

ORDINANCE NO. 14 for 1974

ORDINANCE NO. 644

AN ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES IN THE CITY OF SWEET HOME; ESTABLISHING ZONES FOR THAT PURPOSE; AND REPEALING PORTIONS OF ORDINANCE NO. 558.

The city of Sweet Home does ordain as follows:

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The city of Sweet Home does ordain as follows:

ARTICLE 1
Introductory Provisions

Section 1.010. Title. This ordinance shall be known as the Sweet Home Zoning Ordinance of 1974.

Section 1.020. Purpose. The purpose of this ordinance is to promote the public health, safety and general welfare, to assist in carrying out the Sweet Home general plan and to assist in implementing adopted statewide planning goals and guidelines.

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

(1) Abut. Contiguous to or immediately joining. For example, two lots with a common property line are considered to be abutting.

(2) Access. The way or means by which pedestrians and vehicles enter and leave property.

(3) Accessory structure or accessory use. A structure or use incidental, appropriate and subordinate to the main use of a property and located on the same lot as the main use.

(4) Alley. A street which affords only a secondary means of access to property.

(5) Alter. Any change, addition or modification in the construction of a building or structure.

(6) Automobile wrecking yard. An area used for the dismantling and/or wrecking of used motor vehicles, machinery or trailers, or the storage or sale of dismantled, obsolete or wrecked motor vehicles, machinery or trailers or their parts, or the storage of motor vehicles unable to be moved under the power of the vehicle.

(7) Building. A structure built or assembled for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

(8) City. The city of Sweet Home, Oregon.

(9) Club. A facility owned or operated for a social, educational or recreational purpose, to which membership is

required for participation and which is neither operated primarily for profit nor to render a service which is customarily carried on by a business.

(10) Community center. A facility owned and operated by a governmental agency or a nonprofit community organization which is open to any resident of the neighborhood in which the facility is located or to any resident of the city or surrounding area; provided, that the primary purpose of the facility is for recreation, social welfare, community improvement or public assembly; and provided, further, that no permanent or temporary commercial eating or drinking facilities shall be operated on the premises.

(11) Day nursery. Any institution, establishment or place, including nursery schools or private kindergartens, in which are commonly received at one time three or more children not of common parentage, under the age of six years for a period or periods not exceeding 12 hours for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

(12) Dwelling, multi-family. A building or portion thereof designed for occupancy by three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

(13) Dwelling, single-family. A detached building, other than a trailer house, designed for and occupied by not more than one family.

(14) Dwelling, two-family (duplex). A detached building designed for and occupied by not more than two families living independently of each other.

(15) Dwelling unit. One or more rooms in a building designed for occupancy by one family and having not more than one cooking facility.

(16) Family. An individual or two or more persons related by blood, marriage, legal adoption or legal guardianship living together as one housekeeping unit, using one kitchen and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.

(17) Fence, sight-obscuring. A continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.

(18) Floor area. The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

- (a) Attic space, providing headroom of less than seven feet.
 - (b) Basement, if the floor above is less than six feet above grade.
 - (c) Uncovered steps or fire escapes.
 - (d) Private garages, carports or porches.
 - (e) Accessory water towers or cooling towers.
 - (f) Accessory off-street parking or loading spaces.
- (19) Grade (ground level). The average elevation of the finished ground level at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground level.
- (20) Height of building. The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
- (21) Home occupation. A lawful occupation carried on by a resident of a dwelling, where the occupation is secondary to the main use of the property as a residence.
- (22) Junk yard. An area where any person is engaged in breaking up, dismantling, sorting, storing, distributing, buying, selling, packing or bailing any scrap, waste material, junk or used equipment or machinery of any nature.
- (23) Lot. A single parcel or tract of land which, at the time of application for a zoning permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.
- (24) Lot area. The total horizontal area within the lot lines of a lot exclusive of public and private streets and easements of access to other property.
- (25) Lot, corner. A lot abutting on two or more streets, other than an alley, at their intersection.
- (26) Lot line. The property line bounding a lot.
- (27) Lot line, front. The lot line separating the lot from a street other than an alley and, in the case of a corner lot, the shortest lot line along a street other than an alley.
- (28) Lot line, rear. The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.
- (29) Lot line, side. Any lot line not a front or rear lot line.
- (30) Lot width. The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
- (31) Mobile home. A factory-assembled structure constructed so as to be readily movable on the public streets,

that has living, sleeping, cooking, eating and plumbing facilities, is intended for human occupancy, is being used for residential purposes, is at least eight feet wide and 32 feet long, bears an insignia issued by the Department of Commerce of the state of Oregon and is not designed as a "recreational vehicle," as defined in the ANSI A119.1-71 Standards.

(32) Mobile home park. A lot upon which two or more trailer houses occupied for living or sleeping purposes are located, regardless of whether a charge is made for such accommodation.

(33) Nonconforming structure or lot. A lawful existing structure or lot at the time this ordinance or any amendment thereto becomes effective which does not conform to the dimensional or similar standards of the zone in which it is located.

(34) Nonconforming use. A lawful existing use at the time this ordinance or any amendment thereto becomes effective which does not conform to the use requirements of the zone in which it is located.

(35) 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.

(36) Owner. An owner of property or the authorized agent of the owner.

(37) Parking space. An off-street enclosed or unenclosed surfaced area of not less than 20 feet by eight feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, and connected with a street by a surfaced driveway which affords ingress and egress for automobiles.

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

(39) Planning commission. The planning commission of the city of Sweet Home, Oregon.

(40) Professional office. An office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers or surveyors or persons engaged in similar occupations.

(41) Recreational vehicle. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle and includes travel trailer, camping trailer, truck camper and motor home.

(42) Service station, automobile. A place or station

designed and used primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhauling.

(43) Sign. An identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business. Each display surface of a sign other than two surfaces parallel and back-to-back on the same structure shall be considered a sign.

(44) Sign, advertising. A sign which directs attention to or identifies a business, product, activity or service which is not necessarily conducted, sold or offered upon the premises where such sign is located.

(45) Sign, business. A sign which directs attention to or identifies a business, product, activity or service which is conducted, sold or offered upon the premises where such sign is located.

(46) Street. A public right-of-way for pedestrian and/or vehicular traffic.

(47) Structural alteration. Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or structural change in the roof or in the exterior walls.

(48) Structure. Something constructed or built and having a fixed base on, or fixed connection to the ground or another structure.

(49) Trailer house. A vehicle or similar portable device originally designed or presently constructed to permit temporary or permanent human occupancy for living and sleeping purposes, and including mobile homes and recreation vehicles having permanent kitchen and bath facilities.

(50) Trailer house, travel. A portable vehicular unit mounted on wheels designed to be drawn by a motorized vehicle, not more than eight feet in body width or more than 32 feet in body length and designed and constructed primarily for temporary human occupancy for travel, recreational and vacation uses.

(51) Use. The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

(52) Yard. An open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this ordinance.

(53) Yard, front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other

than an alley shall be considered a front yard.

(54) Yard, rear. A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building.

(55) Yard, side. A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a main building.

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

(57) Flood Plain. The area adjoining a stream, tidal estuary or shoreline that is subject to inundation by a base flood.

(58) Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood.

(59) Floodway Fringe. The area of the flood plain lying outside of the floodway.

(60) Base Flood. Inundation during periods of higher than normal streamflow, extremely high tides, high winds, or combinations thereof, that has a one percent chance of being equalled or exceeded in any given year.

(61) Mass Movement. The slow or rapid, natural or artificially induced movement of rock, soil, or fill downslope in response to gravity. The major geologic types of mass movement include earthflow, slump, rockslide, rockfall and mudflow.

(62) Ponding. The local accumulation of rainwater on the surface of the ground or to rising ground water which actually has surfaced.

(63) High Ground Water. The near-surface ground water which can present a problem to land development and engineering construction.

(64) Stream-Bank Erosion. The loss of land by stream action.

(65) Intermittent Runoff. Officially designated natural or man-made, open drainage channel or course necessary to convey storm water runoff.

(Sections 57-65 as amended by Ord. #791, S1, passed 5-27-80)

(66) Boarding or Rooming House. A dwelling or part thereof, other than a hotel or motel, where lodging with or without meals is provided, for compensation, for three or more persons on a daily or longer basis.

(67) Bed and Breakfast Establishment. A dwelling or part thereof, other than a hotel or motel, where lodging with meals is provided, for compensation, to transient guests for less than a month at a time. Such an establishment shall be occupied by the proprietor and not contain more than five (5) guest rooms.

(68) Hotel. A building in which lodging is provided to guests for compensation and in which no provisions are made for cooking in the lodging rooms.

(69) Motel. A building or group of building lots in which lodging is provided to guests for compensation, with lodging units having separate entrances directly exterior and which may or may not have cooking facilities in the lodging units. (Section 1.030 (66) thru (69) as added by Sec. 1 of Ord. #905, passed 7/12/83)

ARTICLE 2
General Provisions

Section 2.010. Compliance with Ordinance Provisions.

(1) A lot may be used and a structure or part of a structure may be constructed, altered, occupied or used only as this ordinance permits.

(2) No lot area, yard, off-street parking area or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance.

(3) No lot area, yard, off-street parking area or other open space shall be used as the required lot area, yard, off-street parking area or other open space for another use.

Section 2.020. Interpretation. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

Section 2.030. Severability. The provisions of this ordinance are severable. If any section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Section 2.040 Repeal. Ordinance No. 558 and all amendments thereto are repealed with the provisions that violations of Ordinance No. 558 and all amendments thereto shall remain violations to the extent that the matters in violation do not conform to the provisions of this ordinance.

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ARTICLE 3

Establishment of Zones

Section 3.010. Classification of Zones. For the purposes of this ordinance, the following zones are hereby established:

<u>Zone</u>	<u>Abbreviated Designation</u>
Residential Low-Density	R-1
Residential High-Density	R- 2
Commercial Central	C-1
Commercial Highway	C-2
Commercial Neighborhood	C-3
Industrial	M
Planned Unit Development	PUD
Mobile Home Combining	MH
Planned Recreation Commercial	PRC
Open Land Use	OLU

(Section 3.010 as amended by Section 2 of Ordinance No. 905, passed July 12, 1983)

Section 3.020. Location of Zones. The boundaries for the zones listed in this ordinance are indicated on the city of Sweet Home Zone Map of 1983, which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference. (Sec. 3.020 as amended by Ord. #906, passed 9/13/83)

Section 3.030. Zoning Maps. A zoning map or zoning map amendment adopted by Section 3.020 of this ordinance or by an amendment thereto shall be prepared by authority of the city council. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the city clerk as long as this ordinance remains in effect.

Section 3.040. Zoning of Annexed Areas. All areas annexed to the city shall continue to be zoned under the existing Linn County Zoning, unless the area or a part of the area is specifically placed in a zone or zones by the city council, after receiving and considering the

recommendations of the city planning commission. [Section 3.040 as amended by Ordinance No. 673, passed December 14, 1976.]

Section 3.050. Zone Boundaries. Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, centerlines of street or railroad rights-of-way, or such lines extended.

ARTICLE 4
Use Zones

Section 4.010. Residential Low-Density Zone. R-1. In an R-1 zone, the following regulations shall apply:

(1) Purpose. The purpose of the R-1 zone is to provide areas suitable and desirable for single-family homes, associated public service uses and duplexes on corner lots. The R-1 zone is most appropriate in areas which have developed or will develop with single-family homes at a density which warrants provision of public water and sewer facilities.

(2) Uses Permitted Outright. In an R-1 zone, the following uses and their accessory uses are permitted outright:

(a) Single-family dwelling.

(b) Two-family dwelling, on corner lots only.

(3) Conditional uses permitted. In an R-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Sections 5.010 to 5.080.

(a) Airport.

(b) Cemetery.

(c) Church, nonprofit religious or philanthropic institution.

(d) Community center.

(e) Governmental structure or use of land, including but not limited to park, playground, fire station or library.

(f) Home occupation.

(g) Hospital.

(i) Nursing home, rest home, retirement home, convalescent hospital, or similar facility.

(j) Private golf course or country club, but excluding golf driving range, miniature golf course or similar facility.

(k) Private noncommercial recreational club such as tennis, swimming or archery club, but excluding commercial amusement or recreation enterprise.

(l) Public school and private school offering curricula similar to public school.

(m) Public utility facility.

(n) Mobile homes subject to the provisions of Section 5.080 (10).

(Subsection (3) (n) as amended by Ord. #833, passed 4-7-81)

(o) Boarding or rooming house.

(p) Bed and breakfast establishments.

(Subsection (3) (o) and (p) as added by Sec. 3 of Ord. #905, passed July 12, 1983)

(4) Lot size and width. Except as provided in Sections 5.010 to 6.110, the minimum lot size and width in an R-1 zone shall be as follows:

(a) The minimum lot area shall be 8,000 square feet for a two-family dwelling.

(Subsection (4) (a) as amended by Sec. 4 of Ord. #905, passed July 12, 1983)

(b) The minimum lot area shall be 8,000 square feet for a single-family dwelling and all other uses permitted in an R-1 zone.

(c) The minimum lot width at the front building line

shall be 100 feet for a two-family dwelling.

(d) The minimum lot width at the front building line shall be 80 feet for a corner lot and 70 feet for an interior lot.

(Subsection (4) (d) as amended by Sec. 5, Ordinance No. 905, passed July 12, 1983)

(5) Yards. Except as provided in Sections 5.010 to 6.110, in an R-1 zone, yards shall be as follows:

(a) The front yard shall be a minimum of 20 feet.

(b) Each side yard shall be a minimum of five feet, and the total of both side yards shall be a minimum of 13 feet.

(c) The street side yard shall be a minimum of 15 feet.

(d) The rear yard shall be a minimum of 15 feet.

(e) No building shall be located closer than 45 feet from a center line of a street other than an alley.

(6) Lot Coverage. In an R-1 zone, buildings shall not occupy more than 35 percent of the lot area.

(Section 4.010 (6) as amended by Section 6, Ordinance No. 905, passed July 12, 1983)

(7) Building height. Except as provided in Sections 5.010 to 6.110, in an R-1 zone no building shall exceed a height of 25 feet.

(8) Minimum Building Size. Single Family dwellings or mobile homes in R-1 zone shall have a minimum building size of 900 square feet.

(Subsection 8 as amended by Ord. #838, passed June 23, 1981)

Section 4.020. (Repealed by Section 7, Ordinance No. 905, passed July 12, 1983)

Section 4.030. Residential High Density Zone. R-2. In an R-2 zone, the following regulations shall apply:

(1) Purpose. The purpose of the R-2 zone is to provide areas suitable and desirable for high-density residential development, and particularly for apartments, but where other types of residential and related public service uses are appropriate. The R-2 zone is most appropriate in areas which have been developed for high-density residential use or which are suitable for such use due to proximity to downtown Sweet Home and to highway-related commercial areas inside the city.

(2) Uses permitted outright. In an R-2 zone, the following uses and their accessory uses are permitted outright:

(a) A use permitted outright in an R-1 zone, except that a two-family dwelling may be permitted on either a corner or interior lot.

(b) Multi-family dwelling.

(3) Conditional uses permitted. In an R-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Sections 5.010 to 5.080:

(a) A use permitted as a conditional use in R-1 zone.

(b) Mobile home park.

- (c) Professional office, except for veterinarian.
- (d) Club, lodge, fraternal organization.
- (4) Lot size and width. Except as provided in Sections 5.010 to 6.110, the minimum lot size and width in an R-2 zone shall be as follows:
 - (a) The minimum lot area for a multi-family dwelling shall be 2,500 square feet per dwelling unit.
 - (b) The minimum lot area for a two-family dwelling shall be 6,000 square feet.
 - (c) The minimum lot area for a single-family dwelling and all other uses permitted in an R-2 zone shall be 5,000 square feet.
 - (d) The minimum lot width at the front building line shall be 70 feet for a corner lot and 60 feet for an interior lot.
- (5) Yards. Except as provided in Section 5.010 to 6.110, in an R-2 zone, yards shall be as follows:
 - (a) The front yard shall be a minimum of 20 feet.
 - (b) Each side yard shall be a minimum of 5 feet.
 - (c) The street yard shall be a minimum of 15 feet.
 - (d) The rear yard shall be a minimum of 10 feet.
 - (e) No building shall be located closer than 40 feet from a center line of a street other than an alley.
- (6) Lot coverage. In an R-2 zone, buildings shall not occupy more than 50 percent of the lot area.
- (7) Building height. Except as provided in Sections 5.010 to 6.110, in an R-2 zone no building shall exceed a height of 35 feet.
- (8) Minimum building size. Single family dwellings or mobile homes in the R-2 zone shall have a minimum building size of 720 square feet.

(Section 4.030 as amended by Section 8, Ordinance No. 905, passed July 12, 1983)

Section 4.110. Commercial Central Zone. C-1. In a C-1 zone, the following regulations shall apply:

(1) Purpose. The purpose of the C-1 zone is to provide an area suitable and desirable for retail and service enterprises, offices, financial institutions and public service uses which are appropriate in the intensively developed commercial center of the community in order to meet shopping and other business needs of area residents. The C-1 zone is appropriate only in the downtown area of Sweet Home.

(2) Uses permitted outright. In a C-1 zone, the following uses and their accessory uses are permitted outright:

(a) Two-family and multi-family dwellings, subject to the lot size and width, yard, lot coverage and building height requirements of the R-2 zone.

(Subsection (2) (a) as amended by Section 9, Ordinance No. 905, passed July 12, 1983)

(b) Parking lot.

- (c) Community center.
- (d) Club, lodge, fraternal organization.
- (e) Bus depot, taxicab stand.
- (f) Newspaper office, print shop.
- (g) Motel, hotel, rooming/boarding house, bed and breakfast establishment.
(Subsection (2) (g) as amended by Section 10, Ordinance No. 905, passed July 12, 1983)
- (h) A commercial enterprise which may be classified as belonging to one of the following use groups.
 1. Retail store or shop, such as food store, drug store, apparel store, hardware store or furniture store.
 2. Automobile, boat, truck or trailer sales establishment; provided, any associated repair shall be incidental to the operation and that all sales, service, storage, repair and display shall occur within an enclosed building.
 3. Personal or business service establishment

such as barber or beauty shop, dry-cleaning establishment, tailor shop or locksmith.

4. Repair shop for the type of goods offered for sale in retail trade establishment permitted in a C-1 zone, such as shoe repair shop, small appliance repair shop, television repair shop or watch repair shop.

5. Eating or drinking establishment such as restaurant, tavern or cocktail lounge.

6. Office, business or professional.

7. Financial institution, such as bank.

8. Indoor commercial amusement or recreation establishment such as bowling alley, theater or pool hall.

9. The city manager shall determine whether a specific use is appropriate to a particular use group permitted in the C-1 zone. In considering a zoning permit for a commercial enterprise in the C-1 zone, the city manager shall either approve the use, disapprove the use, or refer it to the planning commission for a decision. A decision of either the city manager or planning commission may be appealed, using procedures as specified in Section 10.040 of this ordinance.

(3) Conditional uses permitted. In a C-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Sections 5.010 to 5.080.

(a) Church, nonprofit religious or philanthropic institution.

(b) Governmental structure or use of land.

(c) Public utility facility.

(d) Antique shop or second-hand store; provided, all business, service, storage, sales, repair and display shall be conducted entirely within an enclosed building.

(e) Automobile service station; provided, that no major automobile repair, overhaul or reconstruction shall be permitted; and provided, further, that any incidental automobile repair shall be performed entirely within an enclosed building.

(f) Any use permitted in a C-1 zone with customer drive-in service facilities.

(g) Veterinarian office, animal hospital; provided, all animals shall be kept at all times within an enclosed building.

(4) Yards. Except as provided in Sections 5.010 to 6.110, in a C-1 zone yards shall be as follows:

(a) A front yard abutting a residential zone shall be a minimum of 20 feet.

(b) A street side yard abutting a residential zone shall be a minimum of 15 feet.

(c) A side or rear yard abutting a residential zone shall be a minimum of 10 feet.

(5) Building height. Except as provided in Sections 5.010 to 6.110, in a C-1 zone no building shall exceed a height of 40 feet.

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Section 4.120. Commercial Highway Zone. C-2. In a C-2 zone, the following regulations shall apply:

(1) Purpose. The purpose of the C-2 zone is to provide areas suitable and desirable for highway related commercial enterprises intended to meet the business needs of area residents and highway travelers. The C-2 zone is appropriate in areas along or near U.S. Highway 20 east and west of downtown Sweet Home which have developed with commercial activities or which have potential for such activity as long as sufficient vehicular access control is maintained.

(2) Uses permitted outright. In a C-2 zone, the following uses and their accessory uses are permitted outright:

(a) A use permitted outright in the C-1 zone; provided that:

1. Two-family dwellings and multi-family dwellings shall be subject to the lot size and width, yard, lot coverage and building height requirements of the R-3 zone.

2. Limitations which apply to the conduct of activities in enclosed buildings in the C-1 zone shall not apply in the C-2 zone.

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~~XXXXXXXXXX~~
(b) Commercial enterprises with customer drive-in service facilities.

(c) Antique shop, second-hand store.

(d) Automobile service station.

(e) Automobile, boat, truck, trailer sales, service, rental, display, storage and repair.

(f) Cabinet or similar woodworking shop.

(g) Cold storage plant, ice processing plant.

(h) Feed, seed store.

(i) Heavy equipment, implement, machinery sales, service, rental, display, storage and repair.

(j) Lumber, building materials sales and storage.

(k) Machine, welding, sheet metal or similar metal working shop.

(l) Outdoor commercial amusement or recreation establishment such as miniature golf course or drive-in

theater, but excluding uses such as race track or automobile speedway.

(m) Plumbing, heating, electrical or paint contractors storage, sales or repair shop.

(n) Tire sales, repair shop.

(o) Truck terminal, freight depot.

(p) Warehouse, storage area.

(q) Wholesale establishment.

(r) Rooming or boarding house.

(s) Bed and breakfast establishment.

(Subsection (2) (r) and (s) as added by Section 11, Ordinance No. 905, passed July 12, 1983)

(3) Conditional uses permitted. In a C-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Sections 5.010 to 5.080.

(a) Church, nonprofit religious or philanthropic institution.

(b) Governmental structure or use of land.

(c) Public utility facility.

~~(d) Mobile home park.~~

* (e) Veterinarian office, animal hospital.

(f) Single family residence or mobile home meeting standards of Section 5.080(10).

(Subsection (3) (f) as amended by Ord. #853, 12-22-81)

(4) Limitation on uses. In a C-2 zone, the following limitations shall apply to all uses permitted outright except two-family and multi-family dwellings:

(a) Before a zoning or building permit is issued involving construction, reconstruction, alteration or change of use of any piece of property, the city manager shall approve a development plan for the property.

(b) The development plan shall show the locations of all existing and proposed buildings and structures, all parking areas and vehicular ingress and egress points, lighting, signs, screening, landscaping and such other data as may have a bearing on adjacent properties.

(c) In approving a development plan, the city manager may impose conditions related to the location and number of vehicular ingress and egress points, limiting the size and location of signs and outdoor lighting, and the location and nature of landscaping and screening.

(d) A decision of the city manager may be appealed to the planning commission, using procedures specified in Section 10.040 of this ordinance.

(e) A zoning permit for a use covered by this section shall be issued only on the basis of the plan for the use as approved through procedures specified in this section.

(5) Yards. Except as provided in Sections 5.010 to 6.110, in a C-2 zone yards shall be as follows:

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- (a) The front yard shall be a minimum of 20 feet.
- (b) The street side yard shall be a minimum of 20 feet.
- (c) A side or rear yard abutting a residential zone shall be a minimum of 10 feet.
- (d) No building shall be located closer than 50 feet from a center line of a street other than an alley.
- (6) Lot coverage. In a C-2 zone, buildings shall not occupy more than 50 percent of the lot area.
- (7) Building height. Except as provided in Sections 5.010 to 6.110, in a C-2 zone, no building shall exceed a height of 35 feet.

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Section 4.130. Commercial Neighborhood Zone C-3. In a C-3 zone, the following regulations shall apply:

(1) Purpose. The purpose of the C-3 zone is to provide areas suitable and desirable for retail and service enterprises which are appropriate to meet the convenience shopping needs of people living within the immediate surrounding area. Areas designated for this purpose are intended to be extremely limited in size. They should be spaced at intervals of at least one-half mile from each other in order to assure their compatibility with surrounding areas and that the areas will be developed and maintained at a suitable neighborhood scale.

(2) Uses permitted outright. In a C-3 zone, the following uses and their accessory uses shall be permitted outright:

- (a) A use permitted outright in an R-3 zone.
- (b) Food store.
- (c) Drug store.
- (d) Variety store.
- (e) Barber or beauty shop.
- (f) Laundromat, clothes cleaning establishment.
- (g) Indoor snack bar, if accessory to, and an integral part of, a drug or variety store.
- (h) Rooming or boarding house.
- (i) Bed and breakfast establishment.

(Subsection (2) (h) and (i) as added by Section 12, Ordinance No. 905, passed July 12, 1983)

(3) Conditional uses permitted. In a C-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of this section and Sections 5.010 to 5.080:

- (a) Church, nonprofit religious or philanthropic institution.
- (b) Community center.
- (c) Governmental structure or use of land, or public utility facility. All equipment and material storage shall be within an enclosed building. No workshop areas shall be permitted.
- (d) Office, business or professional, but not including veterinarian.

(4) Special standards. In a C-3 zone, the following special standards shall apply:

- (a) Residential uses shall be subject to the lot size and width, yard, lot coverage and building height requirements of the R-2 zone.

(Subsection (4) (a) as amended by Section 13, Ordinance No. 905, passed July 12, 1983)

(b) Uses other than residential shall be subject to the yard, lot coverage, building height and off-street parking requirements of the C-2 zone.

(c) The maximum size of any C-3 zoned area shall be two acres. No commercial establishment situated within a C-3 zone shall exceed a size of 10,000 square feet, including building, storage, sales and off-street parking and loading areas.

(d) Areas zoned C-3 shall be located no closer than one-half mile to each other.

(e) Areas zoned C-3 shall be situated on either an arterial or collector street as indicated on the Sweet Home Comprehensive Plan.

(f) Areas zoned C-3 shall normally be located on only one side of a street or on one corner of an intersection.

(g) Vehicular ingress and egress points to each use of property in a C-3 zone shall be limited to one ingress point and one egress point. These points shall be a minimum of 50 feet from an intersection and shall be approved by the city manager prior to issuing of a zoning or a building permit.

(h) All parking areas and service drives shall be permanently surfaced and clearly and permanently marked.

(i) Off-street parking areas intended for five or more cars shall be provided with screening consisting of a fence, wall, hedge or similar sight-obscuring material. The screening shall be installed within six months of completion of the parking area and shall be maintained in good condition.

(j) No more than one unlighted or lighted sign, not to exceed 25 square feet in area, shall be permitted for each commercial use in a C-3 zone. The sign shall be placed flat against the side of the building.

[Section 4.130, added by Ordinance No. 687, §2, passed July 26, 1977.]

Section 4.210. Industrial Zone. M. In an M zone, the following regulations shall apply:

(1) Purpose. The purpose of the M zone is to provide areas suitable and desirable for all types of industrial activity; provided, that development controls are utilized to minimize possible harmful effects related to air and water pollution and to potential nuisance hazards such as fire, explosion or noise. The M zone is appropriate in those large areas already developed for industrial use and in those areas possessing site characteristics suitable for industry, such as good access to highway and rail facilities, readily available water and sewer systems, level and well-drained sites, and little or no potential hazard to nearby residential or commercial areas.

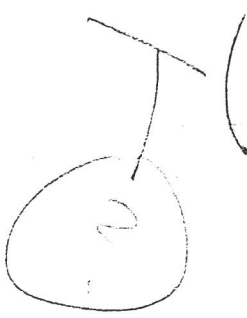
(2) Uses permitted outright. In an M zone, the following uses are their accessory uses are permitted outright:

- (a) Truck terminal, freight depot.
- (b) Wholesale establishment.

(c) A use involving manufacture, research, warehousing, assembly, processing or fabricating, except the following.

1. A use listed as a conditional use in the M zone.

2. A use which has been declared a nuisance by statute, ordinance or a court of competent jurisdiction.



(3) Conditional uses permitted. In an M zone, the following uses and their accessory uses may be permitted subject to the provisions of Section 5.010 to 5.080.

(a) Manufacturing and related uses including:

1. Cement, lime or similar products manufacture.
2. Explosives storage or manufacture.
3. Petroleum products manufacture or refining.
4. Pulp mill.
5. Rendering plant, tannery, slaughterhouse.
6. Smelting, refining of metallic ore.
7. Other uses similar to the above which may

possess characteristics injurious to public health and safety due to emission of smoke, noise, dust, odor, refuse, fumes, vibration or similar hazard.

(b) Airport.

(c) Automobile wrecking yard, junkyard.

(d) Public utility or safety facility.

(e) Residence for caretaker or night watchman.

(f) Retail sales or repair when secondary to the outright use.

(g) Heavy equipment repair.

(h) Feed, seed store.

(i) Plumbing, heating, electrical or paint contractor's storage, sales or repair shop.

(j) Controlled recreation.

(Subsection (3) (j) as amended by Section 14, Ordinance No. 905, passed July 12, 1983)

(4) Limitation on use. Uses permitted outright involving manufacture and all conditional uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, the Mid-Willamette Valley Air Pollution Authority, and any other public agency having appropriate regulatory jurisdiction. Prior to approval of conditional use permits or zoning permits, evidence shall be submitted to the city indicating that the proposed activity has been approved by all appropriate regulatory agencies.

(5) Yards. Except as provided in Sections 5.010 to 6.110, in an M zone yards shall be as follows:

(a) The front yard shall be a minimum of 20 feet.

(b) The street side yard shall be a minimum of 20 feet.

(c) A side or rear yard abutting a residential zone shall be a minimum of 20 feet.

(d) No building shall be located closer than 50 feet from a center line of a street other than an alley.

(6) Lot coverage. In an M zone, buildings shall not occupy more than 50 percent of the lot area.

(7) Building height. Except as provided in Sections 5.010

to 6.110, in an M zone building heights shall not be restricted. However, all buildings exceeding 35 feet in height to be constructed or substantially altered or extended shall meet all applicable state of Oregon and city of Sweet Home standards related to public safety and fire protection.

Section 4.310. Planned Unit Development Zone. PUD. In a PUD zone, the regulations as specified in Sections 4.310 to 4.321 shall apply.

Section 4.311. Purpose of the PUD Zone. The purpose of the PUD zone 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 PUD zone is intended to be used to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems and utility networks while providing building groupings for privacy, useable and attractive open spaces, safe circulation and the general well-being of the inhabitants.

Section 4.312. Establishment of a PUD Zone in Combination with a Basic Zone. A PUD zone may be established in combination with a residential, commercial or industrial zone. The PUD zone shall be considered a combining zone, while the residential, commercial or industrial zone it is combined with shall be considered the basic zone. In cases of conflict between standards of the basic zone and the PUD zone, the standards of the PUD zone shall apply.

Section 4.313. Procedure for Preliminary Approval. The applicant shall submit at least three copies of a preliminary development plan to the planning commission for approval of the project in principle. Such a proposal shall consist of a preliminary plan in schematic fashion, and a written program containing the following elements:

- (1) Elements of the plan.
 - (a) Proposed land uses with accurate measurements.
 - (b) Density of buildings (number of bedrooms and expected type of residence; i.e., four-member family, etc.).
 - (c) Building types and approximate bulk.
 - (d) Vehicular and pedestrian access, circulation

and parking pattern.

- (e) Parks, playgrounds and open spaces.
 - (f) Existing natural features such as trees, streams, topography.
 - (g) Landscaping, screening and fencing proposals.
 - (h) Solid waste disposal.
 - (i) Public water facilities.
 - (j) Liquidwaste disposal.
 - (k) Street and open space lighting proposals.
 - (l) Grading contours.
 - (m) Storm water drainage.
 - (n) Identification of known structures, land marks, sites and areas of cultural, historic or archaeological significance. (Subsection (l) (n) as amended by Ord. #791, S3, 5-27-80.
- (2) Elements of the program.
- (a) Proposed ownership pattern.
 - (b) Operation and maintenance proposal, such as condominium, coop or homeowners association.
 - (c) Community facilities such as schools, libraries or shopping.
 - (d) Time table of the development, to include expected starting dates, projection of completion time and break-out of staging if anticipated.
 - (e) Specification of public improvements financing.
 - (f) Designation and listing of qualifications of the site design team who will be preparing the final designs of the PUD. The design team shall be designated on the basis of the extent and complexity of the PUD, and shall consist of two or more persons with professional qualifications in such design-related fields as architecture, landscape architecture, urban planning and civil engineering.
- (3) Planning commission review of preliminary development plan.
- (a) The planning commission shall informally review the preliminary development plan and program and may act to grant either preliminary approval, approval with recommended modifications or denial. Such action shall be based upon the Sweet Home comprehensive plan, the standards of this ordinance and other regulations, and the suitability of the proposed development in relation to the character of the area.
 - (b) 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.
 - (c) 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, and shall not be construed to endorse precise location of uses nor engineering feasibility. The planning commission may require the submission of other information than that specified for submittal as part of the general development plan and program.

(d) The planning commission shall review and may recommend expansion, additions or modifications in the qualifications of the proposed design team for the preparation of the general development plan and program.

(e) The planning commission shall determine the extent of any additional market analysis to be included in the general development plan and program.

Section 4.314. General Development Plan and Program.

(1) After receiving approval in principle of the preliminary development plan and program, the applicant shall have a general development plan and program prepared by the professional design team having the qualifications recommended or approved by the planning commission.

(2) The applicant shall petition for an amendment to the zoning map as specified in Section 9.010.

(3) Upon receipt of the rezone petition accompanied by the general development plan and program, the planning commission shall hear a presentation by the applicant of his general development plan and program at a public hearing. The planning commission may elect to conduct this meeting as a public hearing in accordance with the provisions of Section 9.020. (Section 4.314 (3) as amended by Section 15, Ordinance 905, passed July 12, 1983)

(4) The general development plan and program shall contain the following elements:

(a) Plan elements.

1. General development plan in conformance with the approved preliminary plan.

2. Existing and proposed contour map or maps of the site to a scale commensurate with the size of the development.

3. 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 boundaries of the development.

4. Existing sewers, water mains and other underground facilities within and adjacent to the development and their certified capacities.

5. Proposed sewers or other disposal facilities, water mains and other underground utilities.

6. A tentative subdivision plan if the property is proposed to be divided. (as amended by Ord. #791, S4, 5-27.

7. A land use plan indicating the uses planned for the development. 80.

8. Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings or other uses dedicated or reserved to the public, if any.

9. Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.

10. A traffic flow map showing the circulation pattern within and adjacent to the proposed de-

velopment.

11. Location and dimensions of pedestrian walkways, malls, trails or easements.

12. Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays and angle of parking.

13. Location, arrangement and dimensions of truck loading and unloading spaces and docks, if any.

14. Preliminary architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units.

15. A preliminary tree planting and landscaping plan, including areas of ground cover and approximate finished grades, slopes, banks and ditches. All existing trees over six inches in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.

16. The approximate location, height and materials of all walls, fences and screen plantings. Elevation drawings of typical walls and fences shall be included.

17. The stages, if any of development construction. Such stages shall be clearly marked on the general development plan.

(b) Program elements:

1. Narrative statement of the goals and objectives of the planned development.

2. A completed market analysis, if required by the planning commission.

3. 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 as shown on the proposed development plan.

4. Tables showing the overall density of the proposed residential development, and showing density by dwelling types and any proposals for the limitation of density.

5. 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.

6. A timetable, indication 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.

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Section 4.315. Action and Findings by Planning Commission and Council.

(1) Planning commission action. The planning commission, after public hearing on an amendment to the zoning map in accordance with the provisions of Section 9.020, may recommend approval of the PUD zone and the general development plan and program, with or without modifications, or may deny the application. A decision to recommend approval of a PUD zone shall be based upon the following findings:

(a) That the proposed development is in conformance with the Sweet Home comprehensive plan and state land use goals. (as amended by Ord. #791, S5, passed 5-27-80.)

(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 proposal is in harmony with the surrounding area and its potential future use.

(d) That the system of ownership and the means of developing, preserving and maintaining open spaces is suitable to the proposed development, to the neighborhood, and to the city.

(e) That the approval will have a beneficial effect on the area which could not be achieved under other zones

(f) That the proposed development, or a unit thereof, can be substantially completed within one year of the approval.

(g) That the streets are adequate to support the anticipated traffic, and that the development will not overload the streets outside the planned area.

(h) 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 residents either within or outside the planned area.

(2) City council action. After receiving the recommendation from the planning commission, the city council shall hold a hearing on the proposal for a PUD zone and the general development plan and program in accordance with the provisions of Section 9.020. The city council shall either approve the application, with or without modifications, or deny it.

(3) Additional conditions for considerations. The planning commission or city council may require additional conditions for approval which may include, but are not limited to, the following, in order to supplement those of the PUD zone or other provisions of this ordinance:

- (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) Increasing the number of parking spaces and improving design standards for parking areas.
 - (f) Limiting the number, size, location and lighting of signs.
 - (g) Designation sites for open space and recreation and, in general, improving landscaping requirements.
 - (h) Requiring additional view-obscuring screening or fencing.
 - (i) 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.
 - (j) Requiring a special contractual agreement with the city to assure development of streets, curbs, gutters, sidewalks, utilities and other improvements to standards which are acceptable to the city.
- (4) Any condition specified shall be placed on the official design plan and signed by the owners. where applicable, the requirements may be made part of any existing or future deed as a covenant.

Section 4.316. Final Plan and Program.

- (1) Following approval of the PUD zone by the city council, the applicant shall prepare a final plan and program which shall be submitted to the city manager to check for compliance with the approved general development plan and program.
- (2) If the final plan and program is found to be in compliance, it shall be so certified by the planning commission chairman 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 which shall constitute the final program.
- (3) The procedures set forth in the City of Sweet Home subdivision ordinance [Comp. 10-10] 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. (as amended by Ord. #791, S6, passed 5-27-80.)
- (4) All public site dedications, development rights to open spaces or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any zoning or building permit.

(5) Final copies of all approved articles governing operation and maintenance shall be placed on file with the city recorder's office prior to the issuance of any zoning or building permit.

(6) After an area has been placed in the PUD zone, all zoning and building permits shall only be issued on the basis of 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 zone, in addition to the basic zone.

Section 4.317. Development Standards.

(1) Minimum site size.

(a) The PUD zone shall be established only on parcels of land which are suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes of this section.

(b) A PUD zone shall not be established in an R-1 zone on less than 80,000 square feet unless the planning commission finds less area suitable by virtue of its unique character.

(c) A PUD zone shall not be established in an R-2 zone on less than 30,000 square feet unless the planning commission finds less area suitable by virtue of its unique character.

(d) A PUD zone shall not be established in an R-3 zone on less than 15,000 square feet unless the planning commission finds less area suitable by virtue of its unique character.

(2) Compatibility with neighborhood.

(a) The plans and programs shall present an organized arrangement of buildings, service facilities, open spaces and improvements such as recreation facilities, landscaping and fencing to insure compatibility with the Sweet Home comprehensive plan and the character of the neighborhood. (as amended by Ord. #791, S7, passed 5-27-80.)

(b) Periphery yards of a PUD zone site 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.

(3) Lot coverage and building height.

(a) Lot coverage shall be the same as 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.

(b) 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.

(4) Open space.

(a) Open space in a PUD zone means the land area to be used for scenic or open recreational purposes within the development.

1. 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 and purpose.

2. 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.

3. To the maximum extent possible, the plan and program shall assure that natural features of the land are preserved and landscaping is provided.

4. In order to assure that open space will be permanent, dedication of development rights to the city for other than open space use may be required.

5. Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the planning commission. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the city attorney.

6. The planning commission may require that instruments of conveyance provide that in the event the open space is permitted to deteriorate or is not maintained in a condition consistent with the approved plan and program, then and in such event the city may at its option cause such maintenance to be done and assess the costs to the affected property owners.

(5) Density. Greater overall density may be allowed under the PUD zone than in the underlying zone, but only by recommendation of the planning commission or city council based on the following standards:

(a) Residential densities permitted in a PUD may exceed those of basic zone as long as the prevailing character of the area is maintained. A typical PUD proposal (i.e., proposals which normally include multi-family area, two-family dwellings on corner lots, single-family dwellings on interior lots, curvilinear streets,

culdesacs and a minimum amount of open space) shall not exceed development densities allowed by the basic zone by more than ten (10) percent. An exceptional PUD proposal (one with more amenity than a typical PUD) should not exceed development densities allowed by the basic zone by more than twenty-five (25) percent, unless special circumstance merit greater density.

(b) If the planning commission or city council finds that any of the following conditions would be created by an increase in density permitted by this section, it shall either prohibit any increase in density or limit the increase in density by an amount which is sufficient to minimize the creation of any of these conditions:

1. Inconvenient or unsafe access to the planned unit development.
2. Traffic congestion in the streets which adjoin the planned unit development.
3. An excessive burden on sewerage, water supply, storm drains, parks, recreation areas, schools or other public facilities which serve or are proposed to serve the planned unit development.

(Subsection 5 as amended by Ord. #791, S7, passed 5-27-80.)

(6) Subdivision lot sizes. Minimum area, width, depth and frontage requirements for subdivision lots in a PUD zone may be less than the minimum specified in the underlying zone if in accordance with the approved general development plan and program and the density standards of this section. The balance of the total tract area shall be devoted to open space as defined herein.

Section 4.318. Staging.

(1) The applicant may elect to develop the site in successive stages in a manner indicated in the general development plan and program. Each such stage shall be substantially complete within itself.

(2) The planning commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

Section 4.319. Permitted Uses in Residential Zones Combined with a PUD Zone. The following uses and their accessory uses are permitted in a PUD zone which has been combined with a residential zone.

- (1) Residential use of land.
- (2) Related commercial uses which are designed exclusively to serve the development of which they are a part, when approved by the planning commission.
- (3) Related community service uses which are designed to serve the development of which they are a part, when approved by the planning commission. Such community service uses may also be designed to serve the adjacent area if con-

sidered desirable by the planning commission upon examination of (the) development plan and program.

Section 4.320. Bonding. A developer may be required to post a performance bond after approval of the PUD zone to guarantee conformance with the submitted plan. If the bond is required, it must be posted prior to the granting of any building permits or construction of public services. The planning commission may require each successive stage to be bonded separately.

Section 4.321. Proposed Changes in Approved Plans.

(1) Major changes. Major changes in the general development plan and program, after it has been adopted, shall be considered as a new petition, and shall be made in accordance with the procedures specified in Sections 4.310 to 4.322.

(2) Minor changes. Minor changes in an adopted general development plan and program may be approved by the city manager; provided, that such changes:

(a) Do not increase the density.

(b) Do not change the boundaries of the PUD zone.

(c) Do not change any use, such as residential to commercial.

(d) Do not change the location or amount of land devoted to a specific land use.

The city manager shall advise the planning commission and city council of said minor changes.

Section 4.322. Expiration.

(1) If substantial construction or development has not taken place within one year from the date of final approval of the general development plan and program, the planning commission shall review the PUD zone at a public hearing to determine whether or not its continuation in whole or in part is in the public interest. If the PUD zone is found not to be in public interest, the planning commission shall recommend to the city council that the PUD zoning of the property be removed. The city council shall then hold a public hearing on the revocation of the PUD zone and shall either maintain the zone, revoke the zone or grant a time extension if it appears justifiable.

(2) Upon abandonment of a particular PUD, or if its development has not been substantially completed within the time specified in the general development plan and program, it may be determined 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 in accordance with the existing underlying zone, unless a request to extend the time limit is approved.

Section 4.340. Mobile Home Combining Zone. MH. In an MH zone, the regulations as specified in Sections 4.340 to 4.346 shall apply.

Section 4.341. Purpose. The MH zone is designated to be used as a tool to allow for the permanent placement of mobile homes on individual lots in areas or neighborhoods generally served by city facilities (i.e.; water, sewer, storm drains, and streets) where standard construction has resulted in little or no development. It is not the intent of the zone to allow mobile homes on individual lots within established residential areas or neighborhoods of the city where normal construction, remodeling and reconstruction has been occurring at a rate that will maintain the usefulness and property values of said area or neighborhood. The MH zone shall only be used in areas or neighborhoods which meet the standards of the subdivision or planned unit development ordinances. (as amended by Ord. #791, S8, 5-27-80.)

Section 4.342. Establishment of an MH zone. The MH zone is allowed only in appropriate areas, so designated by the comprehensive plan for the City. In these areas an MH zone may be combined with any residential zone. The MH zone shall be considered a combining zone, while the residential zone shall be considered the basic or underlying zone. An MH zone may also be combined with a PUD zone and an underlying residential zone. (Section 4.342 as amended by Ord. No. 791, S8, passed 5-27-80.)

Section 4.343. Uses Permitted in an MH Zone.

(1) In a zone with which an MH zone is combined, in addition to the uses permitted in the underlying zone, a single mobile home on an individual lot is permitted outright, subject to the provisions of Sections 4.340 to 4.345.

(2) All other uses permitted in the basic or underlying zone with which an MH zone is combined are subject to the provisions of the basic zone.

(3) A mobile home must be situated on a separate lot registered with the Linn County Record Department with separate deed and tax lot number, and having dimensions equal to or larger than those required in the underlying zone and other provisions of this ordinance.

Section 4.344. Requirements pertaining to an MH zone.

(1) The minimum contiguous area for an MH zone shall be five acres under single ownership.

(2) The MH zone shall be served by City water and sewer.

(3) The MH zone shall be developed to the standards of the subdivision or PUD ordinance.

(Section 4.344 as amended by Ordinance No. 791, S 8, passed 5-27-80.)

Section 4.345. Designation of an MH Zone on the Zoning Map. An approved MH zone shall be identified on the zoning map with the symbol (MH) in addition to the symbol for the basic or underlying zone.

Section 4.346. Mobile Homes on Individual Lots in an MH Zone. A mobile home on an individual lot in an MH zone shall comply with the following additional provisions.

(1) If the MH Zone is combined with the R-1 zone, a mobile home shall conform to the regulations applicable to a single family dwelling in the R-1 zone, except as they may be modified in this section.

(2) If the MH zone is combined with the R-2 zone, a mobile home shall conform to the regulations applicable to a single-family dwelling in the R-2 zone, except as they may be modified in this section.

(3) (Subsection 3 of Section 4.346 repealed by Section 16, Ordinance No. 905, passed July 12, 1983)

(4) Mobile homes proposed to be located in an MH zone shall:

(a) Be a 1972 or later model with an Oregon insigne or documentation that the mobile meets 1972 minimum standards. (Subsection (4) (a) as amended by Section 17, Ordinance No. 905, passed July 12, 1983)

(b) Be provided with at least two separate bedrooms.

(c) Be provided with a kitchen having a sink with hot and cold running water and at least one bathroom equipped with a water closet, lavatory and bathtub or shower.

(d) All plumbing fixtures shall be connected to a water supply system and a sewerage disposal system that complies with Linn County and Department of Environmental Quality rules and regulations. All water and sewer lines connecting the mobile home to the public water and sewer system shall comply with the standards of the city of Sweet Home.

~~(e)~~ (e) The mobile home shall not be a recreational vehicle as defined in the ANSI-A119.1-71 Standards and the mobile home laws of the state of Oregon.

(f) Meet the yard, lot coverage and minimum building size of the zone. (as added by Ord. #838, S5, passed 6-23-81.)

(5) The owner of the mobile home proposed to be located in an MH zone shall also be the owner of the parcel on which the mobile home is proposed to be located.

(6) The wheels and tongue or hitch shall be removed from all mobile home units located in an MH zone.

(7) The mobile homes shall be placed on and securely anchored to a foundation meeting State of Oregon Standards. (Subsection 7 of Section 4.346 as amended by Section 18, Ordinance No. 905, passed July 12, 1983)

(8) Every mobile home located in an MH zone shall be completely enclosed with a continuous concrete wall or skirting which shall consist of nondecaying, noncorroding material extending at least six inches into the ground or to an impervious surface.

(9) Skirting and foundation-enclosing walls shall have provisions for ventilation and access to the space under the units as follows:

(a) The walls or skirting shall have a net ventilation area of not less than 36 sq. in. for each 25 linear feet of exterior wall. (as amended by Ord. #814, S 3, passed 11-25-80.)

(b) Openings shall be arranged to provide cross ventilation on opposing sides and shall be protected with corrosion-resistant wire mesh of not less than 1/4 inch nor more than 1/2 inch in any dimension.

(c) All foundation areas shall be provided with an 18 by 24-inch access way and shall be secured against entry. (as amended by Ord. #814, S 4, passed 11-25-80.)

(10) Accessory buildings shall be permitted on any lot where a mobile home is located in an MH Zone the same as allowed by the underlying zone. (as amended by Ord. #814, S5, passed 11-25-80.)

(11) If the mobile home is removed from its foundation, the owner of the property shall agree, in writing, to remove the foundation and all additions to the mobile home and permanently disconnect and secure all utilities. The agreement authorizes the city to perform the work and place a lien against the property for the cost of the work in the event the owner fails to accomplish the work within 30 days from the date on which the mobile is moved from its foundation. This condition shall not apply in the event that the mobile home is replaced on the original foundation, or on the original foundation as modified, by another approved mobile home within 30 days of the original unit's removal. The owner shall further-agree to have a covenant performed against the deed of the property that all owners will not remonstrate against a municipal local improvement district.

(12) All required improvements to the property as set forth in this section and the subdivision ordinance shall be completed before an installation permit for the mobile home is approved and the mobile home can be occupied.

Section 4.347. Expiration. If a final plan and program (as required by the PUD ordinance) or final plat (as required by the Subdivision ordinance) has not been approved within one year from the date of final approval of the MH zone, the Planning Commission shall review the MH zone at a public hearing to determine whether or not its continuation is in the public interest. If the MH zone is found not to be in the public interest the planning commission shall recommend to the City Council that the MH zoning on the property be removed. The City Council shall then hold a public hearing on the revocation of the MH zone and shall either maintain the zone, revoke the zone or grant a time extension if it appears justifiable.

(Section 4.347 as amended by Ord. No. 791, S9, passed 5-27-80.)

Section 4.360. Planned Recreation Commercial Zone PRC.
In a PRC zone, the following regulations shall apply:

(1) Purpose. The purpose of the PRC zone is to provide and maintain areas which possess unique locational characteristics for recreation-related commercial development and which are suitable and desirable for recreation businesses for tourists and recreationists in the area. A high standard of development is essential in order to maintain and enhance the appearance of the area and its unique value to the community.
(Sec. 4.360 (1) as amended by Sec. 2 of Ord. #902, passed 6/30/83).

(2) Uses permitted outright. In a PRC zone, the following uses and their accessory uses are permitted outright:

- (a) Single-family dwelling.
- (b) Two-family dwelling.
- (c) Restaurant, which may include a cocktail lounge operated in conjunction with the restaurant.
- (d) Bed and breakfast establishment.
- (e) Souvenir or gift shop.

(f) Commercial amusement or recreation enterprise, but excluding uses such as automobile speedway, racetrack or similar large scale intensive activities which possess characteristics which may be a hazard for adjoining or nearby property, such as excessive noise or lighting.

(Subsection (2) (c thru f) as added by Section 19, Ordinance No. 905, passed July 12, 1983)

(3) Conditional uses permitted. In a PRC zone, the following uses and their accessory uses may be permitted, subject to the provisions of this section and Sections 5.010 to 5.080:

- (a) Multi-family dwelling.
- (b) Motel, hotel or resort.
- (c) Vacation or travel trailer park.
- (d) Public park or recreation area.
- (e) Other governmental structure or use of land, or public utility facility. All equipment and material storage shall be within an enclosed building. No workshop areas shall be permitted.

(f) Museum, art gallery or similar use.

(g) Other recreation-oriented uses or activities similar to the above.

(Subsection 3 of Section 4.360 as amended by Section 20, Ordinance No. 905, passed July 12, 1983)

(4) Special standards. In a PRC zone, the following special standards shall apply:

(a) Residential uses shall be subject to the lot size and width, yard, and building height requirements of the R-2 zone.

(Subsection (4) (a) of Section 4.360 as amended by Section 21, Ordinance No. 905, passed July 12, 1983)

(b) Commercial establishments shall be subject to the off-street parking, yard and building height requirements of the C-2 zone.

(c) Buildings shall not occupy more than 40 percent of the land area.

(d) For other than single-family or two-family dwellings, a minimum of 15 per cent of the lan area shall be designed as opne space with appropriate landscaping. To the maximum extent feasible, natural features of land shall be preserved. All open space areas shall be maintained in good condition.

(e) Off-street parking areas intended for five or more cars and serving other than single-family or two-family dwellings shall be provided with screening consisting of a fence, wall, hedge or similar sight-obscuring material. The screening shall be installed within six months of completion of the parking area and shall be maintained in good condition.

(f) For other than single-family and two-family dwellings, vehicular access to and from the property shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to assure adequate circulation.

(g) A plan for development of other than a single-family or two-family dwelling on a specific piece of property shall include the following information:

(1) Proposed land uses, with accurate measurements.

(2) Density of buildings (number of dwelling units and bedrooms, and expected type of residence such as triplex, 4-unit apartment etc.).

(3) Building types, with approximate dimensions. Plans indicating the general height, bulk and appearance of buildings.

(4) Vehicular and pedestrian acess, circulation and parking pattern.

(5) Proposals for the development of recreation areas and open space.

(6) Existing natural features such as trees, streams and topography.

(7) Proposals for landscaping, fencing and screening.

(8) Proposals for lighting of streets and open spaces.

(9) Proposals for the location, size, height and lighting of signs.

(10) Proposals for the provision of water supply and for the disposal of sewage and solid waste.

(11) Proposals for the grading of property and for the handling of surface water drainage.

(12) Proposed ownership patterns and means of maintaining property.

(13) Time table for property development, including expected starting dates, projection of completion time, and description of the various stages of development.

(h) In approving a specific request for the development of property in the PRC zone, the following considerations shall be emphasized:

(1) The plan for development will assure the creation, maintenance or improvement of an attractive environment which will protect present and potential development from any possible blighting effects.

(2) The area around the property to be developed can be planned to be in substantial harmony with the proposal.

(Section 4.360 added by Ord. 687, S. 4, passed 7-26-77)

Section 4.410. Open Land Use Zone. OLU. In an OLU zone, the following regulations shall apply:

(1) Purpose. The purpose of the OLU zone is to protect areas which are not suitable for development due to physical limitations but have particular value for resource preservation. It is not intended for areas which are well-suited for forestry or agriculture. Due to the physical conditions associated with the property, it is intended that all uses in the zone be subject to the conditional use permit procedure. Buildings are permitted in the zone, but only when their purpose and use is clearly secondary to the primary use of the property for resource, recreation or public use.

(2) Establishment of an OLU zone. An OLU zone may be applied to areas that have one of the following physical characteristics:

- (1) Quarry or gravel extraction
- (2) Slopes of Class 3 (25%) and greater
- (3) Subject to streambank erosion
- (4) Within the Floodway of Ames or Wiley Creek or the south Santiam River

(5) Riparian vegetation along Ames or Wiley Creek or the south Santiam River. The establishment of an OLU zone shall be considered when a site is determined by the City Engineer to be unsuitable for development due to one of these physical characteristics. A determination that a lot is unsuitable for development shall be made if a lot does not conform to the standards of the ordinance after excluding those areas determined to have physical limitations.

(3) Identification of areas unsuitable for development. The Sweet Home Base Mapfolio shall be the official maps used to identify areas that are unsuitable for development. If, after an onsite investigation the map(s) is determined to be in error, the map(s) shall be corrected and amended.

(4) Uses permitted outright. In an OLU zone, forestry and agricultural uses subject to Ordinance No. 370, shall be permitted outright.

(5) Conditional uses permitted. In an OLU zone, the following uses and their accessory uses may be permitted, subject to the provisions of this section and Sections 5.010 to 5.080:

- (a) Excavation and processing of rock, sand, gravel or other earth product.
 - (b) Outdoor recreational use such as fishing access area, park, picnic area, campground or similar facility.
 - (c) Public utility facility such as a water pump station.
 - (d) Solid waste disposal transfer station.
 - (e) Governmental land use.
- (6) Limitations and requirements pertaining to the OLU zone.

(a) Use of buildings shall be limited to activities which are clearly secondary to the primary use of the property.

(b) If a building or other structure is constructed or substantially improved in a floodway area, it shall be:

(1) Designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure.

(2) Constructed with materials and utility equipment resistant to flood damage.

(3) Constructed by methods and practices that minimize flood damage.

(c) The lowest floor of a new or substantially improved building shall be elevated at least one foot above the base flood level shown on the Flood Insurance Rate Map.

(d) No use including land fill shall be permitted anywhere within the floodway area until a permit is obtained from the Army Corp. of Engineers.
(Section 4.410 as amended by Ord. #832, Sl, passed 4-7-81)

Section 4.420. Residential Industrial Transitional Zone. R/M(T)
In an R/M(T) zone the following regulations shall apply:

~~§§~~ Purpose. The R/M(T) zone is a transitional zone which provides a process that allows for the consideration of converting property in a residential area to industrial uses (e.g., sites for small industry, expansion to existing industry, etc.). It is not the intent of the zone to allow industrial development to occur at the cost of existing residential development. Industrial development should be allowed only when measures have been taken to protect remaining residential property from nuisances which may result from industrial activities (i.e., noise, smoke, odor, dust, fire or explosion hazard, or pollution of air and water). In order to protect existing residential development from potential industrial nuisances and to facilitate an orderly and efficient conversion of land from residential to industrial uses, it is intended that all industrial uses in the zone shall be subject to conditional use process.

(2) Establishment of an R/M(T) Zone. An R/M(T) zone may be applied to any residential zoned neighborhood or area which is adjacent to industrial zoned land, and has been designated "Industrial" by the Sweet Home Comprehensive Plan.

(3) Uses permitted in an R/M(T) Zone. In an R/M(T) zone, a single-family dwelling and its accessory uses shall be permitted outright.

(4) Conditional Uses Permitted. In the R/M(T) zone, all uses allowed in the industrial zone and accessory uses may be permitted subject to the provisions of this section and Sections 5.010 to 5.080. In addition, rooming and boarding houses shall be permitted subject to the provisions of this section and Sections 5.010 to 5.080.

(Subsection (4) of Section 4.420 as amended by Section 22, Ordinance No. 905, passed July 12, 1983)

(5) Limitation Pertaining to an R/M(T) Zone.

(a) Single-family dwellings shall be subject to the standards of the R-1 zone for all requirements except building size, for which R-2 standards will apply.

(Subsection (5) (a) of Section 4.420 as amended by Section 23, Ordinance No. 905, passed July 12, 1983)

(b) Uses permitted conditionally involving manufacture shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, and any other public agency having appropriate regulatory jurisdiction. Prior to approval of conditional use permits or zoning permits, evidence shall be submitted to the city indicating that the proposed activity has been approved by appropriate regulatory agencies.

(c) All industrial uses shall be subject to the yard lot coverage, and building height standards of the M zone.

(d) Mobile Homes shall be allowed on single lots based upon the standards of the mobile home combining zone.

(Section 4.430 as added by Ordinance No. 791, S12, passed 5-27-80)

Section 4.430 Development Limitation Combining Zone. DL.
In a DL zone, the following regulations shall apply:

(1) Purpose. The DL zone is designed to protect property, related public facilities, and streets in physically sensitive areas from hazards that otherwise would result if development were allowed at a density or intensity normally permitted in the zone. The intent of this zone is to permit the establishment of certain specific conditions affecting the development of properties in physically sensitive areas so that proper adjustments will be made to eliminate hazard(s).

(2) Establishment of a DL zone. A DL zone is combined with any zone except the OLU zone. The DL zone shall be considered a combining zone, while the existing zone shall be considered the basic or underlying zone. The DL zone is hereby applied to all physically sensitive areas and areas unsuitable for development that have one of the following characteristics.

(a) Lands within the Floodway fringe of the South Santiam River, Ames Creek or Wiley Creek.

(b) Land characterized by high ground water and ponding.

(c) Land situated within natural drainage channels.

(d) Land subject to mass movement as described by the maps in Section 4.430(3) below.

(3) Identification of Physically Sensitive Areas and areas unsuitable for development. The Sweet Home base map folio shall be the designated official maps used to identify physically sensitive areas and areas unsuitable for development. If after an on-site investigation the map(s) is determined to be in error, the map(s) shall be corrected as amended.

(4) Uses Permitted Outright in a DL Zone. In a DL zone, all uses permitted outright in the basic or underlying zone shall be permitted subject to conditions of an approved development plan.

(5) Conditional Uses Permitted in a DL Zone. In a DL zone, all uses designated "conditional use" in the basic or underlying zone may be permitted subject to the provisions of this section, Sections 5.010 to 5.080, and conditions of an approved development plan.

(6) Procedure for Development within a DL Zone.

(a) Applicant Action: Upon determination that an area is within a DL zone, the applicant shall prepare a development plan that identifies the hazard(s) and any proposed resolution of the hazard(s) problem. Such a plan shall consist of building types and approximate dimensions, on-site circulation (pedestrian and vehicular), ingress and egress, appropriate physical features (i.e., topography, grading contours, existing natural features) and other elements deemed necessary by the City Engineer.

(b) In reviewing any proposed development plan, the City Engineer may require any or all of the following safeguards in order to prohibit development in any area unsuitable for development, eliminate hazardous conditions or to assure an appropriate development:

(1) Special setbacks and buffers.

(2) Regulation of points of vehicular ingress and egress.

(3) Landscaping and maintenance thereof.

(4) Street dedications and improvements.

(5) Public dedications, easements, and deed restrictions.

(6) Control or limitation of the types of uses to be contained within the development.

(7) Modification of density requirements, as may otherwise be allowed by the underlying zone.

(8) Special structural requirements.

(7) Development Standards Pertaining to the DL Zone.

(a) Minimum area, width, depth, frontage and lot coverage requirements may be more than minimum specified in the underlying zone, to the extent necessary to eliminate hazardous conditions.

(b) If a building or other structure is constructed or substantially improved or a mobile home is installed in a floodway fringe area, it shall be:

(1) Designed and adequately anchored to prevent flotation.

(2) Constructed with materials and utility equipment resistant to flood damage.

(3) Constructed by methods and practices that minimize flood damage.

(c) The lowest floor of a new or substantially improved building shall be elevated at least one foot above the base flood level shown on the Flood Insurance Rate Map.

(8) Appeals. An appeal from a ruling of the City Engineer regarding the designation of a hazard may be made to the City Planning Commission. Written notice of the appeal shall be filed

with the city manager. If the appeal is filed, the city planning commission shall receive a report and recommendation thereon from the city engineer, and shall hold a public meeting on the appeal.

(Section 4.430 as amended by Ordinance No. 857, S1, passed 1-12-82)

Section 4.440. Airport Overlay Zone. AO. In an AO zone, the following regulations shall apply:

(1) Purpose. The Airport Overlay Zone is intended to minimize potential dangers from, and conflicts with, ~~the use of aircraft~~ at airports based on the adopted master plans for each airport. It is to be used in conjunction with the underlying zone. If any conflict in regulation or procedure occurs with the underlying zoning districts, the more restrictive provisions shall govern.

(2) Establishment and Identification of an Airport Overlay Zone. The AO zone is applied to the area near the Stock/Tomco Airport within the City limits as shown in Exhibit "A". The AO zone includes the lands, waters and air space within the zone boundaries. The Sweet Home Base Map Folio shall include Exhibit "A" and be the official designated map reference for the identification of the AO zone.

(3) Definitions:

(a) Airport. Means the Stock/Tomco Airport, as shown on Exhibit "A".

(b) Airport Elevation. The highest point of an airport's usable landing area measured in feet from mean sea level. This elevation is 570 feet above mean sea level for the Stock/Tomco Airport.

(c) Airport Surfaces. The specific dimensions, slopes and elevations of the airport surfaces are delineated in Exhibit "A" and are hereby made a part of the official zoning map.

(1) Approach Surface. This surface begins at the ends of the airport and extends for 5000 feet. Its initial width is 100 feet, the same as the width of the airport. It extends upward and outward uniformly with a slope of a one foot rise to a twenty foot run, to a point where its width equals 1250 feet.

(d) Hazard to Air Navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

(e) Height is the highest point of a structure.

(f) Obstruction is a structure, tree, or other object, including a mobile object, which extends above airport surfaces as defined herein.

(g) Runway is a defined area on the airport prepared for landing and takeoff of aircraft along its length.

(h) Tree means any natural vegetation.

(4) Use Limitations. Any use, accessory use, buildings and structures otherwise allowed in the underlying zone shall be permitted provided the following requirements are satisfied:

(a) No obstruction or object shall be permitted if it extends above the approach surface as defined in Section 4.440(3) above. Existing roadways which are in such proximity to the airport so as to place vehicular traffic in a position to penetrate the approach surface shall be posted to notify vehicle operators of potential aircraft traffic.

(b) New roadways, parking areas and storage yards shall be located or screened in such a manner that vehicle lights will not result in glare in the eyes of the pilots, or in any other way impair visibility in the vicinity of the runway approach.

(c) No game preserve or game reservation shall be permitted if the animals or birds have the potential to become a hazard to air navigation.

(5) Conditional Uses Permitted. In the AO zone the following uses and accessory uses may be permitted subject to the provisions of Section 5.010 to 5.080.

(a) A structure used or intended to be used for public assembly.

(6) Procedure.

(a) An applicant seeking a building permit involving any use or structure regulated by the Airport Overlay Zone shall provide the following information in addition to any other information required in the permit application.

(1) Property boundary lines as they relate to the airport approach and the end of the runway.

(2) Location and height of all existing and proposed buildings, structure, utility lines and roads.

(b) Proposed buildings or structures shall be approved by the building inspector if it is determined that it will not extend above the airport surfaces as defined in Section 4.440(3).

(c) An applicant seeking rezoning, a conditional use permit or a variance involving any use, building or structure regulated by the underlying zone or the Airport Overlay Zone shall be reviewed in accordance with the applicable procedure in Section 4.440. During this review process, the State Aeronautics Division shall be notified of the proposal and any public hearing; be given an opportunity to comment; and, be notified of the decision.

(7) Nonconforming Uses. The regulations prescribed by the Airport Overlay Zone 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 Section 4.440, or otherwise interfere with the continuance of the non-conforming use except as provided in Section 4.440(8). Nothing contained herein shall require any change in the construction, alteration or intended use of any structure,

otherwise permitted, the construction or alteration of which was begun prior to the effective date of Section 4.440.

(8) Marking and Lighting. The owner of any existing non-conforming structure or tree shall permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Oregon Department of Transportation to indicate to the operators of aircraft the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the airport owner.

(9) Variances. The provisions of this Airport Overlay Zone may be varied subject to the procedures and criteria for considering variances set forth in Section 8.010 through 8.070. Variances may be allowed where it is found that the proposal will not create a hazard to air navigation, and will be in accordance with the spirit and intent of this Airport Overlay Zone.

(Section 4.440 as amended by Ordinance No. 908, passed October 26, 1983)

ARTICLE 5

Conditional UsesSection 5.010. Purpose of Conditional Use Procedure.

A conditional use is use of land or a structure which is normally appropriate, desirable or necessary in a zone where it is permitted, but which, by virtue of a feature of that use, could create a problem within the area such as excessive height or bulk congestion or a potential nuisance or health or safety hazard. It is the intent of this section to provide standards and procedures so that uses which are classified as conditional can fit into a particular zone in a manner so that the best interests of surrounding property, the neighborhood and the city are safeguarded.

Section 5.020. Authorization to Grant or Deny a Conditional Use Permit. Conditional uses listed in this ordinance may be permitted, altered or enlarged upon authorization of the planning commission in accordance with the standards and procedures set forth in Sections 5.010 to 5.080 of this ordinance.

(1) In taking action on a conditional use permit application, the planning commission may either approve or deny the application.

(2) If an application is denied, the action must be based on reasons related to the appropriate development and best interests of the surrounding area or the city as a whole, considering such items as the bulk, coverage or density of the proposed development, the availability of public utilities and facilities, the generation of traffic or similar matters.

(3) In approving a conditional use permit application, the planning commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which the planning commission considers necessary to protect the appropriate development and best interests of the surrounding property or the city as a whole. These conditions may include, but are not limited to, the following:

- (a) Increasing the required lot size or yard dimensions.
- (b) Limiting the height of buildings.
- (c) Controlling the location and number of vehicle access points.
- (d) Increasing the street width.
- (e) Increasing the number of required off-street parking spaces.
- (f) Limiting the number, size, location and lighting of signs.
- (g) Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (h) Designating sites for open space or outdoor recreation areas.

(i) Requiring ongoing maintenance of buildings and grounds.

(j) Regulating noise, vibration, odors and similar factors which may have a negative affect on the development of the surrounding area or the city as a whole.

(k) Regulating time periods for the conduct of certain activities.

(1) Setting a time limit for which the conditional use is approved.

(4) In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in use or in lot area or an alteration or enlargement of a structure shall conform with the requirements for conditional use.

(5) The planning commission may require that the applicant for a conditional use furnish the city with a performance bond or similar contracted arrangement of up to the value of the cost of the improvements to be guaranteed by such bond, in order to assure that the conditional use is completed according to the plans as approved by the planning commission.

(6) The planning commission may require that an applicant for a conditional use enter into a contractual agreement with the city to assure that the applicant will provide its share of the development costs for streets, curbs, gutters, sidewalks and water and sewer facilities to city standards.

Section 5.030. Procedure for Taking Action on a Conditional Use Application. The procedure for taking action on an application for a conditional use shall be as follows:

(1) A property owner may initiate a request for a conditional use by filing an application with the city manager, using forms prescribed pursuant to Section 10.050. A filing fee in accordance with the provisions of Section 10.060 shall accompany an application for a conditional use.

(2) Before the planning commission may act on a conditional use application, it shall hold a public hearing thereon in accordance with the provisions of Section 10.070 and 10.080.

(3) Within five days after a decision has been rendered with reference to a conditional use application, the city manager shall provide the applicant with written notice of the decision of the planning commission.

Section 5.040. Building and Zoning Permits for an Approved Conditional Use. Building and zoning permits for all or any portion of a conditional use shall be issued only on the basis of the plan for the conditional use 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 conditional use.

Section 5.050. Time Limit on an Approved Conditional Use Application. Authorization of a conditional use shall be void one year after the date of approval of a conditional use application, or such lesser time as the authorization may specify, unless a zoning permit and a building permit has been issued and substantial construction pursuant thereto has taken place. However, upon written request, the planning commission may extend authorization for an additional period not to exceed one year.

Section 5.060. Termination of a Conditional Use. A conditional use 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 conditional use was obtained by fraud or misrepresentation.

(2) The use for which approval was granted had 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 use is in violation of any provision of this ordinance or any other applicable statute, ordinance or regulation.

Section 5.070. Limitation. No request for a conditional use shall be considered by the planning commission within the one-year period immediately following a denial of such request, except the planning commission may consent to a new hearing if, in the opinion of the planning commission, new evidence or a change of circumstances warrant it.

Section 5.080. Standards Governing Conditional Uses. In addition to the standards of the zone in which the conditional use is located and the other standards of this ordinance, conditional uses shall meet the following standards:

(1) Except where a conditional use occupies an existing building, in all residential zones yard requirements for conditional uses shall be a minimum of one foot for each 1½ feet of building height, or the yard requirement specified for the zone, whichever requirement is greater.

(2) Standards for governmental structures or uses of land and for public utility facilities such as electric substation or transformer, public or community domestic water supply reservoir or substation, public or community sewage disposal plant or pumping station, radio or television tower or transmitter, telephone exchange, school bus garages, shops and storage yard or similar governmental or utility structure or use of land:

(a) In a residential zone, all equipment and material storage shall be within an enclosed building.

(b) Workshops shall not be permitted in a residential zone.

(c) Public utility facilities and storage areas shall be screened and provided with landscaping.

(d) The minimum lot size requirement may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent or nearby property.

(3) (Repealed by Section 24, Ordinance No. 905, passed July 12, 1983)

(4) Standards for a mobile home park. A mobile home park may be permitted as a conditional use; provided, it meets the requirements of Chapter 446, Oregon Revised Statutes, and the standards of the Oregon State Board of Health. In addition, the following minimum standards shall apply:

	<u>R-3 Zone</u>	<u>C-2 Zone</u>
(a) Minimum size of mobile home park:	5 acres	5 acres
(b) Minimum size of trailer house space:	4,000 sq. ft.	3,000 sq. ft.
(c) Minimum width of trailer house space:	40 ft.	30 ft.

	<u>R-3 Zone</u>	<u>C-2 Zone</u>
(d) Minimum length of trailer house space:	80 ft.	80 ft.
(e) Minimum distance between trailer house <u>spaces</u> and street right-of-way:	20 ft.	20 ft.
(f) Minimum distance between trailer house <u>spaces</u> and all other exterior property lines:	15 ft.	10 ft.
(g) Minimum distance between trailer houses:	20 ft.	20 ft.
(h) Minimum distance between trailer house <u>spaces</u> and all community and service buildings:	20 ft.	20 ft.
(i) Minimum distance between trailer house <u>spaces</u> and interior access roads:	5 ft.	5 ft.

(j) Each access road connecting with a city street shall have a surface width of at least 30 feet, and all other access roads within the mobile home park shall have a surface width of at least 20 feet. All access roads and parking areas shall be surfaced with a permanent asphaltic or concrete type surfacing and shall be well-drained. Hard-surfaced walkways not less than three feet wide shall be required to connect trailer house spaces with community and service buildings. All access roads and walkways shall be well lighted.

(k) All areas not used for trailer house spaces, motor vehicle parking, traffic circulation or community or service buildings shall be completely and permanently landscaped. The landscaping shall be maintained in good condition.

(l) Developed outdoor recreation areas shall be provided and maintained. These areas shall contain a minimum of 2,500 square feet or 200 square feet per mobile home space, whichever requirement is the greater.

(m) Screening shall be provided on each side of a mobile home park which is adjacent to or across a street or alley from an area which is located in a residential zone. The screening shall consist of a continuous fence, supplemented with landscape planting, or a continuous wall, evergreen hedge or combination thereof so as to effectively screen the mobile home park from view. All screening shall be maintained in good condition.

(n) All trailer house spaces shall be provided with electrical, sewer and water connections complying with all applicable city and state codes and ordinances.

(o) Structures located in any trailer house space shall be limited to a storage building, ramada or carport. These may be combined as one structure. Structural additions to the trailer house shall be limited to an awning, patio cover or cabana adjacent to the trailer house. The mobile home shall not support any building in any manner.

(p) One permanent storage building not to exceed 100 square feet in floor area shall be provided for each trailer house space.

(5) Standards for a second-hand store or an antique shop located within a C-1 zone: All aspects of the business, including storage, display, sales, rental, repair or other handling of products, merchandise, equipment and other articles shall be contained within a completely enclosed building.

(6) Standards for day nursery, kindergarten, nursery school or similar facility:

(a) At least 50 square feet of outdoor play area per child shall be provided.

(b) A sight-obscuring fence between four and six feet in height shall be provided to separate the outdoor play area from abutting residential property.

(c) The required outdoor play area shall not be located within a required front or street side yard.

(7) Standards for auto wrecking yard or junkyard:

(a) The auto wrecking yard or junkyard shall be fully enclosed by a sight-obscuring fence, free of advertising, maintained in good condition and not less than six feet in height.

(b) All automobiles, wrecked or otherwise, shall be kept inside the fenced area at all times, except that vehicles belonging to customers may be parked outside the fence while at the establishment on business.

(c) All sales, display, storage, repair or other handling of products, merchandise, equipment and other articles shall take place either within an enclosed building or within the fenced area. All truck loading and unloading shall take place within the fenced area. When the auto wrecking yard or junkyard is located within 200 feet of a residential or commercial zone or a state highway, view-obscuring screening shall be provided. The screening shall consist of a continuous fence supplemented with landscape planting or a continuous wall, evergreen hedge, or combination thereof, so as to effectively screen the auto wrecking yard or junkyard from view. The screening shall be maintained in good condition.

(8) ~~Standards for solid waste disposal transfer stations:~~

(a) All solid waste disposal transfer stations shall meet the regulations and standards of the Oregon State Health Division, the Mid-Willamette Valley Air Pollution Authority, the Department of Environmental Quality and any other agency having appropriate jurisdiction. Proof of meeting the standards of the above-listed agencies shall be submitted to the city on or before the public hearing date for approval of the conditional use permit.

(b) Solid waste disposal transfer stations shall be fenced to prevent blowing paper and debris and to control access.

(c) All areas used as part of the transfer station operation shall be a minimum of 30 feet from any property lines and a minimum of 100 feet from any state highway or residential or commercial zone.

(d) Hours of operation shall be established, shall be clearly indicated on the property and shall be limited between 6:00 a.m. and 9:00 p.m. In times of emergency, operating times may be waived by the city manager.

(e) The operation shall be conducted so as to prevent seepage and to facilitate transfer of waste to a solid waste disposal area.

(f) When a solid waste disposal transfer station is within 200 feet of a residential or commercial zone or a state highway, view-obscuring fencing shall be provided. The screening shall consist of a continuous fence supplemented with landscape planting, or a continuous wall, evergreen hedge, or combination thereof, so as to effectively screen the transfer station from view. The screening shall be maintained in good condition.

(g) Access to the transfer station shall be by a well-maintained all-weather road.

(9) Standards for excavation and processing of rock, sand, gravel or other earth product:

(a) Water pollution. Contamination or impairment of the ground water table, streams, rivers or tributary bodies thereto shall not be permitted as a result of the extraction or processing activities. All operations and related activities shall be subject to the applicable laws, rules and regulations of the Department of Environmental Quality.

(b) Air pollution control. Control of air, dust, odors and other pollutants shall be subject to the laws, rules and regulations of the Department of Environmental Quality.

4/25/78

(c) Excavation. Excavation made to a water-producing depth creating lakes and ponds shall be deep enough to prevent stagnation and development of an insect breeding area or back filled with a material that will not impair the ground water quality.

(d) Access roads. All access to the site shall be by a route approved by the planning commission upon recommendation by the city manager.

(e) Control of operation time. Operation times shall be limited from 4:30 a.m. to 9:30 p.m., except for such activities as office operations, machinery repair and equipment upkeep. However, in time of public or private emergency, as determined by the city manager, the operating time limits shall be waived.

(f) Application. An application for a conditional use permit for the excavation and processing of rock, sand, gravel or other earth product shall, in addition to other information as required by this ordinance, include the following:

(1) An accurate plot plan showing the exterior boundaries of the property on which the operation is proposed to be located, and the location of any existing or proposed structures, roads or other improvements.

(2) A plan for the rehabilitation and use of the site after the resources have been removed. This plan shall be consistent with the land use planning policies of the city of Sweet Home. The plan shall be prepared at a scale of not less than one inch to 400 feet, with topographic contour intervals of not less than five feet.

(g) Approval of conditional use permit. In addition to the requirements of Sections 5.010 to 5.080 of this ordinance, the planning commission may prescribe additional restrictions or limitations when granting a conditional use permit for a proposed site. The planning commission may prescribe such additional conditions as it deems necessary to fulfill the purpose and intent of this ordinance after finding that such conditions are necessary for the public health, safety or general welfare, or to protect persons working or residing in the area, or to protect property or improvements in the area, or to protect the aesthetic qualities of the area, or to protect the environmental quality of the area.

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(h) Standards for rehabilitation and restoration of the site.

(1) The landowner shall be responsible for the eventual restoration of the site as described in the plan submitted with the permit application.

(2) Upon exhaustion or economic abandonment of the mineral resources contained at the site under permit, the landowner shall have a reasonable time to rehabilitate and restore the site in accordance with the plan submitted with the permit application. In the event the landowner does not comply with the restoration plan, the city council shall have the power to order the city to make the required rehabilitations and restorations; and the chargeable cost of this work, if not paid by the landowner, shall become a prior lien on the property as described in the permit application.

(3) Except for buildings or structures which are permitted uses in the zone in which the site is located, upon exhaustion of the mineral resources contained at the site under permit, all buildings, equipment, apparatus and appurtenances accessory to the mining operations shall be removed from the site unless an extension is granted by the planning commission. However, such grant of additional time shall not authorize a delay in the restoration of those portions of the property under permit and not affected by such extension.

(4) All excavations not to water-producing depth shall be backfilled and contoured, or a use shall be made of the property which has been shown on the restoration plan and is compatible with the final depth and slope of the excavation site. Those excavations made to water-producing depth shall be of sufficient depth to prevent occurrence of stagnation and insect breeding grounds.

(5) Topsoil shall be replaced to the depth that occurred on the site at the time of original excavation or to a sufficient depth to allow landscaping material to be installed.

(6) When appropriate, the planning commission may specify a schedule of rehabilitation for portions of the property as their use for sand and gravel resource operations is completed or terminated. The schedule shall be considered part of the rehabilitation or restoration plan. (Subsection (9) added by Ordinance No. 687, S6, passed July 26, 1977.)

4/25/78

(10) Standards for Mobile Homes on Individual Residentially zoned lots.

(a) Shall meet the yard, lot coverage, and minimum building size for the zone.

(b) Shall be installed to state requirements.

(c) Shall be constructed after June 16, 1976 with an Oregon insigne.

(d) The mobile homes shall be placed on and securely anchored to a foundation having permanence and strength equal to that provided by a cement or concrete block foundation. Stabilizing devices to sustain all horizontal and vertical loads shall be provided. Stabilizing devices shall be so designed and installed as to prevent drag and uplift torque due to a 15-pound-per-square foot wind load and be capable of transmitting these loads from the mobile home to the foundation.

(e) Shall be provided with a bathroom containing water closet, lavatory and bathtub or shower and a kitchen with a sink having hot and cold water.

(f) Shall be connected to City sanitary sewer and to a private or City water system.

(g) Shall have continuous skirting matching the exterior and extending 6 inches below ground and composed of a nondecaying, noncorroding material.

(h) The wheels and tongue shall be removed prior to installation.

(i) Shall be at least 24 foot in width with a minimum of 2/12 pitched roof with composition shingle or shake roofing.

(j) Two hard surfaced parking spaces be provided.

(k) The lot shall be owned by the owner of the mobile home.

(l) The owner shall agree in writing to remove the foundation and disconnect and secure all utilities within 30 days after removing the mobile home.

(m) Only structures that conform to the State definition of a mobile home accessory structure may be attached to the mobile home.

(n) The mobile home may not be occupied until all conditions are met and final inspection signed off.

(Section 5.080, subsection 10, as amended by Ord. #833, S3, passed 4-7-81.)

ARTICLE 6

Supplementary Provisions

Section 6.010. General Provisions Regarding Accessory Uses. An accessory use shall comply with all requirements for a principal use, except where specifically modified by this section. Accessory uses shall not be used for human habitation except as specified in this section. Accessory uses shall comply with the following limitations:

(1) Fences, hedges and walls may be located within re-

quired yards, but shall not exceed 3-1/2 feet in height in any required yard which abuts a street other than an alley, not 2-1/2 feet in height in a vision clearance area. Elsewhere, fences, hedges and walls shall not exceed 6 feet in height in residential zones and 8 feet in height in commercial or industrial zones. ↗

~~(2) No sales shall be made~~ from a greenhouse or hot-house maintained accessory to a dwelling in a residential zone unless it has been approved as a home occupation under the conditional use provisions of this ordinance.

(3) A guest house may be maintained accessory to a dwelling; provided, there are no cooking facilities in the guest house.

(4) Regardless of the side and rear yard requirements of the zone, an accessory structure in a residential zone may be built to within five feet of a side or rear lot line; provided, the structure is more than 70 feet from the street abutting the front yard and 20 feet from the street abutting the street side yard.

(5) An accessory structure shall be detached from all other buildings by at least 6 feet. Except as modified in Section 6.010 (10), accessory structures shall not exceed a height of 15 feet, and shall have a maximum floor area of 864 square feet. (Subsection (5) as amended by Ordinance No. 816, passed December 24, 1980)

(6) A garage attached to a dwelling shall be located a minimum of 20 feet from the front and street side property lines in a residential zone.

(7) In a commercial or industrial zone, a single-family dwelling occupied by the owner, manager, night watchman or caretaker of the commercial or industrial establishment may be permitted accessory to the commercial or industrial use.

(8) Boats, trailers, pickup campers, motorized dwellings and similar recreation equipment may be stored, but not used for human habitation, on a lot as an accessory use to a dwelling; provided that:

(a) Parking or storage in a front or street side yard shall be permitted only on a driveway located at least three feet from any property line.

(b) If the equipment is not kept on a front or street side driveway, parking or storage shall be at least three feet from an interior side or rear lot line or in an enclosed garage or accessory structure.

(9) Accessory structures used for agricultural purposes shall be built no closer than 25 feet from the side or rear lot line. (Subsection (9) added by Ordinance No. 687, S8, passed July 26, 1977)

(10) Accessory structures used for agricultural purposes on lots of five acres or more shall not exceed a height of 25 feet and may have a floor area greater than 600 square feet. (Subsection 10 added by Ordinance No. 687, S8, passed July 26, 1977)

Section 6.020 Access. Every lot shall abut a street, other than an alley, for a width of at least 25 feet.

Section 6.030. Clear-Vision Areas. In all zones except the C-1 zone, a clear-vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

(1) A clear-vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two sides. Where the lot lines have rounded corners, the lot lines shall be extended in a straight line to a point of intersection and so measured.

(2) A clear-vision area shall contain no plantings, fences, walls, structures or temporary or permanent obstruction exceeding 2-1/2 feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade. Trees exceeding this height may be located in this area; provided, all branches and foliage are removed to a height of eight feet above grade.

(3) The following measurements shall establish a clear-vision area: In a residential, C-2 or M zone, the minimum distance shall be 20 feet, or at intersections including an alley, 10 feet; except that when the angle of intersection between streets, other than an alley, is less than 30 degrees, the distance shall be 25 feet.

Section 6.040. Distance from Property Line. In areas where a side or rear yard is not required an a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.

Section 6.050. Setbacks for Automobile Service Stations. In a zone where automobile service stations are permitted, free-standing gasoline pumps and pump islands may occupy a required front or street side yard; provided, they are a minimum of 15 feet from the property line separating the yard from the street.

Section 6.060. Use of Residential Structures in Commercial Zones. In the commercial zones, pre-existing residential structures may be occupied by uses permitted in the zone; provided, the structure meets minimum building and safety standards as outlined in the building code; and provided, further, that the city manager approves a development plan for vehicular access and parking, signing and exterior lighting.

Section 6.070. Exterior Lighting. Exterior lighting for uses in commercial and industrial zones shall be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.

10-9:9.010

Sweet

Wm. B. "Bilbee" Lane

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Section 9.010. Autl
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Approved:

disapproved:

Modification of subject:

* as discussed prior - based on
(NEG / POS) prior discussion

* See issues addressed:

Section 9.020. Pub
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(Subsections (1) and (2)
27, Ordinance No. 905

Section 9.030. Re
shall maintain records of amendments to
map of this ordinance.

Section 9.040. Limitation. No application of a property
owner for an amendment to the text of this ordinance or to the
zoning map shall be considered by the planning commission with-
in the one-year period immediately following a previous denial
of such request; except the planning commission may permit a
new application if, in the opinion of the planning commission,
new evidence or a change of circumstances warrant it.

MEMBER OF:
AMERICAN COLLECTORS ASSOCIATION, INC.
OREGON COLLECTORS ASSOCIATION
MEDICAL-DENTAL HOSPITAL BUREAUS OF AMERICA, INC.

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ARTICLE 10

Administrative Provisions

Section 10.010. Administration. The city manager shall have the power and duty to enforce the provisions of this ordinance.

Section 10.020. Zoning Permit. Prior to the construction, reconstruction, alteration or change of use of any structure, or prior to the change of use of any piece of property where a structure may or may not be involved, a zoning permit for such construction, reconstruction, alteration or change of use shall be obtained from the city manager. If the zoning permit involves construction, reconstruction or alteration of a structure, the zoning permit shall be issued concurrently with the building permit, and no additional fee shall be required. If the zoning permit involves a change of use without any construction, reconstruction or alteration of structure involved, a fee of \$2.00 shall be paid to the city manager upon filing of an application.

Section 10.025. Home Occupation Permit.

(1) The city manager may permit home occupations in a residential zone, provided that the following standards are met:

(a) The home occupation shall be secondary to the main use of the dwelling as residence.

(b) All aspects of the home occupation shall be contained and conducted within a completely enclosed building.

(c) No person other than a maximum of two members of the family residing within the dwelling shall be engaged in the home occupation.

(d) There is no display that will indicate from the exterior that the building is being used in whole or in part for any purpose other than a building.

(e) No structural alteration shall be permitted which would detract from the use or outward appearance of the property as a residence.

(f) The floor area devoted exclusively to the home occupation must not exceed 49% of the total floor area of the dwelling. If located within an accessory structure or a garage, the home occupation shall not utilize over 500 square feet of floor area.

(g) One unlighted sign not exceeding 2 square feet in area may be used only to identify the name and/or occupation of the resident.

(h) No materials or mechanical equipment shall be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception or other factors.

(i) No parking of customers' vehicles in a manner of frequency so as to disturb or inconvenience nearby residents or so as to necessitate off-street parking shall be allowed.

(2) Prior to issuance of a home occupation permit, the city manager shall cause notices of the home occupation application to be mailed to property owners within 300 feet of the property upon which the use is proposed. Permit shall not be issued until 10 days after mailing of notices of the affected property owners.

(3) Decisions of the city manager may be appealed to the planning commission in accordance with Section 10.040.

(Section 10.025 as added by Section 28, Ordinance No. 905, passed July 12, 1983)

Section 10.030. Authorization of Similar Uses. The city manager may permit 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, or which is of the same general type specifically listed in another zone. The decision of the city manager may be appealed to the planning commission using procedures as spelled out in Section 10.040 of this ordinance.

Section 10.040. Appeals.

(1) An appeal from a ruling of the city manager regarding a requirement of this ordinance may be made only to the planning commission. Any action or ruling of the city manager 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 manager. If the appeal is filed, the planning commission shall receive a report and recommendation thereon from the city manager, 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 15 days after the planning commission has rendered its decision. If the appeal is not filed within the 15-day period,

the decision of the planning commission shall be final. Written notice of the appeal shall be filed with the city manager. If the appeal is filed, the city council shall receive a report and recommendation thereon from the planning commission, and shall hold a public hearing on the appeal. *

Section 10.050. 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) Applications shall be accompanied by 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.

Section 10.060. Filing Fees. The following fees shall be paid to the City Manager upon filing of an application. Such fees shall not be refundable.

- | | |
|--|-------|
| (1) Zoning Map or Ordinance Amendment | \$100 |
| (2) Conditional Use Permit | \$ 50 |
| (3) Variance | \$ 50 |
| (4) Appeal to the Planning Commission | \$ 25 |
| (5) Appeal to the City Council | \$ 25 |
| (6) Zoning Permit | \$ 10 |
| (7) Comprehensive Plan Amendment unless simultaneous with zoning amendment | \$100 |

(Section 10.060 as amended by Ord. #827, SI, passed 3-24-81.)

Section 10.070. Notice of Public Hearing.

* (1) Each notice of hearing authorized by this ordinance shall be published in a newspaper of general circulation in the city at least 10 days prior to the date of the hearing.

(2) In addition, a notice of hearing on a variance shall be mailed to all owners of property within 100 feet, and notice of a hearing on a conditional use or an amendment to a zoning mpa shall be mailed to all owners of property within 300 feet, such distance to be measured from the exterior boundaries of the property for which the variance, conditional use, or zoning map has been requested. The notice shall be mailed at least 10 days prior to the date of hearing (Section 10.060 as amended by Ordinance No.827, passed March 24, 1981.)

(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 or the use of radio.

Section 10.080. Public Hearing Procedure.

(1) Order of public hearing procedure:

(a) At the outset of the hearing, the chairman shall review the public hearing procedure.

(b) City staff shall briefly review the basic facts involved in the proposal.

(c) The chairman shall provide the opportunity for questions to be asked by the board or from the floor regarding clarification of the matter to be heard.

(d) All those persons who support the proposed application shall first be permitted to present their case. The applicant or his representative shall proceed first to be followed by all others who support the application.

(e) All those who oppose the proposed application shall then present their case. Groups represented by a spokesman shall proceed first followed by others in opposition.

(f) All those who do not necessarily support or oppose the proposed application shall then have an opportunity to speak.

(g) City staff shall then make further presentation, if appropriate. City staff may also answer questions or clarify issues during other stages of the hearing whenever permitted by the presiding officer during the hearing.

(h) Following all presentation, brief rebuttal shall be permitted by all parties in the same general order as initial presentations. The presiding officer shall have broad discretion to limit rebuttal to avoid repetition and redundancy.

(2) Members of the board conducting the hearing may question anyone making a presentation at a hearing, but such questioning shall occur after, not during, the individual's presentation.

(3) Any questions from the floor shall be addressed to the chairman. The chairman shall then direct the question to the appropriate person.

(4) No person shall be disorderly, disruptive or abusive during the conduct of the hearing.

(5) No person shall testify without receiving recognition from the chairman and stating his full name and address.

(6) All presentations shall be as brief as possible, and redundancy and repetition shall be avoided.

(7) The chairman shall have authority to:

(a) Regulate the course and decorum of the hearing.

(b) Dispose of procedural matters.

(c) Rule on relevancy of testimony and request

documentation at any time.

(d) Impose reasonable limitations on the number of witnesses and time limits for presentations and rebuttal.

(8) At the close of all presentations and rebuttal, the chairman shall declare that the hearing is closed, and thereafter, no further evidence or argument shall be received. Once a hearing has been closed, it shall be reopened only upon vote of the city council or planning commission.

(9) Any person making a presentation may present one or more written exhibits, visual aids, affidavits and similar material to be considered as a part of the evidence.

(10) At city council hearings, all planning commission minutes and records shall be a part of the record before the city council. A planning commission spokesman may testify as part of the city staff presentation at a city council hearing.

(11) The planning commission or city council may recess a public hearing in order to obtain additional information or to serve further notice upon other persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

ARTICLE 11 Remedies

Section 11.010. Penalty. Violations of this ordinance constitutes an infraction and may be prosecuted under the provisions of Ordinance Number 876. (Section 11.010 as amended by Section 16, Ordinance No. 876, passed July 27, 1982.)

* Section 11.020. 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.

Section 11.030. Procedure.

(1) Within 10 days after notification of a violation of this ordinance, the city manager shall notify the property owner that such a violation exists.

(2) Where the violation does not involve a structure,

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Repealed

action to rectify such shall be made within 30 days.

(3) Where the violation involves a structure, action to rectify such shall be made within 60 days.

(4) If no action has been taken to rectify the violation within the specified time, the city manager shall notify the city attorney of such.

(5) The city attorney shall set the date for a hearing with the person violating this ordinance and the city manager to consider whether subsequent legal action should be taken to rectify the violation; and if necessary, he shall take such legal action as required to insure compliance with this ordinance.

ARTICLE 12
Interpretation; Repeal

Section 12.010. 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, resolution or regulation of the city, the provisions which are more restrictive shall govern.

Section 12.020. Severability. The provisions of this ordinance are hereby declared to be severable. If any section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 12.030. Repeal. Articles 1, 2, 3, 5, 6, 7, 8, 9 and 10 of Ordinance No. 558 are hereby repealed.

Passed by the council and approved by the mayor December 10, 1974.

ZONING ORDINANCE

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732	5/9/78	Tax lot 5204, Map 13-1E-27DB Book 248	R-1 to M Industrial
733	5/9/78	Tax lot 9400, Map 13-1E-29CC Book MF 22	R-3 to M Industrial
		Tax lot 9500, Map 13-1E-29CC Book 249	R-3 to M Industrial
734	5/9/78	Metes and Bounds description	R-1 Single-Family to R-1, PUD
738	7/25/78	Metes and Bounds description	R-1 and M Industrial to R-3/MH
740	9/12/78	Tax lot 4700, Map 13-1E-32CA Book MF 169	R-1 to R-3
744	10/10/78	Tax lot 1700, Map 13-1E-27C Book MF 24, Book MF 148	R-1 to C-2
		Tax lot 2900, Map 13-1E-32AA, Book 218	R-1 to C-2
		Tax lots 200, 300, and 400, Map 13-1E-33B, Book MF 69 and Book MF 175	R-1 to C-2
		Tax lots 4200, 4300, 3203 Map 13-1E-27C Book 200, Book MF 95 and Book 339	R-1 to R-1/MH
749	10/24/78	Tax lot 1400, Map 13-1E-29CC Book MF 133, Vernard Subdivision	R-3 to M Industrial
755	5/13/79	Tax lots 4300, 4301, Map 13-1E-27DB, Books MF 147 and Book 174	R-2 to C-2
		Tax lot 7200, Map 13-1E-33A Book 229	R-1 to R-1/MH
		Tax lot 7300, Map 13-1E-33A Book 218	R-1 to R-1/MH
		Tax lot 7400, Map 13-1E-33A Book MF 106	R-1 to R-1/MH

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<u>Ord. No.</u>	<u>Date of Enactment</u>	<u>Location</u>	<u>Change</u>
755 (continued)		Tax lot 7501, Map 13-1E-33A Book MF 130	R-1 to R-1/MH
		Tax lot 9300, Map 13-1E-33A, Book MF 189	R-1 to R-1/MH
		Tax lots 9400, 9500, Map 13-13-33A, Book MF 182	R-1 to R-1/MH
		Tax lot 9600, Map 13-1E-33A Book 297	R-1 to R-1/MH
		Tax lot 9701, Map 13-1E-33A, Book 309	R-1 to R-1/MH
		Tax lot 9703, Map 13-1E-33A, Book MF 36	R-1 to R-1/MH
773	8/28/79	Tax lot 1300, Map 13-1E-27C	R-1 to C-2
778A	9/18/79	Tax lots 5100, 5200 & 5300 Map 13-1E-28D	R-1 to C-2
		Tax lots 9200 & 9202, Map 13-1E-33A	R-1 to R-1/MH
778B	11/28/79	Tax lot 2500, Map 13-1E-27C	R-1 to R-3 & C-2
786	3/25/80	Tax Lots 900 & 1001, Map 13-1E-28C	R-1 to R-3
787	3/25/80	Tax Lot 800, Map 13-1E-28C	R-1 to R-3
793	5/27/80	Tax Lot 3100, Map 13-1E-29	R-1 to OLU
802	7/08/80	Tax lot 1001, Map 13-1E-32CD	R-1 to R-1/MH
807	9/23/80	Tax lots 3500, 3600, 3700, 3801, 3802, 3900, 4000, 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 5100, 5101, 5500, 5500, 5600, 5601, 5700, 5900, 6000, 6300, 6400, 6401, 6500, 6700, 6701, 6702, 6704, 6705, 6707, 6708, 6709, 6711, 6712, 6800, 6900, 6901, 7000 & 7001, Map 13-1E-29	R-1 to R(M)/T

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808	9.23.80	Tax Lots 1900 & 2000 Map 13-1E-29 and tax lots 100, 200, 300, 400, 500, 600, 700, 800, 801, 900, 901, 1500, 1600, 1700, 1701, 1800, 1900, 2000, 2200, 2300, 2400, 2500, 2600, 2800, 2900, 3000, 3100, 3101, 3200, 3300, 3800, 3900, 4000, 4001, 4100, 4200, 4400, 4500, 4600, 4700, 4800, 4900, 4901, 5000, 5100, 5101, 4200, 5201, 4300, 5400, 5500, 5600, 5700, 5800, 5899, 5900, 6000, 6100, 6200, 6300, 6400, 6500, 6501, 6700, 6701, 6900, 6901, 7000, 7100, 7200, 7300, 7400, 7500, 7600, 7700, 7800, 7900, 8000, 8100, 8200, 8300, 8400, 8500, 8600, 8700, 8800, 8900, 9000, 9001, 9050, 9700, 9800, 9900, 9901, 9902, 10,000, 10,100, 10,200, 10,300, 10,400, 10,500, 10,600, 10,900, 11,000, 11,100 & 11,200, Map 13-1E-29CC	R-1 to R(M)/T
810	9/23/80	Tax lots 100 & 108, Map 13-1E-32CC	R-1 to R-1/MH
811	10/28/80	Tax lots 11 & 12, Block 2 of Berdell's Replat	R-3 to R-3/PUD
813	10/ 7/80	Tax lot 5800, Map 13-1E-28D	R-1 to C-2
815	12/ 9/80	Tax lot 4500, Map 13-1E-28D	R-1 to C-2
818	12/23/80	Tax lot 800, Map 13-1E-31CC; tax lot 9100, Map 13-1E-31DC; tax lot 9700, Map 13-1E-31DD; & tax lot 4700, Map 14-1E-6	Established R-1 Zone

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821	1/27/81	Tax lot 1402, Map 13-1E-33A	R-1 to R-2/MH
837	6/09/81	Tax lots 100, 108, 109, 3800, 3900, 4000, 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 4900, 5000, 5100, 5200, 5300, 5400, 5500, 5600, 5700, 5800, Map 13-1E-32CC Tax Lot 2600, Map 13-1E-31DA	R-1/MH to R-1/PUD
846	9/22/81	Lots 1-5-Block 1 and Lots 2-27-Block 2 of Countrywood Estates Subdivision	R-3 to R-3/MH
848	10/13/81	Tax lots 3800 & 3900, Map 13-1E-28D	R-1 to C-2
903	6/30/83	Block 1, Lots 2 thru 25 and Block 2, Lots 1 thru 40 of Sherwood Garden Estates	R-3/MH to PRC
912	1/10/84	Block 1, Lots 2 thru 25 and Block 2, Lots 1 thru 40 of Sherwood Garden Estates	PRC to PRC/PUD