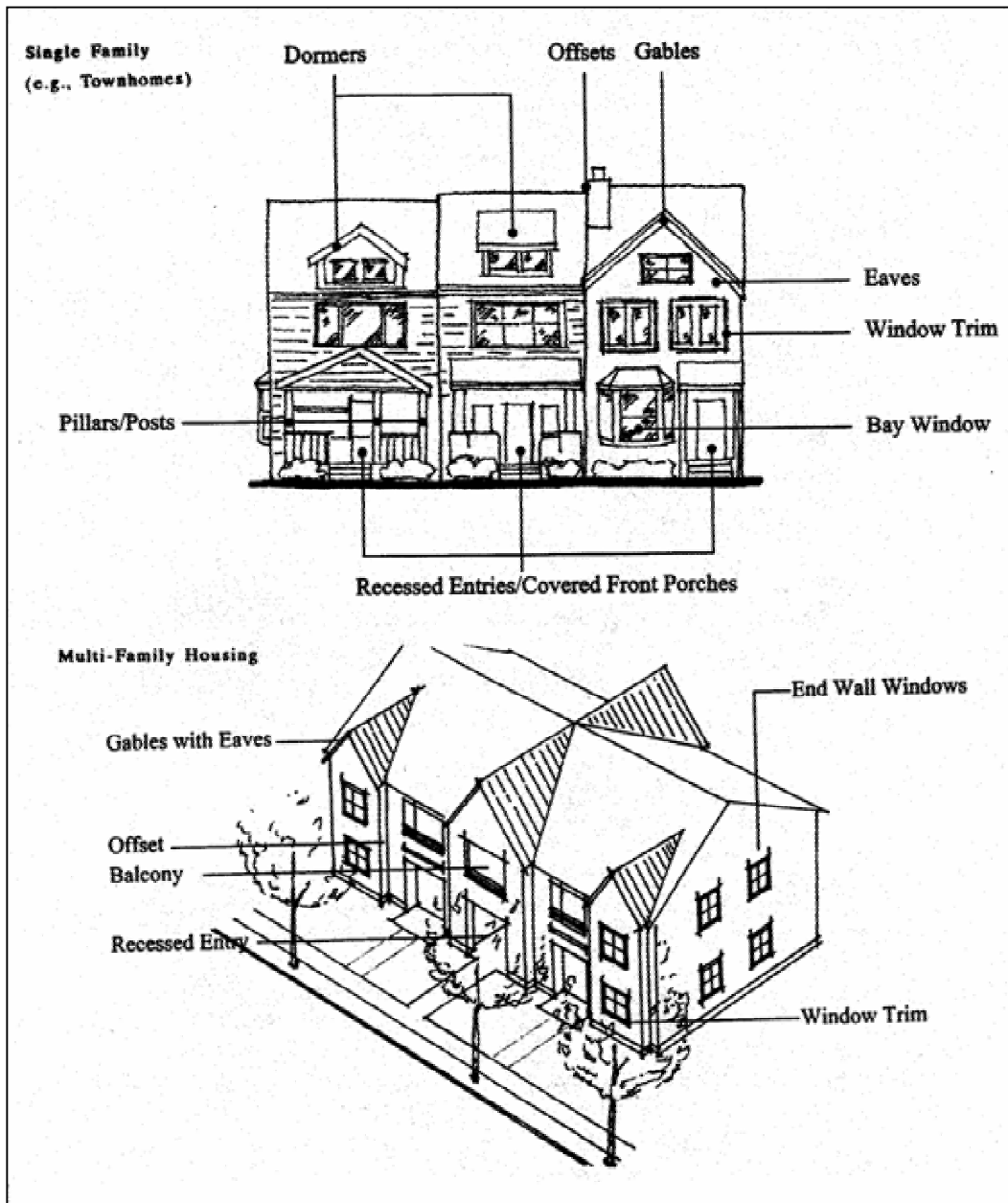
SECTION 25.11 ARCHITECTURAL DESIGN STANDARDS FOR DUPEXES, TRI-PLEXES, MULTIPLE-FAMILY AND SINGLE FAMILY ATTACHED (TOWNHOUSES)

All buildings that are subject to this Section shall comply with all of the following standards. The graphics provided 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.

- (1) Applicability. This section applies to all of the following types of buildings:
 - (a) Duplexes;
 - (b) Tri-plexes;
 - (c) Multiple-family;
 - (d) Single family attached townhomes.
- (2) Building Form. The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed 100 feet in width. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of

- (3) uninterrupted building surfaces. 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 6 feet;
 - (b) Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
 - (c) Offsets or breaks in roof elevation of 2 feet or greater in height.
- (4) 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 40 percent of front (i.e., street-facing) elevations, and a minimum of 30 percent of side and rear building elevations, 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.
- (5) 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 6 of the following 12 architectural features on all elevations, as appropriate for the proposed building type and style (features may vary 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 (minimum of six (6) inch projection)
 - (h) Off-sets in building face or roof (minimum 16 inches)
 - (i) Window trim (minimum four (4) inches wide)
 - (j) Bay windows
 - (k) Balconies
 - (l) Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)

Examples of Architectural Details: Townhomes and Multiple-Family



SECTION 25.12 SPECIAL STANDARDS FOR ACCESSORY DWELLING UNITS

The housing density standards of the residential districts do not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

- (1) Oregon Structural Specialty Code. The structure complies with the Oregon Structural Specialty Code;
- (2) Owner-Occupied. The primary residence or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a family member as a resident care-taker of the principal house and manager of the accessory dwelling;
- (3) One Unit. A maximum of one accessory dwelling unit is allowed per lot;
- (4) Floor Area. The maximum floor area of the accessory dwelling shall not exceed 800 square feet;

- (5) Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 20 feet; and
- (6) Buffering. A minimum 6-foot hedge or fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents.

SECTION 25.13 MAJOR SITE PLAN REVIEW - FINAL SITE PLAN

Within 90 days of the affirmative decision by the Planning Commission, a Final Site Plan shall be prepared and filed with the City. This plan shall include all required modifications and applicable conditions. The Final Site Plan shall become null and void if construction has not begun within one year of Final Site Plan approval. Approval is deemed on the date the Development Agreement referred to in Section 25.10 of this article is signed. A single one-year extension may be granted by the Planning Commission upon receipt of a written request by the applicant that includes an explanation of the delay. Work under progress shall not be subject to site plan approval expiration.

SECTION 25.14 MAJOR SITE PLAN REVIEW - DEVELOPMENT AGREEMENT

To complete the Major Site Plan Review process, a Development Agreement shall be made between the applicant and the City. The agreement shall contain the terms, conditions; and approved Final Site Plan. The purpose of the agreement is to ensure that the terms and conditions of Site Plan Review are understood and binding upon both the applicant and the City. A building permit shall be issued by the building official only after the Development Agreement has been signed by the applicant and the City Administrator. No building or structure shall be occupied until all improvements are made according to this Article. Upon satisfactory completion of site development, as determined by the final building inspection, the City shall authorize the provision of public facilities and services and the building official shall issue an occupancy permit.

SECTION 25.15 REVISIONS OR AMENDMENTS

Revisions or amendments that do not exceed ten percent of the total value of the improvements may be approved by the City Administrator. Revisions or amendments to an approved site review permit that exceed that standard shall require the same application procedure as for an original site review permit.

SECTION 25.16 MAINTAINING THE USE

Once an occupancy permit has been granted or a final building inspection has taken place:

- (1) The building and site shall be maintained according to the provisions of this ordinance to continue the use. All building exterior improvements approved, through this Article shall be continually maintained including necessary painting and repair to remain substantially similar to original approval under this process, unless subsequently altered with Planning Commission approval.
- (2) It shall be the continuing obligation of the property owner to maintain the planting required by this Article in an attractive manner free of weeds and other invading vegetation. Plantings in the vision clearance area shall be trimmed to meet the 2-1/2 foot height standard according to Article 21 of this ordinance.
- (3) Parking lots shall be maintained by the property owner or tenant in a condition free of litter and dust, and deteriorated pavement shall be improved to maintain conformance with these standards.

SECTION 25.17 APPEALS

The decision of the City Administrator (or designee) may be appealed to the Planning Commission under the procedures outlined in Article 2 - Appeals of this ordinance. The decision of the Planning Commission may be appealed to the City Council under the procedures outlined in Article 2 - Appeals of this ordinance.

ARTICLE 26 - TEMPORARY USE PERMITS

SECTION 26.01 PURPOSE

The purpose of the temporary use permit procedures is to allow, on an interim basis, temporary uses in the City not otherwise allowable in a zoning district and not otherwise a nonconforming use. No temporary use permit can be granted which would have the effect of permanently redistricting or granting a privilege not shared by other property in the same district.

SECTION 26.02 APPLICATION

Applications shall be filed with the City Recorder on the form prescribed by the City Administrator at least 20 days before the Planning Commission's public hearing and shall include the following:

- (1) Name and address of applicant.
- (2) Statement of the applicant's legal interest in the property and a description of that interest.
- (3) Address and legal description of the property.
- (4) Statement explaining the intended request.
- (5) The fee required to defray the cost of processing the application.
- (6) Any other materials or information as may be deemed necessary by the applicant to help in evaluation of the request.

SECTION 26.03 CRITERIA

A temporary use permit may be granted only if:

- (1) The temporary use is not inconsistent with the nature of the zoning district in which it is placed; and
- (2) The temporary use is not inconsistent with the Oakridge Comprehensive Plan.

SECTION 26.04 SPECIAL TEMPORARY USES

Some temporary land uses, by the nature of the activity associated with them, require separate and intense consideration by the Planning Commission before their establishment. Such uses and additional requirements are as follows.

- (1) Outdoor sales. Outdoor sales, as defined in Article 33 - Definitions of this ordinance, may be allowed in all commercial zones for a period not to exceed 180 days during any one calendar year.
 - (a) The following criteria shall be considered before any such permit may be issued:
 - (i) The proposed outdoor sale will not result in vehicular traffic congestion;
 - (ii) The applicant can make provision for adequate parking;
 - (iii) The outdoor sale will not result in the elimination of parking spaces required by the applicable city ordinance unless the business or businesses using such required spaces are closed for business on the day of the sale;
 - (iv) The outdoor sale will meet all state and county health regulations; and
 - (v) The site plan and display structures to be used in connection with the outdoor sales are to be approved by the Planning Commission.
 - (b) An application for a temporary permit for outdoor sales for 72 hours or less may be issued by the City Administrator without a public hearing before the Planning Commission if the City Administrator finds that the requirements of subsection (1)(a) of this section have been satisfied by the applicant.
 - (c) An application for a temporary permit for outdoor sales for a period more than 72 hours, whether cumulatively or consecutively, may be granted by the Planning Commission after a public hearing held according to Article 31 - Public Hearings of this ordinance.
 - (d) If the Planning Commission finds that the application satisfies the requirements of Sections 26.03 and 6.04(1)(a) of this Article, it shall approve the application.

- (e) The City Administrator or Planning Commission may attach appropriate and reasonable conditions to the permit that are necessary to secure the health, peace, safety, and welfare of the residents of Oakridge.
 - (f) If, after a public hearing, the Planning Commission finds that the requested outdoor sale is an annual event, it may stipulate that the permit for the annual event be renewed and reissued without further application. The City Administrator or the Planning Commission may require that an application be filed and a new permit issued to amend the permit provisions and conditions to meet changes of site, health, traffic, or other conditions affecting use.
- (2) Mobile food and flower vendors. Mobile food and flower vending may be allowed in all commercial zones for a period not to exceed 180 days during any one calendar year.
- (a) Applications for temporary mobile vending permits shall meet the following criteria and requirements:
 - (i) Persons conducting business with a permit issued under this section may transport and display food or flowers upon any pushcart or mobile device, if such device shall occupy no more than 16 square feet of ground area and shall not exceed three feet in width, excluding wheels; six feet in length, including any handle; and no more than five feet in height, excluding any canopies, umbrellas, or transparent enclosure;
 - (ii) Mobile vendors may conduct business on public sidewalks having a width of eight feet or more and on private sidewalks or parking lots, if the Planning Commission approves specific locations. No person shall conduct business as defined herein at a location other than that designated on the permit;
 - (iii) All mobile vendors shall pick-up and dispose of any litter created by their place of business and shall provide an appropriate trash container for customer use;
 - (iv) A food vendor may not locate within 200 feet of a restaurant or fruit or vegetable market without written consent from the proprietor of the restaurant or market, and no flower vendor may locate within 200 feet of a flower shop without the written consent of the proprietor of the flower shop;
 - (v) Design, colors, signs, and graphics for any pushcart or mobile device shall be subject to review and approval by the Planning Commission;
 - (vi) Despite subpart (v), no freestanding signs shall be allowed with any mobile vending permit;
 - (vii) Food vendors shall comply with all state and county health regulations and shall furnish written evidence of compliance at the time of application for a mobile vending permit;
 - (viii) Before the issuance of any permit, the Fire Marshall shall inspect and approve any mobile device or pushcart with any cooking or heating apparatus to determine if it conforms to the requirements of the Oakridge Building and Fire Codes.
 - (b) An application for a temporary mobile vending permit shall be granted if the Planning Commission, after holding a public hearing according to the requirements of Article 31 - Public Hearings of this ordinance, finds that the application satisfies the requirements of Sections 26.03 and 26.04(2)(a) of this Article.
 - (c) The Planning Commission may attach appropriate and reasonable conditions to the permit that are necessary to secure health, safety, and welfare of the residents of Oakridge.
- (3) Hardship mobile or other manufactured home. The Planning Commission may issue a temporary use permit for a mobile home or other manufactured structure, as a temporary, accessory dwelling to a permanent residence in a residential district. It shall be for the sole use of designated members of the immediate family when a medical hardship exists in the family. The following conditions must be met for the Planning Commission to consider the temporary use permit:
- (a) The family member must be suffering either physical or mental impairment, infirmity, or is otherwise disabled and must be near another family member to received adequate care.
 - (b) The mobile home or other structure shall be provided with an approved water supply and sewage disposal system.
 - (c) The temporary use shall be limited to a maximum of two years or until the hardship ceases, whichever comes first. The temporary use permit shall be renewed for as long as the hardship exists.

- (d) The mobile home or other structure and all accessory elements shall be removed within 60 days of vacation by the family member(s).
- (e) The location of the hardship mobile home on the lot shall not be considered a separate building site and the minimum lot and yard requirements of the R-1 and R-2 districts shall not apply. However, the Planning Commission shall attempt to minimize the nonconformity of the hardship mobile home with the minimum lot and yard requirements through conditions of siting approval.
- (f) The medical hardship must be verified in writing by a licensed physician, therapist or other professional counselor.

The hardship mobile home may be used by the family member providing care and the person receiving care may reside in the principal residence.

SECTION 26.05 COMPLIANCE WITH CONDITIONS OF APPROVAL

Compliance with conditions imposed in the temporary use permit and adherence to the plot plan submitted, as approved, are required. Any departure from these conditions of approval and approved plans is a violation of this ordinance.

SECTION 26.06 VESTED INTEREST IN APPROVED TEMPORARY USE PERMITS

A valid temporary use permit supersedes conflicting provisions of subsequent rezoning or amendments to this ordinance unless specifically provided otherwise by the provisions of this section or the conditions of the approval of the temporary use permit.

SECTION 26.07 TIME LIMIT ON APPROVED TEMPORARY USE PERMIT

If unused, authorization of a temporary use permit shall be void one year after the date of approval of the permit application or such lesser time as the authorization may specify.

ARTICLE 27 – VARIANCES AND ADJUSTMENTS

SECTION 27.01 PURPOSE

Because it is impossible to foresee and provide for all circumstances and conditions that may affect individual properties- or uses, the variance provision is created. This process allows adjustment of the provisions of this ordinance to special and unusual cases without defeating the general purposes and intent of the ordinance.

SECTION 27.02 AUTHORIZATION TO GRANT OR DENY

(1) Adjustments.

- (a) The City Administrator (or designee) may grant adjustments to the site design standards of this ordinance as follows:
 - (i) Front yard setbacks. Up to a 10 percent change to the front yard setback standard in the zoning district.
 - (ii) Interior setbacks. Up to a 10 percent reduction of the dimensional standards for the side and rear yard setbacks required in the zoning district.
 - (iii) Lot coverage. Up to 10 percent increase of the maximum lot coverage permitted in the base land use district.
 - (iv) Landscape area. Up to 10 percent reduction in required landscape area (overall area or interior parking lot landscape area).
- (b) Approval Criteria. An Adjustment may be granted if the applicant demonstrates compliance with all of the following criteria:
 - (i) The adjustment requested is required due to the lot configuration, or other conditions of the site;
 - (ii) The adjustment does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;
 - (iii) The adjustment will not result in violation(s) of this ordinance.
- (c) The City Administrator (or designee), at his or her discretion, may determine that a proposed variation from the standards warrants a higher level of review and shall therefore be subject to a Variance.

- #### (2) Variances.
- The Planning Commission may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific property or use, strict application of the ordinance would cause an undue or unnecessary hardship. The Planning Commission does not have the authority to allow the use of property for a purpose not listed within the district in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions that it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

A variance shall not be granted as a substitute for, or instead of, a change in zone. The Planning Commission may grant a variance to a regulation in this ordinance with respect to site design standards, including, but not limited to, the following:

- (a) Fences, hedges, or walls;
- (b) Site area, width, frontage, depth, or coverage;
- (c) Front, side, or rear yards;
- (d) Height of structures;
- (e) Distance between structures;
- (f) Signs; and
- (g) Parking.

The City may not grant a variance to allow a use that would not otherwise be allowed in a district.

SECTION 27.03 CIRCUMSTANCES FOR GRANTING

A variance may be granted only in the event that all of the following circumstances exist.

- (1) Strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or necessary physical hardship inconsistent with the objectives of this ordinance.
- (2) Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
- (3) Special or unusual circumstances apply to the property or use which do not apply generally to other properties or uses in the same zone or vicinity.

- (4) The granting of the variance will not be a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
- (5) The variance would not be materially detrimental to the public health, safety, and welfare or to the purposes of this ordinance or to property in the same zone or vicinity in which the property is located or otherwise conflict with the objectives of any City plan or policy.

SECTION 27.04 APPROVAL PROCEDURE

The procedure for taking action on an application for a variance shall be as follows.

- (1) A property owner may initiate a request for a variance by filing an application with the City Recorder. A filing fee, as specified by the City Council, shall accompany an application for a variance. The applicant shall submit evidence that the circumstances for granting a variance as outlined above apply to the variance request.
- (2) Before the Planning Commission may act on a variance application, it shall hold a public hearing on it according to the provisions of Article 31-- Public Hearings of this ordinance.
- (3) The Planning Commission may prescribe the terms and conditions upon which a variance may be granted and set a time limit for the duration of the variance and may require guarantees in such form as it may deem proper under the circumstances to ensure that the purposes for which the variance is granted will be fulfilled and that the conditions of the variance will be met.
- (4) Within ten days after a decision has been rendered concerning a variance application, the City shall provide the applicant with written notice of the decision.

SECTION 27.05 BUILDING PERMITS FOR AN APPROVED VARIANCE

Building permits for all or any portion of an application involving an approved variance shall be issued only based on the plan for the variance as approved by the Planning Commission. Any - proposed change in the approved plan shall be submitted to the Planning Commission as a new application for a variance.

SECTION 27.06 TIME LIMIT ON AN APPROVED VARIANCE

Authorization of a variance shall be void one year after the date of approval of a variance application or such lesser time as the authorization may specify, unless, when appropriate, a building permit has been issued, and when substantial construction pursuant to it has taken place. However, upon written request the Planning Commission may extend authorization for one period of one year or a lesser period.

SECTION 27.07 TERMINATION

A variance may be revoked or modified by the Planning Commission after public hearing on any one or more of the following grounds.

- (1) Approval of the variance was obtained by fraud or misrepresentation.
- (2) The use for which approval was granted has ceased to exist.
- (3) The use does not meet the conditions specifically established for it at the time of approval of the application.
- (4) The variance is in violation of any other applicable statute, ordinance or regulation.

SECTION 27.08 LIMITATIONS

No request for a variance shall be considered by the Planning Commission within a one-year period immediately following a denial of the request, unless new evidence or a change of circumstances warrants it.

ARTICLE 28 – ANNEXATION

SECTION 28.01 PROCEDURES

All proposals to annex territory shall comply with state law, shall be submitted to the Planning Commission on a form prescribed by the City, and shall include payment of required fees before processing. The Planning Commission and the City Council will hold public hearings on every request for annexation. The public hearings will be held in accordance with state law governing annexation.

SECTION 28.02 CRITERIA

Any annexation proposal considered under this ordinance shall conform to the following criteria.

- (1) The proposal shall conform to the Comprehensive Plan or substantial changes in conditions have occurred which render the Comprehensive Plan inapplicable to the annexation and the Plan should be amended as proposed by the proponent of the annexation. If this is the case, the Plan must be amended before final action on the annexation.
- (2) The proposed annexation is within the Urban Growth Boundary and is a logical and efficient extension of the City limit boundaries.
- (3) Urban services can be extended to the property without seriously impairing City services to existing portions of the City.

SECTION 28.03 ZONING OF ANNEXED PROPERTY

A proposal for annexation shall include a city zoning district designation request that shall be considered at the time of annexation under procedures outlined in Article 29 - District Changes of this ordinance. The criteria for considering an annexation zoning proposal shall be the same as the criteria for consideration of a zone change as outlined in Article 29. The zoning district designation of annexed territory shall be specified in the annexation ordinance and shall become effective upon filing the annexation with the Secretary of State.

ARTICLE 29 - DISTRICT CHANGES

SECTION 29.01 PROCEDURES FOR AMENDING USE AND OVERLAY ZONING DISTRICTS

A proposal to change the zoning of a particular piece of property or area of the City may be initiated by the Planning Commission, City Council, or by petition of at least half of the affected property owners, or their authorized agents, representing more than half of the land area involved.

All proposals for district amendments shall be submitted to the City Recorder on a form prescribed by the City and shall include payment of required fees before processing. When the City Administrator has determined that all of the required information has been submitted, the application shall be processed as required.

SECTION 29.02 PUBLIC HEARING REQUIRED

The Planning Commission and City Council shall each hold at least one public hearing on each proposed district change in conformance with Article 32 - Legislative Actions.

SECTION 29.03 CRITERIA

Any use or overlay zoning district amendment proposal must be shown to be in conformance with each of the following criteria.

- (1) The proposed amendment conforms to the Comprehensive Plan or substantial changes in conditions have occurred which render the Comprehensive Plan, inapplicable to the requested change and the Plan should be amended as proposed by the proponent of the change. If this is the case, the Plan must be amended before final action on the district change.
- (2) The proposed amendment fulfills a demonstrated public need for a particular activity or use of land within the area in question.
- (3) If residential zoning is involved, the proposed residential district or districts best satisfies the objectives of the Comprehensive Plan and does not exclude opportunities for adequate provision of low or moderate housing or "needed housing" types as defined in OAR 660-08-015 within the subject neighborhood area.
- (4) The proposed zone district is compatible with the existing and anticipated surrounding land use.

SECTION 29.04 AMENDING THE TEXT OF THE OAKRIDGE ZONING ORDINANCE

Proposals to change textual provisions of this ordinance, which do not require the application of quasi-judicial procedures, may be initiated by the Planning Commission, City Council, or any resident of Oakridge. All such proposals shall be submitted to the Planning Commission and shall be accompanied by the following:

- (1) Precise language of the proposed textual change; and
- (2) Reasons why the text of the Zoning Ordinance should be changed.

All changes to the text of this ordinance and the Zoning Map shall conform to the Oakridge Comprehensive Plan and shall not be inconsistent with other provisions of this ordinance.

SECTION 29.05 SPOT ZONING PROHIBITED

No single parcel may be rezoned to a zoning district designation that is not adjoining property zoned with a similar type of zone.

ARTICLE 30 – VACATION

SECTION 30.01 PROCEDURES

A proposal to vacate an easement, right-of-way, or plat may be initiated by the City Council or by petition of adjoining and area owners according to ORS 271.005 to 271.230. Petitions for vacations shall be submitted on a form prescribed by the City and shall be accompanied by the required application fee. The notice procedures for vacations are substantially different from other notice procedures contained in this ordinance. See ORS 271.110 for applicable notice procedures.

SECTION 30.02 CRITERIA

The City Council shall consider the following criteria in reaching a decision on a vacation request:

- (1) Conformance to applicable Comprehensive Plan policies and map;
- (2) Potential conflict with any minor or major street plan;
- (3) Effect on- access, traffic circulation, emergency service protection, and utilities;
- (4) Need for access to existing properties or potential lots which would otherwise be without access to a public way, including potential to establish or maintain pedestrian facilities or bikeways; and
- (5) Any special benefit bestowed upon abutting property.

SECTION 30.03 ORDINANCE REQUIRED

In accordance with the provisions of ORS 271.210, the City Council shall approve vacations through the passage of an ordinance.

ARTICLE 31 - PUBLIC HEARINGS

SECTION 31.01 RESPONSIBILITY FOR HEARING

The Mayor of Oakridge and the Chair of the Planning Commission, or their designees, shall regulate the course of quasi-judicial land use hearings before the City Council and the Planning Commission, respectively. The City Council may appoint a hearings official to regulate such hearings. Such regulations shall include the following.

- (1) Regulating the course and decorum of the hearing.
- (2) Disposing of procedural requests or similar matters.
- (3) Ruling on offers of proof and relevancy of evidence and testimony.
- (4) Imposing reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, cross-examination of witnesses and rebuttal testimony.
- (5) Ruling on challenges to disqualify a Planning Commission or City Council member for reasons of conflict of interest and ex parte contacts. For City Council members such rulings are advisory.
- (6) Drafting of findings-of-fact to support the decision of the hearing body.

SECTION 31.02 PROCEDURES

- (1) No less than one public hearing shall be held on all permits, zone changes and quasi-judicial amendments to the Comprehensive Plan for Oakridge, Oregon. This public hearing shall be held within 45 days of when the application has been deemed complete.
- (2) All documents or evidence relied upon by the applicant shall be submitted to the secretary of the Planning Commission or the City Recorder and be made available to the public at least 20 days before the hearing.
- (3) Any staff report used at the hearing shall be available at least seven days prior to the hearing.
- (4) If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing provided such continuance is requested before the close of the hearing.
- (5) At the commencement of a quasi-judicial hearing required by this ordinance, a statement shall be made to those in attendance that:
 - (a) Lists the applicable decision-making criteria;
 - (b) States that testimony and evidence must be directed toward the criteria included in the list of applicable decision-making criteria, or other criteria in the Comprehensive Plan or in this ordinance which a person believes applies to the decision;
 - (c) States that issues must be raised by the close of the record at or following the final evidentiary hearing, in person or by letter;
 - (d) States that, unless there is a continuance, if a participant at the hearing so requests before the hearing ends the record shall be kept open for at least seven days;
 - (e) States that any party shall be entitled to a continuance of the hearing if persons other than the applicant submit documents or evidence in support of the application supplementing the documents or evidence submitted by the applicant; and
 - (f) States that failure to raise an issue with sufficient specificity to afford the decision-maker and the parties an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals.

SECTION 31.03 DECISION

Following the hearing procedure described above, the hearing body shall approve, table, or deny the application; or if the hearing is in the nature of an appeal, either affirm, reverse, or remand the decision that is on appeal. A decision on a hearing or an application for a development permit may be continued for a reasonable period of time as determined by the hearing body, but not to exceed 120 days.

- (1) Except as provided in subsection (4) of this section, the City shall take final action on an application for a permit or zone change, including resolution of all appeals, within 120 days after the application is deemed complete.
- (2) If any application for a permit or zone change is incomplete, unless provided for elsewhere in this ordinance, the City Administrator shall notify the applicant of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt of the missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete on the 31st day after the application was first received.
- (3) 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.
- (4) The 120-day period set in subsection (1) of this section may be extended for a reasonable period of time at the request of the applicant.
- (5) The 120-day period set in subsection (1) of this section applies only to decisions wholly within the authority and control of the City and unless the parties have agreed to mediation to resolve the issues.
- (6) The 120-day period set in subsection (1) of this section does not apply to an amendment to the Comprehensive Plan or land use regulations or to adoption of a new land use regulation that was forwarded to the State Department of Land Conservation and Development for post-acknowledgement review under ORS 197.610.

SECTION 31.04 NOTICE OF PUBLIC HEARING

Notice of a hearing shall be reasonably calculated to give actual notice, and other than for a legislative action shall adhere to the following requirements.

- (1) Each notice of hearing authorized by this ordinance shall be published in a newspaper of general circulation in the City at least ten days before the date of the hearing.
- (2) A notice of hearing for any land use request requiring a public hearing shall be mailed at least 20 days before the hearing to all owners of property located within 100 feet, except for conditional use permits, zone changes, plan amendments and variances, then in that case within 250 feet, exclusive of street areas, from the exterior boundaries of the property for which the application has been requested. See Section 31.05 of this Article for procedure for mailing notice.
- (3) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
- (4) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, television or radio.
- (5) The total processing time for land use requests, including that allotted for appeals, shall not exceed 120 days, unless applicant agrees to waive this requirement.
- (6) All documents or evidence relied upon to support an application shall be submitted to the City Administrator and available for public review at least 20 days before the hearing.
- (7) The public notice shall contain the following:
 - (i) Date, time, and location of the hearing;
 - (ii) Explanation of the nature of the request and the proposed use or uses which could be authorized;

- (iii) The criteria from this ordinance and the Comprehensive Plan that apply to the application;
- (iv) The street address or another easily understood geographical referent to the subject property;
- (v) A statement that failure to raise an issue 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 State of Oregon Land Use Board of Appeals based on that issue;
- (vi) A statement that failure to specify to which criterion a comment is directed precludes appeal based upon that criterion;
- (vii) The name of the local government representative to contact and the telephone number where additional information may be obtained;
- (viii) A statement that a copy of the application, all documents, and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and copies will be provided at reasonable cost;
- (ix) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings; and
- (x) A statement that the staff report shall be available at least seven days before the public hearing.

SECTION 31.05 PROCEDURE FOR MAILED NOTICE

A person whose name is not in the tax records at the time of filing of an application or of initiating other action not based on an application, may only receive a notice if the person provides the Planning Commission with the necessary address(es). Any deficiency in the form of notice prescribed or a failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirement of this section for notice. In addition to persons receiving notice as required by the matter under consideration, the City Administrator may provide notice to others he/she has reason to believe are affected or otherwise represent an interest that may be affected by the proposed development.

- (1) For the purposes of mailing notices of public hearing, the applicant shall provide the lists of property owners of record to the City.
- (2) When an application is received to change the zone of property which includes all or part of a mobile home park, written notice by first class mail shall be sent to each existing mailing address for tenants of the mobile home park at least 20 days but not more than 40 days before the date of the hearing on the application.
- (3) Cost of notice mailings shall be included in the application fee.

SECTION 31.06 CONDUCT OF HEARING

- (1) Challenges to impartiality. Except for legislative hearings, a party to a hearing or a member of a hearing body may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state by affidavit the facts relied upon by the challenger relating to a person's bias, prejudice, personal interest, or other facts from which the challenger has concluded that the member of the hearing body cannot participate impartially. Except for good cause shown, challenge shall be delivered by personal service to the decision-making body at least 48 hours before the time set for public hearing. The person regulating the course of the hearing shall attempt to notify the person -whose qualifications are challenged before the meeting. The challenge shall be incorporated into the record at the time of the hearing.
- (2) Disqualification. Except for legislative hearings, no member of a hearing body shall participate in a discussion of the proposal without removing himself or herself from the bench or shall vote on the proposal when any of the following conditions exist.
 - (a) Any of the -following have a direct or substantial financial interest in the proposal: the hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or

any business in which the member is a principal or employee or in which the member is negotiating for acquisition of the interest or employment.

- (b) The member owns property within the area entitled to receive notice of the public hearing.
- (c) The member has a direct private interest in the proposal.
- (d) Any other valid reason for which the member has decided that participation in the hearing and decision cannot be made impartially.

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

SECTION 31.07 EX PARTE CONTACTS

Except for legislative hearings, the public has a right to have hearing body members free from prehearing or ex parte contacts on matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, hearing body members shall reveal on the record the substance of any significant prehearing or ex parte contacts regarding any matter at the commencement of the public hearing on such. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall state that and shall participate or abstain according to Section 31.08 of this Article.

SECTION 31.08 ABSTENTION OR DISQUALIFICATION

- (1) An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents personal interest at a hearing may do so only by abstaining from voting on the proposal, making full disclosure of his or her status and position at the time of addressing the hearing body, and physically removing himself or herself from the hearings body during the hearing and deliberations on the matter.
- (2) If a quorum of a hearing body abstains or is disqualified, all members present after stating their reasons for abstention or disqualification shall by so doing be requalified and proceed to resolve the issues.
- (3) Except for a legislative hearing, a member absent during the presentation of evidence in a hearing may not participate. In the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

SECTION 31.09 BURDEN AND NATURE OF PROOF

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

- (1) There is a mistake in the original designation or provision.
- (2) There is a change of circumstances such that the existing condition is no longer in conformance with the intent of the Comprehensive Plan.

SECTION 31.10 ORDER OF PROCEEDINGS

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

- (1) Before receiving information on the issue, the following shall be determined:
 - (a) Any objections on jurisdictional grounds shall be noted in the record and, if there is objection, the person presiding has the discretion to proceed or terminate.
 - (b) Any abstentions or disqualifications shall be determined.
- (2) The person presiding at the hearing may take official notice of known information related to the issue, such as the following:

- (a) Provisions of the City Charter or state law or of any ordinance, resolution, rule or officially promulgated policy of the City.
 - (b) Other public records and facts judicially noticeable by law.
- (3) Matters officially noticed need not be established by evidence and may be considered by the hearing body in the determination of the matters. Parties requesting notice shall do so on the record, provided that the hearing body may take notice of matters listed in subsection (2) of this section if stated for the record. Any matter given official notice may be rebutted.
 - (4) The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner, and circumstances of such view in the record.
 - (5) Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request to ask a question from a person attending the hearing. Unless the presiding officer specifies otherwise, if the request to ask a question is approved the presiding officer will direct the question to the person submitting testimony.
 - (6) When the hearing has ended, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

SECTION 31.11 FINDINGS OF FACT

The hearing body shall adopt findings of fact based upon the applicant's report, staff report and testimony presented at the hearing. The staff report and findings shall include the following.

- (1) A statement of the applicable criteria and standards of this ordinance against which the proposal was tested, and what is required to achieve compliance with the criteria and standards.
- (2) A statement of the facts establishing compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards.
- (3) The reasons for a conclusion to approve or deny.
- (4) The decision to deny or approve the proposed change with or without conditions.

SECTION 31.12 RECORD OF PROCEEDINGS

When possible, the secretary to the hearing body will be present at each hearing and shall cause the proceedings to be recorded either stenographically or electronically. Should it not be possible for the secretary to be present, proceedings will be recorded electronically and minutes will be taken from the tape.

- (1) Testimony shall be transcribed at the cost of the requesting party if required for administrative judicial review.
- (2) The hearing body shall, where practical, retain as part of the hearing record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the item and whether it was presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after all appeal periods have expired, at which time the exhibits may be released to the person identified thereon or otherwise disposed of.
- (3) The staff report and decision shall be included in the record.
- (4) A person shall have access to the record of the proceedings at reasonable times, places and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

ARTICLE 32 - LEGISLATIVE ACTIONS

SECTION 32.01 CITY COUNCIL AUTHORITY

Nothing in this ordinance shall limit the authority of the City Council to make changes in the Comprehensive Plan or zoning provisions and designations by legislative act where such changes have broad application and where quasi-judicial proceedings would be unnecessary or impractical.

The Planning Commission or the City Council may order a public hearing on any legislative matter.

SECTION 32.02 LEGISLATIVE HEARING NOTICE

Notice of hearing on a legislative decision under this ordinance need not include a mailing to property owners. The hearing body may prepare a notice designed to reach persons believed to have particular interest and to provide the public with reasonable opportunity to be aware of the hearings on the proposal.

SECTION 32.03 INFORMATION AT PLANNING COMMISSION HEARING

Interested persons may submit written recommendations and comments before the hearing, and this information shall be available for public inspection. At the hearing, written recommendations and other information will be received and oral statements will be allowed.

SECTION 32.04 PLANNING COMMISSION RECOMMENDATION

In preparing a recommendation to the City Council, the Planning Commission may do any of the following.

- (1) Require the proponent to identify the provisions of the Comprehensive Plan that govern the decision and prepare findings describing how the proposal complies or fails to comply with these plan provisions.
- (2) Review the nature of the proposal and describe whether the proposal warrants processing as a legislative matter.
- (3) Prepare a recommendation and make findings in support of such recommendations.

SECTION 32.05 CITY COUNCIL LEGISLATION

- (1) The City Council may limit the nature of the information it will receive at a hearing and may establish separate rules for consideration of each of the following:
 - (a) Compliance with the Comprehensive Plan;
 - (b) Appropriateness of the legislative process; and
 - (c) Policy changes or refinements proposed.
- (2) In reaching a decision on a legislative matter, the City Council may adopt findings applicable to the relevant criteria in support of the decision.

ARTICLE 33 – DEFINITIONS

Access: A way or means of approach to provide pedestrian, bicycle, or motor vehicular entrance or exit to a property.

Access connection: Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

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

Accessory use or structure: A use or structure which is detached from but located on the same lot as the principal structure and which is incidental and subordinate to the main use of the property.

Accessway: A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.

Base flood: A flood that has a one percent chance of being equaled or exceeded in a given year.

Bed and breakfast establishment: A dwelling, or portion of a dwelling, where short-term lodging rooms and meals are provided for guests only and which contains four or fewer guest rooms intended or designed to be used or which are used, rented or hired out to be occupied for sleeping purposes by guests. The operator of the establishment lives on the premises or in adjacent premises.

Bicycle facilities: A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

Bikeway: Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

- (a) **Multi-use path:** A paved 10 to 12-foot wide way that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
- (b) **Bike lane:** A 4 to 6-footwide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
- (c) **Shoulder bikeway:** The paved shoulder of a roadway that is 4 feet or wider: typically shared with pedestrians in rural areas.
- (d) **Shared roadway:** A travel lane that is shared by bicyclists and motor vehicles.
- (e) **Multi-use trail:** An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

Boarding, lodging or rooming house: A building or portion of a building where lodging, with or without meals, is provided for compensation of any kind to persons other than members of a family occupying such a dwelling; but, shall not include nursing homes, residential homes, residential facilities, or bed and breakfast establishments.

Building: Any temporary or permanent structure built and maintained for the support, shelter, or enclosure of people, motor vehicles, animals, chattel, or personal or real property of any kind. The terms 'building' and 'structure' shall be synonymous and shall mean that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land. This definition shall specifically include a mobile home, manufactured home, and accessories thereto, and gas or liquid storage tanks principally above ground. Driveways or walkways no more than six inches higher than the ground on which they rest shall not be considered buildings.

Clinic: A building designed and used for the medical diagnosis and treatment of human patients that does not include overnight care facilities, but may include a dispensary to handle only merchandise of a nature customarily prescribed by occupants in connection with their practice.

Clinic, small animal: A business establishment in which veterinary services are rendered to small domestic pets on an outpatient basis with no overnight boarding allowed.

Corner clearance: The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

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: Any facility that provides day care to children, including a day nursery, nursery school group, home of a family day care provider or similar unit operating under any name, but not including any:

- (a) Facility providing care that is primarily educational, unless provided to a preschool child for more than four hours a day.
- (b) Facility providing care that is primarily supervised training in a specific subject, including but not limited to dancing, drama, music or religion.
- (c) Facility providing care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.
- (d) Facility operated by a school district, political subdivision of this state or a governmental agency.
- (e) Residential facility licensed under ORS 443.403 to 443.455.
- (f) Babysitters.

For purposes of this definition, a family day care provider means a day care provider who regularly provides day care in the provider's home in the family living quarters.

Development: The division of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Driveway: An area on private property where automobiles and other vehicles are operated or allowed to stand. A driveway shall consist of a durable, surface of asphaltic concrete, portland cement or other approved materials that shall create a dust-free surface.

Dwelling unit: A dwelling unit is a building that has independent living facilities including provisions for sleeping, one set of cooking facilities, and sanitation, and that is designed for residential occupancy by one group of people.

Dwelling unit, accessory: A secondary dwelling unit on a single family lot which may be either attached to the primary dwelling or detached.

Dwelling unit, duplex: A duplex dwelling unit is a building with two attached housing units on one lot or parcel.

Dwelling unit, multiple: A multiple-dwelling unit is a building or buildings containing four (4) or more dwelling units on one lot or parcel.

Dwelling unit, single: One dwelling unit, on its own lot, whether detached, or sharing common end walls with another unit (townhouse). Manufactured homes on a permanent foundation are considered to be single-dwelling units when consisting of one dwelling unit.

Dwelling unit, single, attached (townhouse): Two or more single family dwellings with one or more common end-walls.

Dwelling unit, tri-plex: A building with three (3) attached housing units on one lot or parcel.

Easement: A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.

Family: Any number of individuals living together in a single housekeeping unit and doing their cooking together on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

Flood or flooding: As designated by the National Flood Insurance Act of 1988, the general and temporary condition of partial or complete inundation of normally dry land areas:

- (a) From the overflow of streams, rivers, or other inland water;
- (b) From flow-impounded water; or
- (c) From mudslides caused or precipitated by the accumulation of water on or under the ground.

Floodplain. Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source.

Flood resistant or flood resistant construction: Any combination of structural and nonstructural additions, changes, or adjustments to structures which eliminate or reduce flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

Floor area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior face of the exterior walls or from the center line of walls separating two buildings, but not including:

- (a) Attic space providing head room 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; or
- (e) Accessory off-street parking or loading spaces.

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

Functional area (intersection): That area beyond the physical intersection of two roads 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.

Grade (adjoining ground level): The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley or public way.

Height, building: The vertical distance from the average finished grade at the front of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

Home occupation: An occupation, profession, activity, or use that is clearly incidental and secondary to a residence conducted entirely within a single-dwelling unit, including an attached garage, on a residential lot, which does not change the exterior character or appearance of the dwelling, and does not adversely affect the uses permitted in the district of which it is a part. Home occupations may be engaged in where permitted by this ordinance, provided they conform to the following criteria:

- (a) There is no employment of help other than the members of the resident family;
- (b) The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located;
- (c) There is no storage of materials or supplies outside;
- (d) There shall be no use of water or sewer facilities or community facilities beyond that normal to the use of the property for residential purposes; and

- (e) The use otherwise meets all existing yard and lot coverage requirements of the district in which it is located.

Hospital: Any building or institution specializing in giving health services of a medical or surgical nature to human patients and injured persons where in-patient care is provided over a period exceeding 24 hours.

Hotel or Motel: Any building or group of buildings used for transient residential purposes containing five or more guest rooms and which are intended or designed to be used or which are used, rented or hired out to be occupied for sleeping purposes by guests. Motels are generally auto-oriented and have a majority of sleeping units opening individually and directly to the outside. One apartment for use of the resident manager may be included.

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

Kennel: Any lot or premises on which three or more adult dogs or cats are kept whether by the owners of the dogs or cats or by persons providing facilities and care, whether or not for compensation. Any adult dog or cat is one that has reached the age of six months.

Land surveyor: Any person, as defined by ORS 672.002(4), registered in Oregon and holding a valid certificate to practice land surveying in Oregon, as provided by ORS 672.003 to 672.325.

Lot: - A lot is a unit of land that is created by a subdivision of land (ORS 92.010(3)).

Lot area: The total area within the lots lines of a lot, as measured on a horizontal plane.

Lot, corner: A lot that has two or more connecting sides that abut a street.

Lot coverage: That portion of a lot covered by the ground floor cross section through the enclosed portion of a building above the floor joists.

Lot, flag: A lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot, frontage: That portion of a lot extending along a street right-of-way line.

Lot, interior: A lot having frontage only on one street.

Lot, line: A line dividing one lot from another lot or from a street or alley.

- (a) Front. On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street providing primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.
- (b) Rear. The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. In the case of a triangular-shaped lot, the rear lot line shall be assumed to be a line ten feet long within the lot, parallel to and at the maximum distance from the front lot line.
- (c) Side. Any lot line that is not a front or rear lot line.

Lot measurements:

- (a) Depth. The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
- (b) Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Lot, through: A lot having its front and rear lot lines each abutting a street.

Manufactured Home: A structure built on or after June 15, 1976 constructed according to federal Manufactured Housing and Safety Standards and Regulations (HUD) in effect at the time of construction. The standards for placement of all manufactured homes are detailed in Article 4 - Low Density Residential District of this ordinance.

Manufactured home subdivision: To subdivide land means to divide land into four or more lots within a calendar year. A manufactured home subdivision is a subdivision of land made under the provisions of Article 17 of this ordinance and the Land Division Ordinance of the City of Oakridge.

Mobile Home: A structure constructed before June 15, 1976, built to ANSI Standard A119.1 and bearing the insignia of compliance from the State of Oregon, California, Idaho, Nevada or Washington. Mobile homes constructed before 1974 and not built in conformance with the National Manufactured Home Construction and Safety Standards Act of 1974 shall meet reasonable safety and inspection requirements. The standards for placement of all mobile homes within a mobile home park are detailed in Article 16 - Mobile Home Park Subdistrict of this ordinance.

Mobile home park: Any privately owned place where two or more mobile homes used for human occupancy are parked 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 mobile home space or lease mobile home space or keep mobile home space for rent or lease to any person for a charge or fee paid or to be paid for the rental or use of facilities or to, offer space free in connection with securing the trade or patronage of such person.

Mobile home space: A plot of ground within a mobile home park designed for the siting of one mobile home.

Motel: See hotel.

Nonconforming access features: Features of the property access that existed prior to the date of ordinance adoption and do not conform to the requirements of this ordinance.

Nonconforming use: A lawful existing structure, lot or use at the time this ordinance or any amendment to it becomes effective which does not conform to the dimensional or similar standards of the district in which it is located.

Nursing home: Any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for two or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Residential facilities and residential homes are not nursing homes.

100-year flood: See base flood.

Open space: An area that is intended to provide light and air, preserve natural features, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative landscaping, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, watercourses, and other natural features. Open space does not include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Outdoor sales: The sale or offering for sale of goods, merchandise, or services from a location outside of a building; provided that this definition shall not authorize a person to sell or offer for sale goods, merchandise, or services in outdoor sales which goods, merchandise, or services could not be sold or offered for sale within the zone district in which the outdoor sale is proposed to be conducted.

Parcel: A parcel is a unit of land that is created by a partitioning of land (ORS 92.010(6)).

Parking space: A permanently maintained paved space not less than eight feet wide and 18 feet long, with proper access for one standard-sized automobile.

Pedestrian facilities: A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, multi-use paths, and trails.

Plat: A final map, diagram, drawing, replat or other writing containing all of the descriptions, locations, specifications, dedications, provision and information concerning a subdivision.

Private road: Any roadway for vehicular travel that is privately owned and maintained and which provides the principal means of access to abutting properties.

Public road: A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.

Reasonable access: The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the City of Oakridge.

Residential facility: Residential care, treatment or training or an adult foster home licensed or otherwise granted authority by the State of Oregon, as defined in ORS 197.660(1), which provides residential care, treatment or training for six to 15 individuals, who need not be related. Staff members are not included when counting residents.

Residential home: Residential care, treatment or training or an adult foster home licensed or otherwise granted authority by the State of Oregon, as defined in ORS 197.660(2), which provides residential care, treatment or training for five or fewer individuals who need not be related. Staff members are not included when counting residents.

Right-of-way: An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

Senior housing: a multiple dwelling unit designed and managed for persons over the age of 55.

Service Station: Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups; lubrication; minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body and fender work are conducted.

Sign: See Article 2.2 of this ordinance for definitions regarding signs.

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.

Structure: See building.

Substantial improvements: Any repair, reconstruction; or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either before the improvement or repair is started or if tire structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, 'substantial improvement' is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety ordinance specifications or any alteration of the structure listed on the National Register of Historic Place or a State Inventory of Historic Places.

Tri-plex: see definition of "dwelling unit, tri-plex".

Urban Growth Boundary: That Urban Growth' Boundary contained in the City of Oakridge Comprehensive Plan which defines those lands necessary to accommodate the urban growth land needs of Oakridge, as provided for under LCDC Goal No. 14.

Veterinary clinic: A building, together with animal runs and overnight boarding facilities, in which veterinary and related services are rendered to animals.

Wrecking yard: Any premises used for the storage, dismantling, or sale of either used motor vehicles, trailers, machinery, or building materials or parts thereof.

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, front: An area lying between side lot lines, the depth of which is a specified horizontal distance between the front property line and a line parallel to it on the lot.

Yard, rear: An area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel to it on the lot.

Yard, side: An area adjacent to any side lot line, the depth of which is a specified horizontal distance measured at right angles to the side lot lines and being parallel with said lot line.

ARTICLE 34 - EFFECTIVE DATE

SECTION 34.01 EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after passage by the Council and signing of the ordinance by the Mayor.

READ BY TITLE ONLY this 4th day of November, 2004, no council member present at the meeting having requested to have the ordinance read in full.

PASSED BY THE COUNCIL of the City of Oakridge this 18th day of November, 2004.

APPROVED AND SIGNED BY THE MAYOR of the City of Oakridge this 19th day of November, 2004.

S. Sue Bond, Mayor

ATTEST:

Chantell Hayson, City Recorder

AYES: 4
NAYS: 0