

**CITY OF LAFAYETTE  
ZONING AND DEVELOPMENT ORDINANCE**

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CHAPTER 1  
GENERAL ORDINANCE PROVISIONS

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1.101 TITLE

This Ordinance shall be known and may be referred to as the City of Lafayette Zoning and Development Ordinance.

## 1.102 PURPOSE AND SCOPE

### **1.102.01 Purpose**

This Ordinance is enacted to:

- A. Implement the goals and policies of the City of Lafayette Comprehensive Land Use Plan;
- B. Provide methods of administering and enforcing the provisions of this Ordinance; and
- C. Promote the public health, safety, and general welfare of the community.

### **1.102.02 Conformance Required**

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

### **1.102.03 Violations**

Upon failure to comply with any provision of this Ordinance, or with any restrictions or conditions imposed hereunder, the Council may withhold any further permits and may withhold or withdraw City utility services until correction is made. Notwithstanding any such action taken by the Council, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of the Ordinance, or who resists the enforcement of such provisions, shall be subject to civil penalties of no more than \$300.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

### **1.102.04 Interpretation**

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

### **1.102.05 Savings Clause**

Should any section, clause or provision of this ordinance be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Ordinance as a whole or of the remaining sections. Each section, clause and phrase is declared severable.

**1.102.06 Conflicting Ordinances**

City of Lafayette Ordinance 379 all other ordinances or parts of ordinances in conflict herewith are hereby repealed.



## 1.103 ESTABLISHMENT OF ZONING DISTRICTS

### **1.103.01 Districts**

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

Zoning District Name	Section
Limited Residential District (RA)	2.101
Low Density Residential District (R-1)	2.102
Medium Density Residential District (R-2)	2.103
Residential-Commercial District (RC)	2.104
Commercial-Core District (C-1)	2.105
Commercial-General District (C-2)	2.106
Industrial District (I)	2.107
Public District (P)	2.108
Restricted Development Overlay District (RD)	2.111
Flood Plain Overlay District (FP)	2.112

### **1.103.02 Boundaries**

- A. The zoning district boundaries are shown on the zoning map of the City of Lafayette. This map is made a part of this Ordinance.

Any future changes to the zoning of land within the City of Lafayette which are approved under the provisions of this Ordinance shall be appropriately depicted on the Lafayette Zoning Map.

- B. The Planning Commission shall resolve any dispute over the exact location of a zoning district boundary. In interpreting the location of such boundaries on the Lafayette Zoning Map, the Planning Commission shall rely on the Lafayette Comprehensive Plan Map and the following guidelines for the location of zoning district boundaries; property lines; lot lines; center lines of streets, alleys, streams, or railroads; City boundaries; notations on the Lafayette Zoning Map; or other planning criteria determined appropriate by the Planning Commission.

CHAPTER 1  
GENERAL ORDINANCE PROVISIONS

1.200        DEFINITIONS

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1.200.01	Grammatical Interpretation.....	1.2-2
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1.200        DEFINITIONS

**1.200.01        Grammatical Interpretation**

Words used in the masculine include the feminine, and feminine the masculine. Words used in the present tense include the future, the singular number includes the plural, and the word "shall" is mandatory and not directory. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use. The contemporary edition of Webster's Third New International Dictionary of the English Language (principal copyright 1961) shall be considered as providing accepted meanings.

**1.200.02        Definitions**

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Chapter, except in those instances where the context clearly indicates a different meaning.

Access: The way or means by which pedestrians, bicycles and vehicles shall have safe, adequate and usable ingress and egress to property.

Access Management: Regulation of access to streets, roads, and highways from abutting property and public and private roads and driveways.

Accessory Building (Structure): A detached, subordinate building or portion of a main building, the use of which is incidental to that of the main building or to the use of the land, but does not include dwellings or living quarters.

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

Accessway: A right-of-way or easement, not located within a street right-of-way, that provides a space for pedestrian and / or bicycle passage.

Adequate access: Direct routes of travel between destinations.

Adequate area: Space sufficient to provide all required public services to standards defined in this code.

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

Administrative Review: A decision affecting land use within the City which is based on the application and/or enforcement of existing standards contained in this Ordinance. Administrative decisions will be made by the City Clerk.

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

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

Applicant: The owner of record or contract purchaser.

Automobile, Recreational Vehicle or Trailer Sales Areas: A lot used for display, sale, or rental of new or used automobiles, recreational vehicles or trailers where no repair work is done except minor, incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

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

Bed and Breakfast Establishment: A structure designed and occupied as a residence and in which sleeping rooms are provided on a daily or weekly basis for use by travelers or transients for a charge or fee paid for the rental or use of the facilities.

Bicycle Facilities: Facilities which provide for the needs of bicyclists, including bikeways and bicycle parking.

Bikeway: A way designed and dedicated for the exclusive use of bicycles and located within a street right-of-way.

Block: A parcel of land bounded by three (3) or more streets.

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

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

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

Building Official: An individual empowered by the City Council to administer and enforce building regulations.

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

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

Campground: A premises under one ownership where persons camp or live in any manner other than permanent building constructed entirely of wood or more lasting materials, excepting mobile home parks.

Carpool: Two or more persons each with valid drivers licenses commuting in a single vehicle.

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

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

Church: A permanently located building primarily used for religious worship. A church shall also include accessory buildings for related religious activities and a residence.

City: The City of Lafayette, Oregon.

Clear-Vision Area: A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lines measured from the corner intersection of the right-of-way lines for a distance of twenty (20) feet. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the right-of-way lines will be extended in a straight line to a point of intersection.

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

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

Commercial Storage: See Warehouse.

Commission: The City Planning Commission of Lafayette, Oregon.

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

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

Comprehensive Plan: The Comprehensive Plan of the City of Lafayette, Oregon.

Condominium: Property submitting to the provisions of ORS 94.004 to 94.480, and, 94.991.

Conforming: In compliance with the regulations of the Code.

Council: The City Council of Lafayette, Oregon.

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

Density: The number of dwellings, mobile homes, or mobile home spaces per gross acre.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

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

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

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

Dwelling-Townhouse: A multi-family structure so designed that each individual dwelling unit is located upon a separate lot or parcel.

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

Dwelling Unit: One or more rooms designed for occupancy by one family and not having more than one cooking facility. Includes all conventional and prefabricated housing which meets Uniform Building Code specifications and is constructed on a permanent foundation.

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

Family: An individual or two or more persons related by blood, marriage, adoption, or legal guardianship and living together as one housekeeping unit, and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five (5) unrelated persons living together as one housekeeping unit.

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

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

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

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. Off-street parking or loading spaces.

Frontage: All the property on one side of a street between two street intersections or crossings, measured along the line the street, or if the street is dead-end, then all of the property abutting on one side between a street intersection and the dead-end of the street.

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

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

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

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

Height of Building: The vertical distance from the "grade" to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.

Home Occupation: A lawful occupation carried on by a resident of a dwelling as a secondary use within the same dwelling.

Hospital: An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care with nursing service on a continuous basis.

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

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



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

Land Division: Any partition or subdivision of a lot or parcel.

Livestock: Domestic animals of types customarily raised or kept on farms for profit or other purposes.

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

Lot: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yard and other open spaces as herein required; such lots shall have frontage on a public street, and may consist of:

- A. Single lot of record;
- B. Portion of a lot of record; or
- C. Combination of complete lots of record and portions of lots of record.

Lot Area: The total area of a lot, measured in a horizontal plane within the lot boundary lines, exclusive of public and private roads and easements of access to other property. For flag-shaped lots, the access strip shall not be included in lot area for the purposes of minimum lot area requirements of this Ordinance.

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

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

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

Lot Line Adjustment: The realignment of a common boundary between two contiguous lots or parcels which does not involve the creation of a new lot or parcel.

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

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

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

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

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

Lot, Corner: A lot abutting on two intersecting streets, other than an alley, where the angle of intersecting streets is no greater than 135 degrees.

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

Lot, Interior: A lot other than a corner lot.

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

Lowest Floor: The lowest floor of the lowest enclosed area, including basement, of a building or structure.

Manufactured Home:

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

Manufactured Home Park: Any place where four or more manufactured homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental, lease, or use of facilities or to offer space free in connection with securing the trade or patronage of such person. A person shall not construct a new manufactured home park or add lots to an existing manufactured home park without approval by the Department of Commerce. "Manufactured home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured home per lot if the subdivision was approved pursuant to this Ordinance.

Manufactured Home Subdivision: A subdivision intended for and designed to accommodate manufactured homes on individual lots and developed pursuant to the provisions of this Ordinance.

Master Plan: A sketch or other presentation showing the ultimate development lay-out of a parcel or property that is to be developed in successive stages or subdivisions.

Mini-Storage Warehouse: An area or areas located within an enclosed building or structure used only in connection with a residential land use for the storage of nonflammable or non explosive materials.

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

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

Nearby uses: Activities or uses within ¼ mile which can be reasonably expected to be used by pedestrians and within 1 mile which can reasonably expected to be used by bicyclist.

Neighborhood activity centers: Schools, parks, and other like sites.

New Construction: Structures for which construction was initiated on or after the effective date of this Ordinance.

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

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

Official Zoning Map: The map or maps upon which the zone locations in the City of Lafayette are indicated.

Owner: The owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel or property under written contract.

Park and Ride Lot: Parking spaces, dedicated or shared use, that are provided for motorists who transfer to and from single occupancy vehicles to public transportation vehicles or to a carpool or vanpool operation.

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

Parking Area, Public: An open area, building or structure, other than a private parking area, street or alley, used for the parking of automobiles and other motor vehicles, but not to include trucks, and available for use by persons patronizing a particular building or establishment.

Parking Space: An enclosed or open surfaced area, exclusive of maneuvering and access area permanently reserved for the temporary storage of an automobile and connected with a street or alley by a surfaced driveway which affords ingress and egress for automobiles. The following are not considered parking spaces for the purposes of OAR 660-12-045(5) (c): park and ride lots, handicapped parking, and parking for carpools and vanpools.

Partition: To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of

land under single ownership at the beginning of such year. "Partition" does not include:

- A. Divisions of land resulting from lien foreclosures, divisions of land resulting from contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots; or
- B. Any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance; or
- C. A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).

Pedestrian Connection: A continuous, unobstructed, reasonably direct route intended and suitable for pedestrian use between two points. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges.

Pedestrian Plaza: A small semi-enclosed area usually adjoining a sidewalk or a transit stop which provides a place for pedestrians to sit, stand, or rest.

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

Place of Public Assembly: Structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.

Plan Map: An officially adopted map of the City, including urban growth boundary, showing land use designations and other graphic information which is part of the City's Comprehensive Plan.

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

Planning Commission: The Planning Commission of Lafayette, Oregon.

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

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

Public Facilities and Services: Projects, activities, and facilities which are necessary for the public health, safety, and welfare.

Quasi-Judicial Review: A decision affecting land use within the City which requires the interruption and/or amendment of existing standards or maps contained in this Ordinance. Quasi-Judicial decisions are heard by the Planning Commission. The decision of the Planning Commission is final except when the decision would necessitate an amendment to this ordinance. In those cases the Planning Commission decision is forwarded as a recommendation to the City Council for a final decision. Quasi-judicial review is required for Variances, Conditional Use Permits, Major Partitions, Subdivisions, Planned Unit Developments, Comprehensive Plan and Zone Changes, and Urban Growth Boundary Amendments.

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

Recreational Vehicle: A vehicle used for camping.

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

Residential Facility: A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential Home: A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the

number of facility residents, and need not be related to each other or to any resident of the residential facility.

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

Right-of-Way: The full length and width of a public street or way, planned or constructed.

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

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

Semi-Public Use: A structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other non-profit organization.

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

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

Sign: 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, and which may be illuminated directly or indirectly.

Space, Manufactured Home: An area or lot reserved exclusively for the use of a manufactured home occupant.

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

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

Street: The entire width between the boundary lines of every way of travel which provides for public or private use for the purpose of providing ingress and egress for vehicular and pedestrian traffic and the placement of utilities to one or more lots, parcels, areas, or tracts of land. A private way is excluded that is created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining or agricultural purposes.

- A. Alley: A narrow street through a block used primarily for access by service vehicles to the back or side of properties fronting on another street.
- B. Arterial: A street of considerable continuity which is used primarily for through traffic and interconnection between major areas of the City.
- C. Collector: A street supplementary to the arterial street system, used partly by through traffic and partly for access to abutting properties.
- D. Cul-de-sac (dead-end): A short street with one end open to traffic and the other terminated by a vehicle turn-around.
- E. Half Street: A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
- F. Frontage Road, Marginal Access Road: A service road parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
- G. Local Street: A street intended primarily for access to abutting properties, but protected from through traffic.

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

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

Subdivide: To divide an area or tract of land into four or more parcels within a calendar year for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the division of property.



Subdivision: All divisions of property which create four or more lots in a single calendar year.

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

Travel Trailer Parks: An area containing one or more spaces designed for the temporary parking and convenience of travel trailers and similar recreational vehicles.

Trailer (Travel or Vacation): See Recreational Vehicle.

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

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

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

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

Vanpool: More than five persons each with valid drivers licenses commuting in a single vehicle.

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

Warehouse: A place for the safekeeping of goods and materials necessary for the proper functioning of an industrial or commercial enterprise. Also a facility designed and intended to be used for the rental of storage units to individuals for the safekeeping of personal items.

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

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

Yard, Rear: A yard extending across the full width of the lot between the most rear portion of a main building and the rear lot line; but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the centerline of the alley, toward the nearest part of the foundation of the main building.

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

CHAPTER 2  
ZONING

**2.100 ZONING DISTRICTS**

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## 2.101 RESIDENTIAL ACREAGE DISTRICT (RA)

### **2.101.01 Purpose**

To preserve low density residential areas of the City which are not presently serviced with City water and sewer for future development at urban densities. The RA district is compatible with the Single Family Residential Comprehensive Plan designation.

### **2.101.02 Permitted Uses**

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the RA zone:

- A. Single-family dwelling unit, detached
- B. Manufactured homes on individual lots, subject to the provisions of Section 2.305
- C. Farming, excluding intensive livestock or poultry operations
- D. Parks and open space uses
- E. Home occupation, subject to the provisions of Section 2.306.
- F. Day care facility (Serving fewer than 13 children)
- G. Residential care home or facility
- H. Partitioning, subject to the provisions in Section 3.106.
- I. Subdivisions, including manufactured home subdivisions, subject to the provisions in Section 3.107.
- J. Accessory buildings

### **2.101.03 Conditional Uses**

The following uses may be permitted in the RA District when authorized by the Planning Commission pursuant to Section 3.103:

- A. Cemetery
- B. Golf course

- C. Horse stables, riding clubs, and riding areas
- D. Church

**2.101.04 Dimensional Standards**

The following minimum dimensional standards shall be required for all development in the R-1 District except for modifications permitted under Section 2.402, General Exceptions.

- A. Minimum Lot Area 5 acres
- B. Minimum Yard Setbacks
  - 1. All structures shall maintain the following minimum yard setbacks:
    - a. Front Yard 15 feet
    - Garage setback 20 feet
    - b. Rear Yard 15 feet
    - c. Side Yard (interior) 5 feet
    - d. Side Yard (adjacent to street) 15 feet
- C. Maximum Structure Height
  - 1. Principal Structure 35 feet
  - 2. Accessory structure 35 feet

**2.101.05 Development Standards**

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

- A. Off-street parking. Parking shall be as specified in Section 2.203
- B. Subdivisions and partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.208.
- C. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:

Maximum lot coverage:	35%
Maximum parking area coverage:	30%
Combined maximum lot and parking area coverage:	60%

- D. Signs. Signs in the RA District shall conform to the standards of Section 2.206
- E. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.
- F. All driveways shall be separated from an intersection by at least 20 feet.
- G. Recreational vehicles, trailers, boats and other similar vehicles shall not be parked in the front yard area of the dwelling.
- H. Accessory structures. Accessory structures as provided for in Section 2.401.
- I. Garage/Carport. A garage or carport of like material and color of the home is required. If a carport is used, than a minimum 50 square foot storage area shall be provided. The carport or garage shall be at least 240 square feet in size and shall meet building code requirements.



## 2.102 LOW DENSITY RESIDENTIAL DISTRICT (R-1)

### **2.102.01 Purpose**

To preserve existing single family residential areas and provide for future single family residential housing opportunities. The R-1 zone is consistent with the Single Family Residential Comprehensive Plan designation.

### **2.102.02 Permitted Uses**

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the R-1 zone:

- A. Single-family dwelling unit, detached
- B. Manufactured homes on individual lots, subject to the provisions of Section 2.305
- C. Mobile home park, subject to the provisions of Section 2.304
- D. Residential accessory structures or uses
- E. Parks and open space uses
- F. Home occupation, subject to the provisions of Section 2.306
- G. Day care facility (Serving fewer than 13 children)
- H. Residential care home or facility
- I. Partitioning, subject to the provisions in Section 3.106.
- J. Subdivisions, subject to the provisions in Section 3.107.
- K. Planned unit development subject to the provisions of Sections 2.302

### **2.102.03 Conditional Uses**

The following uses may be permitted in the R-1 District when authorized by the Planning Commission pursuant to Section 3.103:

- A. Duplex
- B. Public facility or government structure

- C. Bed and breakfast establishment
- D. Cemetery
- E. Golf Course
- F. Church

**2.102.04 Dimensional Standards**

The following minimum dimensional standards shall be required for all development in the R-1 District except for modifications permitted under Section 2.402, General Exceptions.

A. Minimum Lot Area

- 1. Single-family dwelling 7,500 square feet
- 2. Duplex 10,000 square feet
- 3. Public utility structures: Lot area shall be adequate to contain all proposed structures within required yard setbacks.
- 4. Mobile home parks 5 acres
- 5. All other uses 7,500 square feet

B. Minimum Yard Setbacks

- 1. All structures shall maintain the following minimum yard setbacks:
  - a. Front Yard 15 feet
  - Garage setback 20 feet
  - b. Rear Yard 15 feet
  - c. Side Yard (interior) 5 feet
  - d. Side Yard (adjacent to street) 15 feet

C. Maximum Structure Height

- 1. Principal Structure 30 feet
- 2. Accessory structure 20 feet

D. Minimum Lot Width at Building Line 65 feet

- E. Average Lot Depth 90 feet

**2.102.05 Development Standards**

All development in the R-1 District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Parking shall be as specified in Section 2.203
- B. Subdivisions and partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.208.
- C. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:
- |   |     |
|---|-----|
| Maximum building coverage:                      | 35% |
| Maximum parking area coverage:                  | 30% |
| Combined maximum lot and parking area coverage: | 60% |
- D. Signs. Signs in the R-1 District shall conform to the standards of Section 2.206
- E. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.
- F. All driveways shall be separated from an intersection by at least 20 feet.
- G. Recreational vehicles, trailers, boats and other similar vehicles shall not be parked in the front yard area of the dwelling.
- H. Accessory structures. Accessory structures as provided for in Section 2.401.
- I. Garage/Carport. A garage or carport of like material and color of the home is required. If a carport is used, than a minimum 50 square foot storage area shall be provided. The carport or garage shall be at least 240 square feet in size and shall meet building code requirements.

## 2.103 MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

### **2.103.01 Purpose**

The purpose of the R-2 Zone is to provide for single family and multi-family housing opportunities. The R-2 zone is consistent with the Multi-family Residential Comprehensive Plan Designation.

### **2.103.02 Permitted Uses**

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the R-2 zone:

- A. Single family dwelling, detached
- B. Single family dwelling, attached
- C. Manufactured homes on individual lots, subject to the provisions of Section 2.305
- D. Duplex
- E. Multi-family housing, including apartments, townhouses, and condominiums, subject to the Site Development Review procedures of Section 3.105.
- F. Bed and breakfast establishment, subject to the Site Development Review procedures of Section 3.105.
- G. Residential care home and facility
- H. Day care facility (serving fewer than 13 children)
- I. Home occupation, subject to the provisions of Section 2.306.
- J. Parks and open space areas
- K. Residential accessory structure or use
- L. Mobile home parks, subject to the provisions of Section 2.304.
- M. Partitioning, subject to the provisions in Section 3.106.
- N. Subdivisions, including manufactured park subdivisions, subject to the provisions in Section 3.107.

- O. Planned unit development subject to the provisions of Sections 2.302

**2.103.03 Conditional Uses**

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

- A. Government or public facility structures
- B. Hospitals
- C. Churches
- D. Planned unit development subject to the provisions of Section 2.302.

**2.103.04 Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the R-2 District except for modifications permitted under Section 2.402, General Exceptions.

A. Minimum Lot Area

- 1. Single-family dwelling, detached 5,000 square feet  
Single family dwelling, attached 4,000 square feet
- 2. Duplex 8,000 square feet
- 3. Multi-family dwelling
  - a. First three units 9,000 square feet
  - b. Each additional units 2,000 square feet
- 4. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.
- 5. Mobile home park 5 acres

B. Minimum Yard Setback Requirements

- 1. All principal and accessory structures shall maintain the following minimum yard setbacks:
  - a. Front Yard 15 feet
  - Garage setback 20 feet

	b.	Rear Yard	10 feet
	c.	Side Yard (interior)	5 feet
	d.	Side Yard (adjacent to street)	15 feet
C.		<u>Maximum Structure Height</u>	
	1.	Principal Structure	30 feet
	2.	Accessory Structure	20 feet
D.		<u>Minimum Lot Width</u>	50 feet
E.		<u>Average Lot Depth</u>	85 feet

**2.103.05 Development Standards**

All development in the R-2 District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Parking shall be as specified in Section 2.203.
- B. Subdivisions and partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.208.
- C. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:
 

Maximum building coverage:	45%
Maximum parking area coverage:	30%
Combined maximum lot and parking area coverage:	75%
- D. Multi-family residential uses (three units or more) shall comply with the following standards:
  - 1. Multi-family developments shall be subject to the Site Development procedures in Section 3.105.
  - 2. A minimum of 25 percent of the gross site area shall be used for landscaping, buffering and outdoor recreation areas. All required yard areas adjacent to a street shall be landscaped, excepting a road devoted to off-street parking, drives, and walkways.

3. All multi-family residential structures within a development shall maintain a minimum horizontal separation distance of 15 feet.
  4. Access points to public streets shall minimize traffic congestion and avoid directing traffic onto local access streets.
  5. Landscaping shall meet or exceed the following standards:
    - a. A minimum of 25% of the gross site area shall be landscaped. Such landscaping may include buffer areas or outdoor recreation facilities.
    - b. All required yards adjacent to a street shall be landscaped, save that portion developed and used for off street parking. Such landscaping may be counted in meeting requirements of the preceding section.
    - c. Refuse areas shall be screened within an enclosed area.
- E. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.
- F. Signs. Signs shall conform to the requirements of Section 2.206.
- G. Driveways shall be separated from an intersection by at least 20 feet.
- H. Recreational vehicles, trailers, boats and other similar vehicles shall not be parked in the front yard area of the dwelling.
- I. Accessory structures. Accessory structures as provided for in Section 2.401.
- J. Garage/Carport. A garage or carport of like material and color of the home is required. If a carport is used, than a minimum 50 square foot storage area shall be provided. The carport or garage shall be at least 240 square feet in size and shall meet building code requirements.

## 2.104 RESIDENTIAL COMMERCIAL DISTRICT (RC)

### **2.104.01 Purpose**

To provide areas for the development of a mixture of single family, multi-family, and manufactured homes, and limited retail and service commercial uses.

### **2.104.02 Permitted Uses**

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the RC zone:

- A. The following residential and non-commercial uses are permitted in the RC District:
1. Single family dwellings, detached
  2. Single family dwellings, attached
  3. Manufactured homes on individual lots, subject to the provisions of Section 2.305
  4. Duplexes
  5. Multi-family housing, including apartments, townhouses, and condominiums, subject to the Site Development Review procedures of Section 3.105
  6. Bed and breakfast establishments, subject to the Site Development Review procedures of Section 3.105
  7. Residential care homes and facilities
  8. Day care facilities
  9. Home occupations, subject to the provisions of Section 2.307
  10. Parks and open space areas
  11. Churches
  12. Partitioning, subject to the provisions in Section 3.106.
  13. Subdivisions, subject to the provisions in Section 3.107.



14. Planned Unit Developments, subject to the provisions of Section 2.302.
- B. The following commercial uses are permitted, subject to the provisions in Section 3.105, Site Development Plan Review and the provisions in Subsection 2.103.02 (C):
1. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; television and radio broadcast studios, and, miscellaneous offices such as detective agencies, drafting services or contractors offices.
  2. Professional offices and clinics including, but not limited to, medical, dental, engineering and legal services, but excluding veterinary clinics.
  3. Banks and other financial institutions.
  4. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, artist supplies, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, nursery or greenhouse, pet shop, sporting goods, automobile parts and accessories, department store, clothing, jewelry, gift, and other types retail activities.
  5. Restaurants, bakeries, coffee and snack shops and eating and drinking establishments, but excluding taverns, bars and similar establishments.
  6. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.
  7. Service related businesses such as barber shops, beauty shops, tailors, advertising agencies, travel agencies, art or craft studios, self-serve laundry, dry cleaning (except bulk dry cleaning plants), self-store lockers including food storage lockers, parcel service, printing or photocopying, video rental, or other activities where the primary activity is the providing of a service to retail customers.
  8. Entertainment facilities such as movie theaters, theaters, bowling alleys, amusement centers including those featuring video games.

9. Public automobile parking.
  10. Accessory structures and uses customarily provided for retail activities.
- C. Commercial uses permitted outright shall be subject to the following limitations:
1. The activity shall be conducted wholly within an enclosed structure.
  2. The maximum lot size for any commercial use shall be one acre.
  3. The lot shall abut a collector or arterial street if the commercial use exceeds 2,500 square feet in area.
  4. Commercial uses shall not engage in the manufacturing, processing, assembly or compounding of products other than those clearly incidental to the business conducted on the premises.

#### **2.104.03 Conditional Uses**

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103. These uses shall also be subject to the Site Development Review procedures in Section 3.105:

- A. Government or public facility structures
- B. Cemeteries
- C. RV parks
- D. Commercial activities which do not comply with the provisions in Section 2.103.02.C.
- E. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage.

#### **2.104.04 Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the RC District except for modifications permitted under Section 2.402, General Exceptions, or Section 2.302, Planned Unit Development.

A. Minimum Lot Area and Density Standards

- |    |   |                   |
|----|---|-------------------|
| 1. | Single-family dwelling, detached  | 5,000 square feet |
|    | Single-family dwelling, attached  | 4,000 square feet |
| 2. | Duplex  | 8,000 square feet |
| 3. | Multi-family dwelling   |                   |
|    | a. First three units  | 9,000 square feet |
|    | b. Each additional units  | 2,000 square feet |
| 4. | Commercial Use  | 5,000 square feet |
| 5. | Mixed commercial and residential: Shall comply with the minimum for residential development.                                |                   |
| 6. | Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks. |                   |

B. Minimum Yard Setback Requirements

- |    |  |         |
|----|--|---------|
| 1. | Residential Uses                                   |         |
|    | a. Front Yard                                      | 15 feet |
|    | Garage setback                                     | 20 feet |
|    | b. Rear Yard                                       | 10 feet |
|    | c. Side Yard (interior)                            | 5 feet  |
|    | d. Side Yard (adjacent to street)                  | 15 feet |
| 2. | Commercial Uses                                    |         |
|    | a. Front Yard                                      | None    |
|    | b. Rear Yard                                       |         |
|    | i. Abutting a non-residential district             | None    |
|    | ii. Abutting a residential district, excluding R-3 | 10 feet |
|    | c. Side Yard                                       |         |
|    | i. Abutting a non-residential district             | None    |
|    | ii. Abutting a residential district, excluding R-3 | 10 feet |
| 3. | Mixed commercial and residential                   |         |
|    | a. Front Yard                                      | 5 feet  |
|    | b. Rear Yard                                       |         |
|    | i. Abutting a non-residential district             | 5 feet  |

	ii. Abutting a residential district, excluding R-3	10 feet
c.	Side Yard	
	i. Abutting a non-residential district	5 feet
	ii. Abutting a residential district, excluding R-3	10 feet
4.	Public	
	a. Front Yard	15 feet
	Garage setback	20 feet
	b. Rear Yard	10 feet
	c. Side Yard (interior)	5 feet
	d. Side Yard (adjacent to street)	15 feet
C.	<u>Maximum Structure Height</u>	
	1. Principal Structure	30 feet
	2. Accessory Structure	20 feet
D.	<u>Minimum Lot Width</u>	50 feet
E.	<u>Average Lot Depth</u>	85 feet

#### **2.104.05 Development Standards**

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

- A. Off-Street Parking. Parking shall be as specified in Section 2.205.
- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.210.
- C. Multi-family Residential. Multi-family development shall be subject to the Site Development Review procedures of Section 3.105 and shall comply with the following additional standards:
  - 1. Multi-family developments shall be subject to the Site Development procedures in Section 3.105.
  - 2. A minimum of 25 percent of the gross site area shall be used for landscaping, buffering and outdoor recreation areas. All required yard areas adjacent to a street shall be landscaped, excepting a road devoted to off-street parking, drives, and walkways.

3. All multi-family residential structures within a development shall maintain a minimum horizontal separation distance of 15 feet.
  4. Access points to public streets shall minimize traffic congestion and avoid directing traffic onto local access streets.
  5. Landscaping shall meet or exceed the following standards:
    - a. A minimum of 25% of the gross site area shall be landscaped. Such landscaping may include buffer areas or outdoor recreation facilities.
    - b. All required yards adjacent to a street shall be landscaped, save that portion developed and used for off street parking. Such landscaping may be counted in meeting requirements of the preceding section.
    - c. Refuse areas shall be screened within an enclosed area.
- D. Commercial Uses. Commercial uses in the RC District shall be subject to the Site Development Review procedures of Section 3.105 and shall comply with the following additional standards:
1. The building exterior shall comply with the provisions in Section 2.105.05.B.3., of the Commercial Core zone.
  2. Any outside storage space maintained in the RC District shall be enclosed by a 6 foot sight-obscuring fence or a hedge row not less than 3 feet high and capable of attaining a height of 6 feet.
  3. Access points to public streets shall minimize traffic congestion and avoid directing traffic onto local access streets.
  4. Off-street parking for commercial uses shall be provided in accordance with the standards of Section 2.205.
  5. A minimum of 6 percent of the gross site area shall be devoted to landscaping in commercial developments.
- E. Mixed Commercial and Residential Uses. Development of mixed commercial and residential uses shall be subject to the provisions in item D., above, except that the minimum landscaped area shall be 15%.
- F. Signs. Signs shall conform to the requirements of Section 2.208.

- G. Yards and Lots. Yards and lots shall conform to the standards of Section 2.211.
- H. Accessory structures. Accessory structures as provided for in Section 2.209.10
- I. Garage/Carport. A garage or carport of like material and color of the home is required. If a carport is used, than a minimum 50 square foot storage area shall be provided. The carport or garage shall be at least 240 square feet in size and shall meet building code requirements.

## 2.105 COMMERCIAL-CORE DISTRICT (C-1)

### **2.105.01 Purpose**

To provide for commercial operations and services required to meet the economic needs of the City of Lafayette, while retaining the historic integrity of the core area. The Commercial district is consistent with the Commercial Comprehensive Plan designation.

### **2.105.02 Permitted Uses**

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the C-1 zone, subject to the provisions in Section 3.105, Site Development Plan Review:

- A. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; television and radio broadcast studios (excluding broadcast towers and dishes), and, miscellaneous offices such as detective agencies, drafting services or contractors offices.
- B. Professional offices and clinics including, but not limited to, medical, dental, veterinarian clinics, engineering and legal services.
- C. Banks and other financial institutions.
- D. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, artist supplies, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, nursery or greenhouse, pet shop, sporting goods, automobile parts and accessories, department store, clothing, jewelry, gift, and other types retail activities.
- E. Restaurants, bakeries, drive-ins, taverns, snack shops and other types of eating and drinking establishments, including entertainment facilities accessory to the establishment.
- F. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.
- G. Service related businesses such as barber shops, beauty shops, tailors, advertising agencies, travel agencies, art or craft studios, self-serve laundry, dry cleaning (except bulk dry cleaning plants), self-store lockers including

food storage lockers, parcel service, printing or photocopying, equipment rental, video rental, or other activities where the primary activity is the providing of a service to retail customers.

- H. Entertainment facilities such as movie theaters, theaters, bowling alleys, amusement centers including those featuring video games.
- I. Public automobile parking.
- J. Churches
- K. Public and semi-public utility facilities, distribution plants and service yards; excluding radio or television transmission towers; ambulance service
- L. Second or upper story apartments.
- M. Accessory structures and uses customarily provided for retail activities.
- N. Residential care homes and facilities
- O. Day care facilities
- P. Partitioning, subject to the provisions in Section 3.106.
- Q. Subdivisions, subject to the provisions in Section 3.107.
- R. Non-profit member organizations, such as business associations, labor unions, political organizations or fraternal lodges.
- S. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage

### **2.105.03 Conditional Uses**

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

- A. Government or public facility structures
- B. Cabinet shops
- C. Except as provided in Section 2.307, any otherwise permitted commercial activity, involving the processing of materials which is essential to the permitted use and which processing of materials is conducted wholly within an enclosed building.



**2.105.04 Dimensional Standards**

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

- A. Minimum lot area: No limitation
- B. Minimum yard setbacks:
  - 1. Front Yard None
  - 2. Rear Yard
    - a. Abutting a non-residential district None
    - b. Abutting a residential district, excluding R-3 10 feet
  - 3. Side Yard
    - a. Abutting a non-residential district None
    - b. Abutting a residential district, excluding R-3 10 feet
- C. Maximum Third Street Front Yard Setback: 10 feet
- D. Maximum structure height: 50 feet

**2.105.05 Development Standards**

All developments in the C-1 District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Off-street parking shall comply with the following provisions:
  - 1. Parking space, dimension and improvement requirements shall comply with Section 2.203. All parking spaces shall be located behind the primary building. For corner lots, this shall be identified as being opposite, and furthest from, the primary building access.
  - 2. As an alternative to providing the on-site parking required item “1.” above, the owner may contribute to an City Council adopted municipal parking fund, an amount equivalent to the parking spaces required by the proposed use.

B. Building Design.

1. Orientation. Primary structures shall be oriented toward Third Street. A public entrance shall be provided onto Third Street.
2. Landscaping/pedestrian amenities. If a building is setback from Third Street, at least 50% of the setback area shall be improved with pedestrian and landscaping amenities. Permitted landscaping and pedestrian amenities include plants, planters, shrubbery, benches, tables, etc.
3. Siding materials. Exterior siding materials visible from the street right-of-way shall be wood or masonry, or such other material indistinguishable in appearance from wood or masonry. Such wood type siding as horizontal lap, shingle, and board and batten are acceptable. Acceptable wood substitutes such as vinyl, aluminum, and pressed wood product shall only be permitted as a horizontal lap siding. Such masonry type siding as brick and stone are acceptable; stucco material is prohibited. Acceptable masonry substitutes include masonry veneer and concrete or other similar material formed to simulate rock or brick.

C. Signs. Signs in the C-1 District shall be subject to the provisions of Section 2.206, except as provided below:

1. Ground mounted signs are prohibited except for property possessing a parking lot adjacent to Third Street at the time of adoption of this Ordinance. Where permitted, the following shall apply:
  - a. Maximum height: 4 feet
  - b. Maximum sign area: 24 square feet
  - c. Setback from property line: 5 feet
  - d. Only indirect lighting is permitted
2. Marquee/projecting signs:
  - a. Maximum sign area: 32 square feet
  - b. Only indirect lighting is permitted
3. Flush-mount signs:
  - a. Maximum sign area: 32 square feet
  - b. Indirect or back-lit lighting is permitted

4. Awning signs
  - a. Signage is only permitted on the skirting or on a shingle hanging from the awning and subject to the area requirements noted in items “2.” and “3.” of Section C.
- D. Subdivisions and Partitions. All subdivisions and partitions shall be reviewed in accordance with the provisions of Section 3.107.
- E. Design Review. Development within the C-1 zone shall be subject to the provisions in Section 3.105, Site Development Review.
- F. Outdoor Display. There shall be no outdoor display or storage of materials or merchandise within a designated alleyway, roadway or sidewalk that would impede pedestrian or vehicular traffic except during community retail sales events. Safety precautions shall be observed at all times.
- G. Minimum Landscaped Area. In addition to the specific requirements in item AB.@ above, all areas not containing structures or parking shall be landscaped.

## 2.106 COMMERCIAL-GENERAL DISTRICT (C-2)

### **2.106.01 Purpose**

To provide areas for the broad range of commercial operations and services required to meet the economic needs of the City of Lafayette. The Commercial General District is consistent with the Commercial Comprehensive Plan designation.

### **2.106.02 Permitted Uses**

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the C-2 zone, subject to the provisions in Section 3.105, Site Development Plan Review:

- A. Day care facilities
- B. Partitioning, subject to the provisions in Section 3.106.
- C. Subdivisions, subject to the provisions in Section 3.107.
- D. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; television and radio broadcast studios (excluding broadcast towers and dishes), and, miscellaneous offices such as detective agencies, or contractors offices.
- E. Professional offices and clinics including, but not limited to, medical, dental, veterinarian (excluding farm animals), engineering and legal services.
- F. Banks and other financial institutions.
- G. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, artist supplies, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, nursery or greenhouse, pet shop, sporting goods, automobile parts and accessories, department store, clothing, jewelry, gift, and other types retail activities.
- H. Restaurants, bakeries, drive-ins, snack shops and other types of eating and drinking establishments, including entertainment facilities accessory to the establishment.
- I. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, small equipment rental (excluding commercial or industrial equipment), upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.

- J. Service related businesses such as barber shops, beauty shops, tailors, advertising agencies, travel agencies, art or craft studios, self-serve laundry, dry cleaning (except bulk dry cleaning plants), self-store lockers including food storage lockers, parcel service, printing or photocopying, video rental, or other activities where the primary activity is the providing of a service to retail customers. This section includes exterminating and pest control services.
- K. Amusement and recreation facilities such as auditoriums, stadiums, arcades, bowling alleys, miniature golf courses, movie theater, theater and indoor skating rinks.
- L. Public automobile parking.
- M. Accessory structures and uses customarily provided for retail activities.
- N. Automobile service station, including towing services and vehicle washing and polishing facilities, and services, and, subject to the development provisions in Section 2.308.
- O. New and used automobile, truck (less than 16,000 lbs. gross vehicle weight), motorcycle, trailer, recreational vehicle, and boat sales, service and storage, subject to the provisions in Section 2.308.
- P. Retail tire sales; vehicle service and repair.
- Q. Moving and storage, warehouse for short term storage, including mini-warehouse and cold storage.
- R. Lumber yard and contracting supplies for lumber, stone, masonry, and special trade contracting facilities and storage and sales, such as floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting.
- S. Feed and seed stores; wholesale distribution of sand, gravel, bark dust, sawdust, compost.
- T. Welding shop, blacksmith.
- U. Public utility structures and buildings, such as pump stations, reservoirs, electric substations, and necessary right-of-way for identified public utilities.
- V. Mortuary.
- W. Ambulance service.

- X. Auction house (no livestock); second hand stores.
- Y. Bulk cleaning and laundry plants.
- Z. Recreational vehicle park.
- AA. Research laboratories.
- BB. Accessory structures and uses customarily provided for retail activities.
- CC. Single family residence in-conjunction with a permitted commercial use of the property.
- DD. Second or upper story apartments.
- EE. Non-profit member organizations, such as business associations, labor unions, political organizations or fraternal lodges.
- FF. Business schools
- GG. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage

**2.106.03 Conditional Uses**

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

- A. Government or public facility structures
- B. Concrete mixing or batching plants
- C. Cabinet shops
- D. Commercial or vehicle machine shops; auto body painting and repair.
- E. Taverns, bars and similar types of establishments, including entertainment facilities accessory to the establishment.
- F. Lumber and wood products processing plants, including saw mills and paper mills
- G. Manufacturing, assembly, testing and repair of components, devices, equipment and systems of an electronic or electromechanical nature, and precision equipment.

- H. Manufacturing, compounding, bottling, processing, packaging, or treatment of food and beverage products
- I. Manufacturing, compounding, processing, assembling, packaging, treatment or fabrication or such facilities to include cosmetics, drugs, glass, leather, paint, ceramics, paper, perfume, plaster, plastics, stone, textiles, rubber, wood, metal products and chemicals

**2.106.04 Dimensional Standards**

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

- A. Minimum lot area: No limitation
- B. Minimum yard setbacks:
  - 1. Front Yard None
  - 2. Rear Yard
    - a. Abutting a non-residential district None
    - b. Abutting a residential district, excluding R-3 10 feet
  - 3. Side Yard
    - a. Abutting a non-residential district None
    - b. Abutting a residential district, excluding R-3 10 feet
- C. Maximum structure height: 50 feet

**2.106.05 Development Standards**

All developments in the Commercial General District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Off-street parking shall be as specified in Section 2.203.
- B. Signs. Signs in the Commercial General District shall be subject to the provisions of Section 2.206.

- C. Subdivisions and Partitions. All subdivisions and partitions shall be reviewed in accordance with the provisions of Section 3.107.
- D. Design Review. All new development and expansion of an existing structure or use in the Commercial General District shall be subject to the Site Development Review procedures of Section 3.105. As a part of the design review process the City may impose the following conditions on a new or expanding development:
1. Limit or prohibit access to local streets which principally serve residential uses;
  2. Require a traffic impact analysis;
  3. Limit or prohibit access to Third Street; and
  4. Require the additional dedication of right-of-way and/or street improvements where necessary to meet City street standards.
  5. Property re-zoned from C-1 to C-2 shall be subject to the design standards in Section 2.105.05.A., B. and C.
- E. Outdoor Display. There shall be no outdoor display or storage of materials or merchandise within a designated alleyway, roadway or sidewalk that would impede pedestrian or vehicular traffic except during community retail sales events. Safety precautions shall be observed at all times.
- F. Outdoor Storage. Outdoor storage areas abutting or facing a residential district shall be enclosed by a sight obscuring fence or landscaped buffer.
- G. Minimum Landscaped Area. All development shall provide a minimum landscaped area equal to 6 percent of the gross site area.



## 2.107 INDUSTRIAL DISTRICT (I)

### 2.107.01 Purpose

The purpose of the I Zone is to provide areas suitable for warehousing, primary and secondary processing, packaging, fabricating of finished goods and equipment with related outdoor storage and incidental sales. The Industrial zone is appropriate in those areas designated Industrial in the Comprehensive Plan where the location has access to an arterial street or highway and where the noises, lights, odors, and traffic will not conflict with residential areas.

### 2.107.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the Industrial Zone, subject to the provisions in Section 3.105, site Development Review.

- A. Dwelling for a caretaker to be located on the premises.
- B. Partitioning, subject to the provisions in Section 3.106.
- C. Subdivisions, subject to the provisions in Section 3.107.
- D. Public utility structures and buildings, such as pump stations, reservoirs, sewage treatment plants, electric substations, and necessary right-of-way for identified public utilities.
- E. Commercial activities:
  - 1. Vehicle repair and maintenance, including electric motor repair, paint and body shop, tire recapping and similar automotive repair facilities.
  - 2. Automobile service station, including towing services and vehicle washing and polishing facilities, and services, and, subject to the development provisions in Section 2.308.
  - 3. New and used large truck (over 16,000 lbs. Gross vehicle weight), farm equipment, heavy construction equipment, logging equipment and boat rental, sales and service.
  - 4. Warehouse for short term storage, including mini-warehouse.
  - 5. Lumber yard and contracting supplies for lumber, stone, masonry or metal.

6. Special trade contracting facilities, such as; floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting.
7. Cabinet shop.
8. Welding and blacksmith shop.
9. Machine shop, and sales, service and repair of machinery
10. Bulk cleaning and laundry plants.
11. Accessory structures and uses customarily provided for retail activities.

F. Manufacturing and Assembly, Secondary Processing

1. Food processing, including canning, freezing, drying, bottling and similar food processing and preserving, including warehousing and distribution. BUT EXCLUDING processes which involve the slaughter of animals.
2. Textile mill products including apparel and other finished products made from fabrics and similar materials.
3. Furniture and fixtures including retail wood products.
4. Printing, publishing, and allied industries.
5. Rubber and plastic manufacturing; BUT EXCLUDING processing or manufacturing of the raw material.
6. Leather and leather goods; BUT EXCLUDING leather tanning and finishing.
7. Cement, glass, clay and stone products manufacturing.
8. Fabricated metal products, BUT EXCLUDING forgings, plating, coating and engraving, ordnance and accessories.
9. Electrical and electronic equipment, machinery and supplies BUT EXCLUDING storage and primary batteries.

10. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; time pieces.
  11. Freight terminals, including loading docks, storage, warehousing and wholesale distribution, cold storage lockers and similar personal storage facilities such as mini-storage warehouses.
  12. Manufacturing or distribution of equipment related to operating a farm, nursery or vineyard.
- G. Wholesale trade and distribution facilities, BUT EXCLUDING trade and distribution involving:
1. Metals and minerals
  2. Machinery and equipment
  3. Scrap and waste material
  4. Farming materials such as fertilizers, pesticides and soils.
  5. Chemicals and allied products
  6. Petroleum and petroleum products
- H. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage.

### **2.107.03 Conditional Uses**

The following uses shall require a Conditional Use permit:

- A. Recycling depots, excluding composting; but specifically prohibiting waste transfer facilities.
- B. Wrecking, demolition, junk yards.
- C. Battery manufacture, sales and service.
- D. Petroleum products storage and distribution; asphalt plants.
- E. Feed and seed facilities, grain elevators and storage; including agricultural chemical, fertilizer, insecticide storage and distribution

- F. Chemical manufacturing including agricultural chemicals, fertilizers and insecticides.
- G. Manufacture of primary and secondary wood products, including sawmills, paper and allied products.
- H. Auction yard, including livestock.
- I. All uses not specifically identified as a permitted use in, or specifically excluded from, Section 2.107.02 or Section 2.107.03 may be established by a conditional use permit. This provision shall not apply to waste transfer facilities.

**2.107.04 Dimensional Standards**

The following dimensional standards, with the exception of modifications allowed under Section 2.402, shall be required for all development in the Industrial District.

- A. Lot Size:
  - 1. Minimum lot area 5,000 square feet
  - 2. Minimum lot width 50 feet
- B. Setback Requirements:
  - 1. Front yard 20 feet
  - 2. Side yard none
  - 3. Side yard adjacent to residential zone 15 feet
  - 4. Side yard adjacent to a street 20 feet
  - 5. Rear Yard none
  - 6. Rear Yard adjacent to residential zone 25 feet
  - 7. Rear Yard adjacent to a street 20 feet
- C. Maximum Building Height: 50 feet

## **2.107.05 Development Standards**

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

- A. Off-street Parking. Off-street parking in the Industrial District shall conform to the standards of Section 2.205.
- B. Signs. Signs in the Industrial District shall conform to the provisions of Section 2.206.
- C. Minimum Landscaped Area. All development in the Industrial District shall provide a minimum landscaped area equal to 6 percent of the gross site area.
- D. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.208.
- E. Design Review. Development shall be subject to the provisions in Section 3.105, Site Development Review.
- F. Yards and Lots. All new development shall comply with the yard and lot standards of Section 2.209.
- G. Outdoor Storage. Outdoor storage areas abutting or facing a commercial or residential district shall be enclosed by a sight obscuring fence or landscaped buffer. The fence or landscaped buffer shall be reviewed as a part of the design review process.
- H. Access. As a part of the design review process the City may impose the following conditions on a new or expanding development:
  - 1. Limit or prohibit access to local streets which principally serve residential uses;
  - 2. Require a traffic impact analysis;
  - 3. Limit or prohibit access to Third Street; and
  - 4. Require the additional dedication of right-of-way and/or street improvements where necessary to meet City street standards.
- I. Environmental Standards. Each application shall include a list of waste products generated by the proposed use as well as appropriate State and Federal regulatory provisions for the wastes.

## 2.108 PUBLIC/SEMI-PUBLIC DISTRICT (P)

### **2.108.01 Purpose**

To recognize existing public facility land uses and to provide for the development of public facility services and other public-oriented uses. The Public/Semi-Public zone shall be consistent with the Public/Semi-Public Comprehensive Plan designation.

### **2.108.02 Permitted Uses**

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the Public/Semi-Public (P) Zone and subject to a Site Plan Review:

- A. Publicly owned buildings and facilities such as city halls, community centers, libraries, schools, fire stations and police stations.
- B. Public outdoor recreation facilities such as parks, swimming pools, golf courses and playgrounds.
- C. Public utility structures and buildings, such as pump stations, communication or transmission towers, reservoirs, electric substations, water and sewage treatment facilities and necessary right-of-way for identified public utilities; including office or administrative buildings.
- D. Lands designated for public open space such as nature preserves or scenic areas.
- E. Public parking areas
- F. Public schools, kindergarten to high school
- G. Police and fire stations
- H. Uses clearly accessory and subordinate to the above.
- I. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage.

### **2.108.03 Conditional Uses**

The following uses may be permitted in the P District when authorized by the Planning Commission pursuant to Section 3.103.

- A. Hospital
- B. Solid waste disposal, and recycling, sites and facilities.
- C. Commercial airport.

**2.108.04 Dimensional Standards**

- A. Lot Size: None
- B. Setback Requirements:
  - 1. Front Yard 20 feet
  - 2. Side Yard
    - a. Abutting an a Industrial or Public/Semi-Public zone 5 feet
    - b. Abutting a residential or commercial zone 20 feet
  - 3. Side Yard adjacent to a street 20 feet
  - 4. Rear Yard 30 feet
- C. Maximum Building Height 50 feet

**2.108.05 Development Standards**

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

- A. Off-street Parking. Off-street parking in the P District shall conform to the standards of Section 2.203.
- B. Signs. Signs in the P District shall conform to the provisions of Section 2.206.
- C. Subdivisions and Partitions. All subdivisions and partitions shall be reviewed in accordance with the provisions of Section 2.208.
- D. Design Review. All new development of expansion or an existing structure or use in the P District shall be subject to the Site Development Review procedures of Section 3.105.
- E. Access. Site access points shall be located to minimize traffic hazards.

## 2.109 NEIGHBORHOOD COMMERCIAL (NC)

### **2.109.01 Purpose**

The purpose of the Neighborhood Commercial (NC) zone is to provide commercial goods and services specifically designed to serve residential neighborhoods. Suitable businesses include low intensity retail commercial and service activities, and, professional and commercial offices. The Neighborhood Commercial zone is appropriate in those areas designated Residential in the Comprehensive Plan.

### **2.109.02 Permitted Uses**

The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the NC zone:

- A. One dwelling per each business use on the lot or parcel.
- B. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies and investment companies; and miscellaneous offices such as travel agencies, design services or contractors offices.
- C. Professional offices including, but not limited to, medical (except hospitals or other facilities providing over-night care), dental, engineering and legal services. Veterinary clinics shall exclude on-site service to farm animals.
- D. Art gallery, art or craft studio, photographic studio, picture framing.
- E. Retail Trade
  - 1. General merchandise stores.
  - 2. Food stores provided there is no processing or sale of live animals, AND EXCLUDING freezer and locker meat provisioners.
  - 3. Eating and drinking places, BUT EXCLUDING drive-in or drive-through facilities and establishments serving alcohol.
- F. Business, Professional and Social Services
  - 1. Watch, clock, and jewelry repair.
  - 2. Hair salons.



- 3. Shoe repair.
- 4. Computer and data processing services.
- 5. Accounting, bookkeeping.
- G. Partitions, subject to the provisions in Section 2.310.
- H. Accessory structures and uses prescribed in Section 2.401.

**2.109.03 Conditional Uses:**

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

- A. Hardware stores.
- B. Laundries and dry cleaning.
- C. Eating and drinking places which serve alcoholic beverages as a secondary use.

**2.109.04 Dimensional Standards**

The following minimal dimension standards, with the exception of modifications permitted under Section 2.402, shall be required for all development in the Neighborhood commercial Zone.

- A. Minimum Lot Area 5,000 square feet
- B. Minimum Yard Setbacks:
  - 1. Front Yard 5 feet
  - 2. Rear Yard 15 feet
  - 3. Side Yard (interior) 10 feet
- C. Maximum Structure Height 30 feet
- D. Maximum Building Size 2,500 square feet

### **2.109.05 Development Standards**

All development in the NC Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. Buildings. All new commercial buildings shall be residential in appearance.
- B. Off-street Parking and Loading. Parking shall be as specified in Section 2.203.
- C. Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 3.106.
- D. Yards and Lots. Yards and lots shall conform to the standards of Section 2.210.
- E. Signs. Signs shall conform to the requirements of Section 2.308.
- F. Accessory Structures. Accessory structures as provided for in Section 2.401.
- G. Landscaping: A minimum of 20% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.207.
- H. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be 80%.
- I. Screening: Yards adjacent to residentially zoned or used lot shall be screened by a six foot sight-obscuring fence, wall or hedge.
- J. Hours of operation: Businesses within the NC zone shall not open for business earlier than 7:00 am and shall close no later than 10:00 pm.
- K. Outdoor storage: The outdoor storage of materials, equipment or products shall be prohibited.

### **2.109.06 NC Zone Location Requirements**

- A. NC zoned property shall either be located on a collector or arterial street, or be within 300 feet of a collector or arterial street.
- B. NC zoned property shall not be located adjacent to NC, RC, C-1, C-2, or I zoned property.

- C. With the exception of land located at a public street intersection, no NC zoned parcel can be located within 300 feet of another parcel zoned NC. This requirement does not apply to the partitioning of an RC zoned parcel.
- D. Establishment of the NC zone shall require a signed petition supporting the change by a minimum of 50% of the property owners within 200 feet of the subject property.

Section 2.110

RESERVED

## 2.111 RESTRICTED DEVELOPMENT OVERLAY DISTRICT (R-D)

### **2.111.01 Purpose**

The purpose of the Restricted Development Overlay District is to protect the natural, scenic, and recreational qualities of lands along streams and drainage corridors identified within the City of Lafayette's Comprehensive Plan "Open Space Overlay" designation. Further, it is the intent of this Section to implement goals and policies of the Comprehensive Plan relating to the Open Space designation by establishing standards and requirements for the use of lands within the implementing R-D District.

### **2.111.02 Application**

The provisions of this overlay district shall apply to all lands designated as "Open Space Overlay" on the City of Lafayette Comprehensive Plan Map and zoned Restricted Development Overlay District (R-D).

### **2.111.03 Review of Uses**

Within the R-D Overlay District a conditional use permit shall be required for all new uses, use changes, intensification of uses or site alteration for uses otherwise permitted in the underlying zone except for the following activities which are not subject to review:

- A. Reasonable emergency procedures necessary for the safety or protection of property.
- B. Maintenance and repair necessary, and usual, for the continuance of an existing use.
- C. The placing by a public agency of signs, markers, aids, etc. to serve the public.
- D. Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical and natural uses of public lands, identified in a public park master plan approved by the City Council.
- E. Public utilities and facilities in conjunction with an approved development or identified as part of a master utility plan approved by the City Council.

#### **2.111.04 Review Process**

- A. Unless otherwise permitted in Section 2.111.03, all development within the R-D Overlay District, shall be require approval of a Conditional Use, pursuant to Section 3.103. The application may be processed separately or in conjunction with other required land use actions.
- B. In addition to the submittal requirements for a Conditional Use application, the applicant shall supply the following:
  - 1. Plot plan showing the following:
    - a. Location of the Overlay District Boundary.
    - b. The proximity of the activity to any adjacent streams or drainage corridors.
    - c. The location of any existing vegetative fringe along the stream or drainage and other significant vegetation.
  - 2. Statements addressing the additional review standards and criteria in Section 2.111.05.
  - 3. Any additional information determined by the City Manager to be necessary to demonstrate compliance with this zone.
- C. With the exception of partitioning, subdivisions and planned unit developments, a parcel located within the R-D Overlay District is not subject to a conditional use review if the proposed development will be located entirely outside the boundary of the Overlay District.

#### **2.111.05 Review Standards and Criteria**

In addition to the Conditional Use criteria in Section 3.103, a conditional use permit within the R-D Overlay District shall indicate how: (a) the proposal will not affect the following factors; (b) the proposal can be mitigated in some manner to minimize or eliminate potential harmful impacts regarding the following factors; or, (3) the factors do not apply to the request. The factors include:

- A. Development shall be directed away from adjacent streams and drainage corridors to the greatest possible extent.
- B. The development, change, or intensification of use shall provide the maximum possible landscaped area, open space, or vegetation between the activity and adjacent streams or drainage corridors.

- C. The fringe along streams and drainage corridors shall be maintained to the maximum extent practical in order to assure scenic quality, protection of wildlife habitat, and protection from erosion. Management of the natural vegetative, including trees or forest cover, shall be subject to the requirements of Section 2.111.06.
- D. Areas of annual flooding, flood plains, and wetlands shall be preserved in their natural state to the maximum possible extent to protect water retention, overflow and other natural functions. The development shall comply with the flood plain or floodway development requirements of the Lafayette Zoning and Development Ordinance.

#### **2.111.06 Riparian Vegetation and Forestry Management**

For both permitted uses and conditionally permitted uses, vegetative removal and forestry management within the R-D Overlay District shall be subject to the following guidelines:

- A. Where a stream or river is identified, the vegetation shall be preserved by maintaining an area 50 feet adjacent, and parallel to, the high water line. No trees over 6 inches in caliper, as measured 4 feet above the ground, shall be removed from this R-D Overlay area (see illustration 4.100.10).
- B. Where there is no natural stream flow or identified high water mark (e.g. drainage ditch), vegetation shall be preserved by maintaining an area 50 feet parallel to the centerline of the corridor. No trees over 6 inches in caliper, as measured 4 feet above the ground, shall be removed from this R-D Overlay area (see illustration 4.100.10).
- C. Forestry operations shall be conducted in a manner consistent with the requirements under the Forest Practices Act.

#### **2.111.07 Residential Density**

R-D Overlay areas may not be included in the calculation of permitted residential density within a planned unit development when the applicable density is proposed to be transferred to areas outside the Overlay District boundary.

#### **2.111.08 Preservation Methods**

Where preservation is required as a condition of approval or proposed by the applicant to mitigate development impacts, any one of the following methods shall be employed to guarantee the preservation of the resource:

- A. Dedication to the City for public park or open space if recommended by the planning Commission and accepted by the City Council.
- B. Platting of the affected area within a subdivision or Planned Unit Development as an open space tract to be commonly owned and maintained by a home owners association. Such association shall show evidence of liability insurance (to be reviewed tri-annually by the City Council), provide public safety coverage for the area and maintain the physical condition of the area as required by this Section.
- C. Creation of conservation easements, or other similar deed restrictions recommended by the Planning Commission, and adopted by the City Council which effectively prohibits construction of structures and other unauthorized uses and activities within the R-D Overlay District.



## 2.112 FLOOD PLAIN OVERLAY DISTRICT (FP)

### **2.112.01 Purpose**

The purpose of the Flood Plain Overlay Zone is to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. Minimize expenditure of public money for flood control projects, rescue and relief efforts in areas subject to flooding.
- C. Minimize flood damage to new construction by elevating or flood proofing all structures.
- D. Control the alteration of natural flood plains, stream channels, and natural protective barriers which hold, accommodate or channel flood waters.
- E. Control filling, grading, dredging and other development which may be subject to or increase flood damage.
- F. Prevent or regulate the construction of flood barriers which may increase flood hazards in other areas.
- G. Comply with the requirements of the Federal Insurance Administration to qualify the City of Lafayette for participation in the National Flood Insurance Program.
- H. Minimize flood insurance premiums paid by the citizens of the City of Lafayette by reducing potential hazards due to flood damage.
- I. Implement the flood plain policies in the City of Lafayette Comprehensive Plan.

### **2.112.02 Definitions**

For purposes of this Overlay Zone, the following terms shall mean:

- A. Accessory Structure - Sheds or small garages that are exempt from elevation or flood proofing requirements. This definition shall be limited to detached structures less than 480 square feet in area.
- B. Area of Special Flood Hazard - Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

- C. Base Flood Level - The flood level having a one (1) percent chance of being equaled or exceeded in any given year (100 year flood plain).
- D. Conveyance - Refers to the carrying capacity of all or a part of the flood plain. It reflects the quantity and velocity of flood waters. Conveyance is measured in cubic feet per second (CFS). If the flow is 30,000 CFS at a cross section, this means that 30,000 cubic feet of water pass through the cross section each second.
- E. Development - Any activity that has the potential to cause erosion or increase the velocity or depth of floodwater. Development may include, but is not limited to, residential and non-residential structures, fill, utilities, transportation facilities, and the storage and stockpiling of buoyant or hazardous materials.
- F. Encroachment - Any obstruction in the flood plain which affects flood flows.
- G. Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision - A parcel (or contiguous parcels) of land divided into two or more mobile/manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile/manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Ordinance.
- H. Expansion to an Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile/manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).
- I. FEMA - The Federal Emergency Management Agency, the federal organization responsible for administering the National Flood Insurance Program.
- J. Fill - The placement of any material on the land for the purposes of increasing its elevation in relation to that which exists. Fill material includes, but is not limited to, the following: soil, rock, concrete, bricks, wood stumps, wood, glass, garbage, plastics, metal, etc.
- K. Flood or Flooding - A general and temporary condition of partial or complete inundation of usually dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

- L. Flood Boundary Floodway Map (FBFM) - The map portion of the Flood Insurance Study (FIS) issued by the Federal Insurance Agency on which is delineated the Flood Plan, Floodway (and Floodway Fringe), and cross sections (referenced in the text portion of the FIS).
- M. Flood Insurance Rate Map (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (flood plain) and the risk premium zones applicable to the community and is on file with the City of Lafayette.
- N. Flood Insurance Study (FIS) - The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway map and the water surface elevation of the base flood and is on file with the City of Lafayette.
- O. Flood Plain - Lands within the City that are subject to a one (1) percent or greater chance of flooding in any given year as identified on the official zoning maps of the City of Lafayette.
- P. Flood Proofing - A combination of structural or non-structural provisions, changes, or adjustments to structures, land or waterways for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.
- Q. Floodway - The channel of a river or other watercourse and the adjacent land areas that must remain unobstructed to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Once established, nothing can be placed in the floodway that would cause any rise in the base flood elevation.
- R. Floodway Fringe - The area of the flood plain lying outside of the floodway as delineated on the FBFM where encroachment by development will not increase the flood elevation more than one foot during the occurrence of the base flood discharge.
- S. Hazardous Material - Combustible, flammable, corrosive, explosive, toxic or radioactive substance which is potentially harmful to humans and the environment.
- T. Lowest floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such

enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

- U. Manufactured home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes mobile homes as defined in sub Q., of this Section. For insurance and floodplain management purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
- V. Manufactured home park or subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- W. Mean sea level - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- X. Mobile home - means a vehicle or structure, transportable in one or more sections, which is eight feet or more in width, is 32 feet or more in length, is built on a permanent chassis to which running gear is or has been attached, and is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. Such definition does not include any recreational vehicle as defined by sub T., of this Section.
- Y. New Construction- Any structure(s) for which the start of construction commenced on or after the original effective date of the Floodplain Overlay Zone.
- Z. Obstruction - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that it is placed where the flow of water might carry the same downstream to the damage of life or property.
- AA. Recreational vehicle - means a "camper," "motor home," "travel trailer," as defined in ORS 801.180, 801-350, and 801-565 that is intended for human occupancy and is equipped with plumbing, sinks, or toilet, and does not meet the definition of a mobile home in sub V., of this Section.

- BB. Start of Construction - The first placement or permanent construction of a structure (other than a mobile/manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not used as part of the main structure.

For a structure (other than a mobile/manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.

For mobile/manufactured homes not within a mobile/manufactured home park or manufactured home subdivision, "start of construction" means affixing of the mobile/manufactured home to its permanent site. For mobile/manufactured homes within mobile/manufactured home parks or manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile/manufactured home is to be affixed (including at a minimum, the construction of streets with final site grading or the pouring of concrete pads, and installation of utilities) is completed.

- CC. Structure - Roofed buildings that have two or more walls, and gas or liquid storage tanks that are principally above ground.

- DD. Substantial Improvement - Any repair, reconstruction, addition, rehabilitation or other improvements of a structure, the cost of which exceeds 50% of the market or assessed value of the structure before the start of construction of the improvement:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structures. The term does not include:
  - a. Any project to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local building code enforcement official and

which are the minimum necessary to assure safe living conditions.

- b. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places, provided, the alteration will not preclude the structure's continued designation as an historic structure.

EE. Watercourse - A natural or artificial channel in which a flow of water occurs either continually or intermittently in identified floodplain.

### **2.112.03 General Provisions**

The following regulations apply to all lands in identified flood plains as shown graphically on the zoning maps. The flood plain is those areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Lafayette, Oregon," dated August 1, 1980, with accompanying Flood Insurance Rate Maps. The report and maps are incorporated in the overlay zone by this reference and are on file at the City of Lafayette. When base flood elevation data has not been provided, the City Recorder, or designee, shall have the authority to determine the location of the boundaries of the floodplain where there appears to be a conflict between a mapped boundary and the actual field conditions, provided a record is maintained of any such determination.

- A. Duties of the City Recorder, or designee, shall include, but not be limited to:
  - 1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
  - 2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
  - 3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 2.108.07 J., are met.
- B. Use of Other Base Flood Data: When base flood elevation data has not been provided on the FIRM, or when more detailed data is available, the City Recorder, or designee, shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of this Section.

- C. Information to be Obtained and Maintained
1. From the developer of the property, obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures.
  2. For all new or substantially improved flood proofed structures:
    - a. Verify and record the actual elevation as furnished by the developer (in relation to mean sea level), and,
    - b. Maintain any flood-proofing certifications required by this Section.
  3. Maintain for public inspection all records pertaining to the provisions of this Ordinance.
- D. Permitted, but not exempt, activities in the flood area shall be reviewed as a Type I-A action. Activities requiring conditional use approval shall be reviewed as a Type II action.

#### **2.112.04 Uses - Exempt**

Within a FP (FLOOD PLAIN) Overlay zone no uses, structures, vehicles, and premises shall be used or established except as provided in the applicable underlying zone and the provisions of this overlay zone. Except as provided herein all uses and floodplain development shall be subject to issuance of a determination or a conditional use permit as provided in Sections 2.108.06, and 2.110.07. The following uses are exempt from the regulations of this overlay zone:

- A. Signs, markers, aids, etc., placed by a public agency to serve the public.
- B. Driveways, parking lots and other open space use areas where no alteration of topography will occur.
- C. Minor repairs or alterations to existing structures provided the alterations do not increase the size or intensify the use of the structure, and do not constitute "substantial improvement" as defined in Section 2.110.
- D. Customary dredging associated with channel maintenance consistent with applicable State or Federal law.
- E. Placement of utility facilities necessary to serve established and permitted uses within flood plain areas, such as telephone poles. This exemption does not apply to buildings, substations, or other types of flood plain development.

### **2.112.05 Uses - Permitted**

If otherwise allowed in the zone, dwellings, a manufactured home on a lot, a manufactured home in a manufactured home park, and other structures that involve a building permit, including the placement of fill to elevate a structure, may be allowed subject to a written determination (flood plain development permit) that the following requirements are met:

- A. The structure is not located within a floodway.
- B. The required elevation to which the lowest floor of the structure must be elevated can be determined from the Flood Insurance Study.
- C. The structures will be located on natural grade or compacted fill.
- D. The lowest floor will be elevated to one (1) foot above the level of the base flood elevation and the anchoring requirements in Section 2.108.07 D.
- E. The Building Official has determined that any construction and substantial improvements below base flood level meet the requirements of Sections 2.110.07.
- F. The building permit specifies the required elevation of the lowest floor, any anchoring requirements and requires provision of certification under Section 2.110.07 D., (3), prior to occupancy.
- G. A certificate signed by a licensed surveyor or civil engineer certifying that the lowest floor including basement, is at or above the specific minimum is submitted to the Zoning Administrator prior to use of the structure.
- H. No alteration of topography beyond the perimeter of the structure is proposed.
- I. A recreational vehicle may be located in a floodplain only during the non-flood season (June 1 through September 30), provided, it is fully licensed and ready for highway use, or meet the requirements for manufactured homes.

A recreation vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and, has no permanently attached additions.



## **2.112.06 Conditional Use Procedures and Requirements**

- A. Except as provided in Section 2.110.04 and 2.110.05, a conditional use permit shall be obtained before construction or development begins within the Flood Plain Overlay Zone. The conditional use permit shall include conditions ensuring that the Flood Protection standards in Section 2.110.07 are met.
- B. When base flood elevation data and floodway data have not been provided in accordance with Section 2.110.03, the applicant, with the assistance of the City Recorder, or designee, shall obtain any base flood elevation data or evidence available from a Federal, State or other source in order to determine compliance with the flood protection standards. If data is insufficient, the City Recorder, or designee, may require that the applicant provide data derived by standard engineering methods.
- C. Prior to occupancy the applicant shall provide a certificate signed by a licensed surveyor or civil engineer certifying that the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved manufactured homes and structures meets the requirements of Sections 2.110.07 A., B., and, C.
- D. In addition to other information required in a conditional use application, the application shall include:
  - 1. Land elevation in mean sea level data at development site and topographic characteristics of the site.
  - 2. Base flood level expressed in mean sea level data on the site.
  - 3. Plot plan showing property location, floodplain, and floodway boundaries where applicable, boundaries and the location and floor elevations of existing and proposed development, or the location of grading or filling where ground surface modifications are to be undertaken.
  - 4. Any additional statements and maps providing information demonstrating existing or historical flooding conditions or characteristics which may aid in determining compliance with the flood protection standards of this overlay zone.
- E. Factors of Consideration - In reviewing a conditional use application for a development permit, the following factors shall be considered in making a decision on approval or denial of the permit:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  2. The danger that materials may be swept on to other lands or downstream to the injury of others.
  3. The proposed water supply and sanitation systems and the ability of those systems to prevent disease, contamination and unsanitary conditions.
  4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  5. The importance to the community of the service provided by the proposed facility.
  6. The requirements of the facility for a waterfront location.
  7. The availability of alternative locations not subject to flooding for the proposed use.
  8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
  10. The safety of access to property in times of flood for ordinary and emergency vehicles.
  11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
  12. Such other factors which are relevant to the purpose of this Section.
- F. Imposition of Conditions: The City may attach such conditions deemed necessary to further the purpose of this Section. Such conditions may include, but are not limited to:
1. Limitations on periods of use and operation.
  2. Imposition of operation controls, sureties, and deed restrictions.
  3. Flood-proofing measures.

## **2.112.07 Flood Protection Standards**

In all areas of identified flood plain, the following requirements apply:

### **A. Dwellings and Manufactured Homes**

New residential construction, substantial improvement of any residential structures, location of a manufactured home on a lot or in a manufactured home park or park expansion approved after adoption of this ordinance shall:

1. Have the lowest floor, including basement, elevated on a permanent foundation to one (1) foot above base flood elevation; and
2. Manufactured homes shall be anchored in accordance with subsection E.; and
3. No manufactured home shall be placed in a floodway, except in an existing manufactured home park.
4. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - a. A minimum of 2 openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### **B. Manufactured homes in existing manufactured home parks** Manufactured homes placed on sites within existing manufactured home parks must be anchored to a permanent foundation and either:

1. Have the lowest floor at, or above, the base flood elevation; or,

2. Have the chassis supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Manufactured homes outside existing manufactured home parks must meet the requirements for residential structures.

- C. Non-residential development - New construction and substantial improvement of any commercial, industrial or other non-residential structures shall either have the lowest floor, including basement, elevated to one (1) foot above the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

1. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Be certified by a registered professional engineer or architect that the standards in this subsection and subsection E., are satisfied. This certificate shall include the specific elevation (in relation to mean sea level) to which such structures are flood-proofed.
4. Non-residential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in 2.110.07 A., (4).
5. Applicants flood-proofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the flood-proofed level (e.g. a building constructed to the base flood level will be rated as one (1) foot below that level).

- D. Accessory Structures such as sheds or detached garages may be exempt from elevation and flood-proofing standards providing the following development standards are met:

1. The structure cannot be more than 480 square feet in area and shall not be used for human habitation;
2. Shall be designed to have low potential for flood damage;
3. Shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwater; and,

4. Shall be firmly anchored to prevent flotation which may result in damage to other structures.

E. Fill

1. Any fill or materials proposed must be shown to have a beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions for the proposed fill or other materials.
2. Such fill or other materials shall be protected against erosion by rip-rap, vegetation cover, or bulk heading.

F. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure.
2. All manufactured homes shall be anchored to resist floatation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
  - a. Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations with manufactured homes more than 50 feet long requiring only one additional tie per side.
  - b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points with manufactured homes less than 50 feet long requiring only four ties per side.
  - c. All components of the anchoring system be capable of carrying a force of 4,800 pounds.
  - d. Any additions or expansions to the manufactured home be similarly anchored.
3. An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater (must be certified).

G. Construction materials and methods

1. All new construction and substantial improvements below base flood level shall be constructed with materials and utility equipment resistant to flood damage, and the design and methods of construction are in accord with accepted standards of practice based on an engineer's or architect's review of the plans and specifications.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damages.

H. Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system as approved by the State Health Division.
2. New and replacement sanitary sewage systems shall be designed and located to minimize flood water contamination consistent with the requirements of the Oregon State Department of Environmental Quality.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment shall be designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

I. Developments, Generally - Residential developments involving more than one single-family dwelling, including subdivisions, manufactured home parks, multiple-family dwellings and planned developments including development regulated under A., and C., shall meet the following requirements:

1. Be designed to minimize flood damage.
2. Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
3. Have adequate drainage provided to reduce exposure to flood damage.
4. Base flood elevation data shall be provided by the developer. In cases where no base flood elevation is available, analysis by standard engineering methods will be required.

- J. Storage of materials and equipment - Materials that are buoyant, flammable, obnoxious, toxic or otherwise injurious to persons or property, if transported by floodwaters, are prohibited. Storage of materials and equipment not having these characteristics is permissible only if the materials and equipment have low-damage potential and are anchored or are readily removable from the area within the time available after forecasting and warning.
- K. Alteration of watercourses (floodways) - When considering a conditional use permit to allow alteration or modification of a watercourse (floodway) the following shall apply:
1. Adjacent communities, (and) the Oregon Division of State Lands and the Department of Land Conservation and Development shall be notified prior to any alteration or relocation of a watercourse and evidence of such notification shall be submitted to the Federal Insurance Administration.
  2. Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- L. Floodways - Located within areas of flood plain established in Section 2.110.03 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential the following provisions shall apply in addition to the requirement in I.: (These provisions shall also apply to areas within a flood plain where a floodway has not been technically determined and the base flood level is three (3) or more feet above the land surface:)
1. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless a technical evaluation is provided by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. This evaluation may be submitted to the Federal Emergency Management Agency for technical review.
  2. If Section 1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 2.110.07.
  3. Prohibit the placement of any manufactured homes except in an existing manufactured home park.

4. The area below the lowest floor shall remain open and unenclosed to allow the unrestricted flow of flood waters beneath the structure.

### **2.112.08 Generalized Flood Plain Areas**

Where elevation data is generalized, such as the unnumbered A zones on the FIRM, conditional use permits shall include a review and determination that proposed construction will be reasonably safe from flooding and meet the flood protection standards. In determining whether the proposed flood plain development is reasonably safe, applicable criteria shall include, among other things, the use of historical data, high water marks, photographs of past flooding, or data (e.g. an engineering study or soil and landscape analysis) may be submitted by qualified professionals that demonstrate the site is not in a floodplain. In such cases, a letter of map amendment may be required by the City Recorder.

### **2.112.09 Variances**

- A. A variance may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the criteria in Section 2.108.10.
- B. A community shall notify the applicant in writing over the signature of a community official that: (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and, (2) such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of all variance actions as required in subsection C.
- C. A community shall: (1) maintain a record of all variance actions, including justification for their issuance; and, (2) report such variances issued in its annual report submitted to the Administrator.

### **2.112.10 Variance Criteria**

The following criteria shall be used to review variance applications.

- A. Variances shall only be issued upon a showing that:
  1. There is a good and sufficient cause;



2. That failure to grant the variance would result in exceptional hardship to the applicant;
3. That the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws;
4. The variance is the minimum necessary, considering the flood hazard, to afford relief;
5. The variance will be consistent with the intent and purpose of the provision being varied;
6. There has not been a previous land use action approved on the basis that variances would not be allowed; and
7. The new construction or substantial improvement is not within any designated regulatory floodway, or if located in a floodway, no increase in base flood discharge will result.

#### **2.112.11 Warning and Disclaimer of Liability**

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

## 2.113 LIMITED USE OVERLAY ZONE

### **2.113.01 Purpose**

The purpose of the Limited Use Overlay Zone is to reduce the list of permitted uses in a zone to those that are suitable for a particular location. Zones permit a number of uses which may be considered compatible in terms of the type and intensity of activity on adjacent properties. However, on a particular property certain permitted uses may conflict with adjacent land uses. Rather than deny appropriate permitted uses because the proposed zone would permit an objectionable use, the Limited Use Overlay can be used to identify the appropriate uses and require a conditional use permit for other uses normally permitted in the zone. It is the intent that the maximum number of acceptable uses be permitted so that the use of the property is not unnecessarily limited.

### **2.113.02 Requirements**

When the Limited Use Overlay zone is applied, the uses permitted in the underlying zone shall be limited to those permitted uses specifically referenced in the ordinance adopting the Limited Use Overlay zone. Until the Overlay zone has been removed or amended, the only permitted uses in the zone shall be those specifically referenced in the adopting ordinance. Uses that would otherwise be permitted may only be allowed if a Conditional Use permit is approved.

### **2.113.03 Procedures**

The Limited Use Overlay zone is applied at the time the underlying zone is being changed. It shall not be necessary to mention in the hearing notice of a rezoning application that this overlay zone may be applied.

### **2.113.04 Criteria**

The ordinance adopting the overlay zone shall include findings showing that:

- A. No zone has a list of permitted uses where all uses would be appropriate.
- B. The proposed zone is the best suited to accommodate the desired uses.
- C. It is necessary to limit the uses permitted in the proposed zone.
- D. The maximum number of acceptable uses in the zone have been identified and will be permitted.

### **2.113.05 Adoption**

The ordinance adopting the overlay zone shall by section reference, or by name, identify those permitted uses in the zone that will remain permitted uses. A permitted use description may be segmented to require a conditional use for distinct uses that may not be compatible.

### **2.113.06 Official Zoning Map**

The official zoning map shall be amended to show an "-LU" suffix on any parcel where the Limited Use Overlay zone has been applied.

### **2.113.07 Development Provisions**

Development of property located within the LUO zone shall comply with all applicable procedures or development requirements contained in the Lafayette Zoning and Development Ordinance. Compliance with these provisions is not waived, altered or otherwise modified by the LUO zone.

CHAPTER 2  
ZONING

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## 2.201 GENERAL PROVISIONS

### **2.201.01 Purpose**

The purpose of this Section is to:

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

### **2.201.02 Application of Standards**

- A. The standards set forth in Section 2.200 shall apply to major and minor partitions; subdivisions; planned unit developments; commercial and industrial projects; single family dwellings, duplexes and multi-family structures of three (3) or more dwellings.
- B. The application of these standards to a particular development shall be modified as follows:
  - 1. Development standards which are unique to a particular use, or special use, shall be set forth within the district or in Section 2.300.
  - 2. Those development standards which are unique to a particular district shall be set forth in the Section governing that district.

### **2.201.03 Application of Public Facility Standards**

Standards for the provision and utilization of public facilities or services available within the City of Lafayette shall apply to all land developments in accordance with the following table of reference. No development permit shall be approved unless the following improvements are provided prior to occupancy or operation, or unless future provision is assured in accordance with Subsection 3.201.01.

## Public Facilities Improvement Requirements Table

	Fire Hydrant	Street Improvement	Water Hook-up	Sewer Hook-up	Storm Drain	Street Lights	Bike Parking And Bikeways Pedestrian Accessways
Single Family Dwelling & Duplex	No	C-2	Yes	Yes	Yes	No	No
Multi-Family Dwelling	Yes	Yes	Yes	Yes	Yes	Yes	Yes (4+ Units)
New Commercial Building	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Commercial Expansion	C-1	C-3	Yes	Yes	Yes	Yes	No
New Industrial Building	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Industrial Expansion	C-1	C-3	Yes	Yes	Yes	Yes	No
Major & Minor Partition, Subdivision PUD and Manufactured Home Park	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Legend: No = Not required Yes = Required

C = Conditional, as noted:

C-1. Fire Hydrants for Commercial or Industrial Expansions

One or more fire hydrants are required when the total floor area of a new or expanded building exceeds 2,500 square feet, or the proposed use is classified as Hazardous (H) in the Uniform Building Code or Uniform Fire Code.

C-2. Street Improvements for Single Family Dwellings

New single family dwellings which require a street extension must provide street improvements to City street standards.

C-3. Street Improvements for Commercial or Industrial Expansions

Lots fronting on County roads must obtain access permits from the Yamhill County Public Works Department.

The City will require improvement to full City standards when the use meets any of the following criteria:

- a. The use generates an average of 100+ trips per day per 1000 gross square feet of building as documented in the Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or
- b. The use includes daily shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight.

## 2.202 TRANSPORTATION AND ACCESS STANDARDS

### **2.202.01 Purpose**

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

### **2.202.02 Scope**

The provisions of this Section shall be applicable to:

- A. The creation, dedication or construction of all new public or private streets, pedestrian facilities and bikeways in all subdivision, partitions or other developments in the City of Lafayette.
- B. The extension or widening of existing public or private street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the City, or which may be required by the City in association with other development approvals.
- C. The construction or modification of any utilities, sidewalks, or bikeways in public rights-of-way or street easements.
- D. The planting of any street trees or other landscape materials in public rights-of-way.

### **2.202.03 General Provisions**

The following provision shall apply to the dedication, construction, improvement or other development of all public streets in the City of Lafayette. These provisions are intended to provide a general overview of typical minimum design standards. All street improvements shall be designed in conformance with the specific requirements of the City's most current Public Works standards:

- A. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public



convenience and safety, and to the proposed use of the land to be served by the streets.

- B. Where feasible development proposals shall provide for the continuation of all streets, bikeways and pedestrian facilities within the development and to existing streets, bikeways, and pedestrian facilities outside the development.
- C. Alignment: All streets other than local streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the centerlines thereof. The staggering of street alignments resulting in "T" intersections shall, wherever practical, be avoided. If unavoidable, the "T" intersection shall leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction. A "T" intersection having less than 200 feet separation from the center line of another street shall be subject to the review and approval of the City Engineer.
- D. Future extension of streets: Where necessary to give access to or permit a satisfactory future development of adjoining land, streets, bikeways and pedestrian accessways shall be extended to the boundary of a tract being developed and the resulting dead-end streets may be approved without turn-a-rounds. Reserve strips and streets plugs may be required to preserve the objectives of street extensions.
- E. Intersection angles: Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles. Intersections of less than 60 degrees shall require special intersection designs. Streets shall have at least 50 feet of tangent adjacent to intersections unless topography requires lesser distances. Intersections which are not at right angles shall have minimum corner radii of 15 feet. Major arterial intersections shall have curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 20 feet.
- F. Existing Streets: Whenever existing public streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision, partitioning, or development.
- G. Half-Streets: Half-streets, while generally not acceptable, may be approved where essential to the reasonable development of an area and when the Planning Commission finds it to be practical to require the dedication of the other half when the adjoining property is developed. Whenever a half-street is adjacent to a tract to be developed, the other half of the street shall be dedicated. Reserve strips and street plugs may be required to preserve the objectives of half-streets.

- H. Cul-de-sacs: Cul-de-sacs shall have maximum lengths of 600 feet. All cul-de-sacs shall terminate with circular turn-a-rounds.
- I. Street Names: Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission.
- J. Grades and Curves: Grades shall not exceed 7 percent on arterials, 10 percent on collector streets or 15 percent on any other street. Street grades of 15 percent shall not exceed 200 feet in length. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. On arterials there shall be a tangent of not less than 100 feet between reversed curves.
- K. Marginal Access Streets: If a development abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- L. Alleys: Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the Planning Commission. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have radii of not less than 10 feet.
- M. Clear Vision Areas: Clear vision areas shall be maintained on corner lots at the intersection of all public streets and at the intersections of a public street with a private street, alley or drive which serves more than three parcels. No structure planting shall be permitted within a clear vision area which would impede visibility between a height of 30 inches and 10 feet above the curb grade of the intersecting streets.

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

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

Street Classification	Minimum Width	Minimum R.O.W.	Bikeway Widths**
Arterials	*	*	Five (5) feet each side
Collectors	36 feet	64-68 feet	Five (5) feet each side
Local Streets	34 feet	48 feet	
Cul-de-sacs Streets	30 feet	44 feet	
Turnaround Radii	38 feet	45 feet	
Alleys	12 feet	15 feet	

\* Width to be determined by the Planning Commission based upon anticipated traffic volumes.

\*\* The minimum width for a bike lane is four (4) feet on open shoulders, or five (5) feet from the face of a curb, guardrail or parked cars.

*Note:* Right-of-way and improvement widths may be altered to continue existing street improvements.

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

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

- A. The modification is necessary to provide design flexibility in instances where:
  1. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
  2. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 2.202.04; or
  3. A modification is necessary to preserve trees or other natural features determined by the Planning Commission to be significant to the aesthetic character of the area; or
  4. A Planned Unit Development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.
- B. Modification of the standards of Section 2.202.04 shall only be approved if the Planning Commission finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

**2.202.06 Construction Specifications**

Construction specifications for all public streets shall comply with the criteria of the most recently adopted public works/street standards of the City of Lafayette.

**2.202.07 Private Streets**

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

- A. Private streets shall only be allowed where the applicable criteria of Section 2.208.03 (C) are satisfied. Private streets shall have a minimum easement width of 25 feet and a minimum paved width of 20 feet.
- B. All private streets serving more than two dwelling units shall be constructed to the same cross-sectional specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, home owners association, or other instrument acceptable to the City Attorney.
- C. A turn-around shall be required for any private residential street which has only one outlet and which is in excess of 150 feet long or which serves more than two residences. Non-residential private streets serving more than one ownership shall provide a turn-around if in excess of 200 feet long and having only one outlet. Turn-arounds for private streets shall be either a circular turn-around with a minimum paved radius of 35 feet, or a "tee" or "hammerhead" turn-around with a minimum paved dimension across the "tee" of 70 feet.
- D. The City may require provision for the dedication and future extension of a public street.

**2.202.08 Partition Access Easements**

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

- A. Partition access easements shall only be allowed where the applicable criteria of Section 2.208.03 (C) are satisfied. The easement shall comply with the following standards:
  - 1. Minimum width: 25 feet
  - 2. Minimum paved width: 20 feet
  - 3. Maximum length: 250 feet

4. No more than 4 dwelling units shall have direct access to the easement
- B. All access easements serving more than two dwelling units shall be constructed to the same cross-sectional specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, home owners association, or other instrument acceptable to the City Attorney.
  - C. A turn-around shall be required for any access easement which has only one outlet and which is in excess of 150 feet long or which serves more than two residences. Turn-arounds shall be either a circular turn-around with a minimum paved radius of 35 feet, or a "tee" or "hammerhead" turn-around with a minimum paved dimension across the "tee" of 70 feet.
  - D. All private access easements serving more than two (2) residences shall be designated as fire lanes and signed for no parking.

## 2.203 OFF-STREET PARKING AND LOADING

### **2.203.01 Purpose**

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

### **2.203.02 Scope**

Development of off-street parking and loading areas for commercial, industrial or multi-family development shall be subject to the Site Development procedures of Section 3.105 and shall be reviewed pursuant to Section 3.203.

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

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

### **2.203.03 Location**

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

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

### **2.203.04 Joint Use**

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to Planning Commission approval for commercial and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously.

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

**2.203.05 Off-Street Automobile Parking Requirements**

Off-street parking shall be provided as required by Section 2.203.08 in the amount not less than listed below. Off -street parking shall not exceed by 1.5 times the amount listed below.

A.	1, 2, and 3 family dwellings	2 spaces per dwelling unit
B.	Multi-family dwellings	1 1/2 spaces per dwelling unit
C.	Hotel, motel and boarding house	1 space per guest room
D.	Club, lodge	Spaces sufficient to meet the combined minimum requirements of the heaviest uses being conducted, such as hotel, restaurant, auditorium, etc.
E.	Hospital, nursing home Assisted care centers	1 space per two beds ½ spaces per guest room
F.	Churches, auditorium, stadium, theater	1 space per 4 seats or every 8 feet of bench length
G.	Elementary or junior high School	2 spaces per classroom, plus off-street loading facility
H.	High School	1 space per classroom plus 1 space per each 10 students plus off-street loading facility
I.	Bowling alley, skating rink, community center	1 space per 200 sq. ft. of gross floor area

J.	Retail store, except as provided in "K"	1 space per 300 sq. ft. of gross floor area
K.	Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles or furniture.	1 space per 900 sq. ft. of gross floor area
L.	Bank; office buildings; medical and dental clinic	1 space per 300 sq. ft. of gross floor area
M.	Eating and drinking establishment	1 space per 250 sq. ft. of gross floor area
N.	Wholesale establishment	1 space per 1,000 sq. ft. of gross floor area, plus 1 space per 700 sq. ft. of retail area
O.	Municipal and governmental	1 space per 600 sq. ft.
P.	Industrial, manufacturing and processing:	
	1. 0-24,900 sq. ft.	1 space per 700 sq. ft.
	2. 25,000-49,999 sq. ft.	1 space per 800 sq. ft.
	3. 50,000-79,999 sq. ft.	1 space per 1,000 sq. ft.
	4. 80,000-199,999 sq. ft.	1 space per 2,000 sq. ft.
	5. 200,000 sq. ft and over	1 space per 3,000 sq. ft.
Q.	Warehousing and storage distribution, terminals (air, rail, truck, water, etc.):	
	1. 0-49,999 sq. ft.	1 space per 2,000 sq. ft.
	2. 50,000 sq. ft. and over	1 space per 5,000 sq. ft.



**2.203.06 Standards For Disabled Person Parking Spaces**

The number of spaces shall comply with the following. Striping and signing of the handicap space(s) shall conform with the Oregon Transportation Commission's standards.

<u>Total in Parking Lot</u>	<u>Required Minimum Number of Accessible Spaces</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 for each 100 over 1000

**2.203.07 Off-Street Loading Requirements**

Off-street loading space shall be provided as listed below:

- A. Commercial office buildings shall require a minimum loading space size of 12 feet wide, 20 feet long and 14 feet high in the following amounts:
  - 1. For buildings over 5,000 square feet of gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space.
  
- B. All other commercial or industrial buildings shall require a minimum loading space of 12 feet wide, 30 feet long, and 14 feet high in the following amount:
  - 1. For buildings containing over 5,000 square feet of gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space.

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

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

- A. Surfacing: All driveways, parking and loading areas shall have a durable, hard surface and complies with the American Public Works Association Oregon Chapter (APWA 1990 Standard Specification for Public Works Construction, or other standards acceptable to the City Engineer."
- B. Size of parking spaces and driveways: As provided in the following table.
- C. Screening: When any public parking or loading area is within or adjacent to a residential zone, such parking or loading area shall be screened from all residential properties with an ornamental fence, wall or hedge of at least 4 feet in height but not more than 7 feet in height. Along alleys, the fence, wall, or hedge shall be four feet in height.
- D. Lighting: Any light used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way.
- E. Areas used for parking and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use and so drained as to avoid flow of water across sidewalks.
- F. Except for parking to serve residential uses, parking and loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
- G. Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- H. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.
- I. Service drive exits shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points 15 feet from their intersection.

- J. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least 4" high, located a minimum of 3 feet from the property line to prevent a motor vehicle from extending over an adjacent property or a street, except where the provisions of subsection 2.106.05(A) of this ordinance apply.
- K. Compact parking spaces: Compact parking spaces shall be permitted on sites with more than five (5) parking spaces. No more than 25% of the required parking shall be "compact" parking

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

- A. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are observed.
- B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the City Recorder or designee based upon the requirements of comparable uses listed and expectations of parking and loading need.
- C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to Subsection 2.203.04 above.
- D. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

**2.203.10 Bicycle Parking**

A. Minimum Space Requirements

1. In the absence of adequate public bicycle parking facilities, the following bicycle parking standards shall apply.

**Bicycle Parking Spaces**

	Type of Use	Minimum Number of Spaces
A	Single Family Residential	Zero
B	All new development or expansions of more than 20 percent of the original floor area	Minimum of 2
C		Each use shall have the greater of the number of spaces cited in line B or the following:
D	Duplexes, Triplexes, and other, Multi-Family Residential	One (1) per every two dwelling units
E	Retail, Office, Institutional, and Parks	One (1) per every 20 vehicle parking spaces
F	Industrial	One (1) per every 40 vehicle parking spaces
G	Schools	Six (6) for every classroom

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

1. Location: All bicycle parking shall be
  - a. Within 100 feet from a building entrance;
  - b. Located within a well lighted area; and
  - c. Clearly visible from the building entrance.
2. Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility.
3. Each bicycle parking space shall be at least 2 feet by 6 feet with a vertical clearance of 6 feet
4. An access aisle of at least 5 feet in width shall be provided in each bicycle parking facility.
5. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary

object, i.e., a “rack”, upon which the bicycle can be locked. Structures that require a user supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary.)

6. Where bicycle parking is provided for employees on a “work shift”, it shall be sheltered, i.e., covered, from the weather or employees shall be provided access to a secure room within a building for bicycle parking.



## 2.204 STORM DRAINAGE

### **2.204.01 Purpose**

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

### **2.204.02 Scope**

The provisions of this Section shall apply to all new residential land partitions and subdivisions, planned unit developments, multi-family developments, commercial developments, and industrial development; and to the reconstruction or expansion of such developments.

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

- A. No construction of any facilities in a development included in Subsection 2.204.02 shall be permitted until a storm drainage and erosion control plan for the project is prepared by an engineer registered in the State of Oregon and approved by the City. This plan shall contain at a minimum:
1. The methods to be used to minimize the amount of runoff, siltation, and pollution created from the development both during and after construction.
  2. Plans for the construction of storm sewers, open drainage channels and other facilities which depict line sizes, profiles, construction specifications and other such information as is necessary for the City to review the adequacy of the storm drainage plans.
  3. Calculations used by the engineer in sizing storm drainage facilities.

### **2.204.04 General Standards**

- A. All development shall be planned, designed, constructed and maintained to:
1. Protect and preserve existing natural drainage channels to the maximum practicable extent;
  2. Protect development from flood hazards;

3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;
  4. Assure that waters drained from the development are substantially free of pollutants, through such construction and drainage techniques as sedimentation ponds, reseeding, phasing of grading;
  5. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;
  6. Provide dry wells, french drains, or similar methods, as necessary to supplement storm drainage systems;
  7. Avoid placement of surface detention or retention facilities in road rights-of-way.
- B. Where culverts cannot provide sufficient capacity with out significant environmental degradation, the City may require the water course to be bridged or spanned.
- C. In the event a development or any part thereof is traversed by any water course, channel, stream or creek, gulch or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the City. This does not imply maintenance by the City.
- D. Channel obstructions are not allowed except as approved for the creation of detention or retention facilities approved under the provisions of this Ordinance. Fences with swing gates may be utilized.
- E. Prior to acceptance of a storm sewer system by the City, the storm sewers shall be flushed and inspected by the City. All costs shall be borne by the developer.



## 2.205 UTILITY LINES AND FACILITIES

### **2.205.01 Purpose**

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

### **2.205.02 Standards**

- A. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site.
- B. All development which has a need for water service shall install water facilities and grant necessary easements pursuant to the requirements of the City.
- C. All development which has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.
- D. All development which has a need for public/private sanitary sewers shall install the facilities pursuant to the requirements of the city. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.
- E. All land divisions or other development requiring sub-surface disposal systems shall be prohibited except for:
  - 1. Development of land divisions in the Urban Transitional Zone which conform to the requirements of that district.
  - 2. Parcels which have unique topographic or other natural features which make sewer extension impractical as determined on a case-by case basis.
- F. All developments proposing sub-surface sewage disposal shall receive approval for the system from Yamhill County. Said systems shall be installed pursuant to ORS 454.605 and 454.745 and Chapters 171, 523 and 828, and the Oregon Administrative Rules 340, Division 7 and the policies of Yamhill County. Sites shall be reviewed by Yamhill County prior to application to the City for development.

- G. Street lights shall be required for all developments inside the City. Installation of street lights shall be pursuant to the requirements of the city and the company serving the development.
- H. Easements shall be provided along property lines as deemed necessary by the City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivisions, and on the final plat of all major partitions.

## 2.206 SIGNS

### **2.206.01 Purpose**

The provisions of this subsection are intended to provide for the necessary means of identification while maintaining a safe and pleasing environment for the people of the City of Lafayette.

### **2.206.02 General Provisions**

- A. **Conflicting Standards:** Signs shall be allowed subject to the provisions of this subsection, except when these provisions conflict with the specific standards for signs in the subject district.
- B. **Signs Subject to State Approval:** All signs visible to the traveling public from state highways are subject to the regulations and permit requirements of the Highway Division of the State of Oregon Department of Transportation. Where the regulations of the State and City differ, the more restrictive regulations shall govern.
- C. **Uniform Sign Code:** All signs shall comply with the provisions of the Uniform Sign Code of the Uniform Building Code, except as otherwise provided in this section.
- D. **Address Display:** The signing program for a multi-family, commercial or industrial development shall include the display of the street number(s) for the development on the sign, support structure or building where it can be seen from adjacent roads.
- E. **Sign Clearances:** A minimum of eight (8) feet above sidewalks and fifteen (15) feet above driveways shall be provided under free-standing signs.
- F. **Setbacks:** All signs shall be situated in a manner so as not to adversely affect safety, corner vision or other similar conditions. Unless otherwise specified, all signs shall observe the yard setback requirements of the districts in which they are located.
- G. **Blanketing:** No sign shall be situated in a manner which results in the blanketing of an existing sign.
- H. **Illuminated Signs:**
  - 1. Internally illuminated signs, or lights used to indirectly illuminated signs shall be placed, shielded or deflected so as not to shine into

residential dwelling units or structures, or impair the vision of the driver of any vehicle.

2. The light intensity of an illuminated sign shall not exceed the accepted standards of the sign industry, as provided by the Oregon Electric Sign Association.
  3. No sign or other illuminating devices shall have blinking, flashing or fluttering lights, with the exception of a time and temperature sign approved by the Planning Commission. This subsection shall not apply to Christmas Lights.
  4. No colored lights shall be used at any location or in any manner which may be confused with or construed to be traffic signals or lights on emergency vehicles.
- I. Moving Signs: No sign, sign structure, or portion thereof, shall be designed to rotate, flutter, or appear to move.
- J. Maintenance: All signs, together with all of their supports, braces, guys, and anchors, shall be kept in good repair and be maintained in a safe condition. All signs and the site upon which they are located shall be maintained in neat, clean, and attractive conditions. Signs shall be kept free from rust, corrosion, peeling paint, or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted.
- K. Pre-Existing Signs: Signs and sign structures existing prior to the adoption of this Ordinance which complied with applicable regulations existing when the sign was established, but which do not comply with one or more of the requirements of this subsection, shall be subject to the provisions of Section 3.109 for Nonconforming Uses, except:
1. Alterations to a non-conforming sign which reduces, or does not increase its non-compliance with the provisions of this ordinance, including changes in display surface, sign area, height and setback, may be allowed.
  2. Sign copy which identifies or advertises a business, product or service no longer located on the same site or premises on which the sign is posted shall be replaced, or removed, within one (1) month of the change of occupancy of the premises or vacancy of the premises. Failure to use the copy area of a non-conforming sign for purposes permitted under this section for a period of more than twelve (12) consecutive months shall constitute a discontinuation of use as provided under Section 3.109 and such sign shall be removed or

modified to satisfy all applicable requirements of Section 2.206 and the underlying district.

**2.206.03 Design Standards**

- A. Message: The permanent copy of the sign shall clearly identify the nature of the business or development. When the name alone does not insure public recognition of the nature of the business or development, additional copy may be included, as necessary.
- B. Legibility: All forms of sign copy shall be appropriate in size, color, style, spacing, and shape to produce a legible, concise, and uncluttered message as viewed from adjacent public roads or from the appropriate internal circulation road or walkway.
- C. Design: Signs shall be designed using shapes, graphics, colors and material which are coordinated and complement the development or business identified.

**2.206.04 Residential**

- A. Residential name plates:
  - 1. Shall not exceed two (2) square feet.
  - 2. Shall be limited only to the title, name, and address of the occupant of the premises upon which the sign is located.
  - 3. Only one (1) such sign shall be permitted upon the premises.
  - 4. May be illuminated by indirect lighting only.
- B. Signs pertaining to home occupations, as provided under Section 2.306 of this Ordinance:
  - 1. If located inside or flush against the dwelling, the sign shall not exceed three (3) square feet. If not affixed to or inside the dwelling, the sign shall not exceed two (2) square feet in size.
  - 2. Shall be located inside the dwelling or located flat against the dwelling within which the home occupation is conducted.
  - 3. Only one (1) such sign shall be permitted upon the premises.

4. May be located within the required setback area of the district provided it is situated in a manner so as not to adversely affect safety, corner vision or other similar conditions.
  5. May be illuminated by indirect lighting only.
- C. Signs identifying multi-family developments or subdivisions:
1. Free-standing and ground-mounted signs shall not exceed twenty-four (24) square feet, as viewed from a single direction, and shall not exceed a height of five (5) feet above the natural ground elevation.
  2. On-building signs shall be reviewed as part of the architecture of the building.
  3. No more than one free-standing or ground-mounted identification sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development; however, in mixed use developments a separate free-standing sign may be allowed to identify the multi-family portion of the development.
  4. Directional signs within the development shall not exceed three (3) square feet, except as provided in the district.
  5. Artificially illuminated signs may be allowed subject to Subsection 2.206.02 (H).
- D. Signs for public and semi-public facilities, schools, churches, hospitals and similar uses:
1. Total sign area of all signs shall not exceed 64 square feet.
  2. No one sign shall exceed 32 square feet in area.
  3. Signs not attached to buildings (free-standing) shall not exceed a height of 20 feet.
  4. Both direct and indirect lighting shall be permitted, provided such lighting shall not be directed upon or interfere with adjacent residential uses.
  5. Signs for public and semi-public facilities located within the Core Commercial (C-1) zone shall be subject to the regulations in this Section.

**2.206.05 Permanent Identification Signs for Commercial and Industrial Developments**

- A. Free-standing or ground-mounted signs oriented to off-site circulation identifying the uses on the premises shall be allowed subject to the following conditions:
1. Only one (1) such sign shall be allowed per street frontage.
  2. Maximum height: Twenty (20) feet.
  3. Maximum sign area: Forty (40) square feet.
  4. Setbacks: Signs less than twenty-eight (28) square feet in size must observe at least one-half of the yard setback requirements of the district in which it is located. Signs larger than twenty-eight (28) square feet in size must observe the setback requirements of the district in which it is located.
  5. Sign structure: When visible, the supporting structure of the sign shall be incorporated into the overall sign design, and shall be in scale with the sign. The sign structure, and any street numbers included on the sign structure, shall not be counted for purposes of determining sign area.
  6. Illumination: Such signs may be internally or indirectly illuminated, subject to Subsection 2.206.02(H).
- B. On-building signs identifying the use of the premises shall be allowed subject to the following conditions:
1. The sign area, location on the building, number of signs, and the size of the copy used shall be determined in consideration of the following factors:
    - a. The relationship of the building to the road or on-site circulation areas.
    - b. The use and the location of a free-standing or ground-mounted sign identifying the premises, including on-site identification sign approved under Subsection 2.206.06(D).
    - c. The use of the premises and associated need for identification of the building.

- d. The size and design of the building elevation on which the sign will be placed.
  - e. The amount of signing for the use which can be seen from a given direction.
- C. Design: On-building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural character of the building.
- D. Changeable copy signs may be incorporated into a permanent identification sign for a business or development, subject to review and approval of the Planning Commission. Approval shall not be granted unless the following conditions are satisfied:
- 1. Only one such sign shall be used in a development.
  - 2. The changeable copy sign shall be included in the maximum sign area allowed under Subsections 2.206.05(A) (3) or 2.206.05(B) (1).
  - 3. The sign shall be integrated into the design of the identification sign, and shall satisfy the design standards under Subsection 2.206.03.
  - 4. A changeable copy sign shall not be used on a sign which includes a time and/or temperature display.

**2.206.06 On-Site Traffic Control and Identification Signs**

- A. On-site signs shall be those permanent signs which are oriented toward internal circulation roads, driveway and walkways, or which direct the flow of traffic to and from the site from adjacent roads or walkways.
- B. Traffic Control: Signs which direct the flow of traffic to and from and within the site area shall observe the clear-vision requirements of the district and shall be a maximum of three (3) square feet.
- C. Directories: An on-site sign oriented primarily toward vehicle circulation which identifies and directs traffic to a number of tenants, uses or buildings within the development shall be limited in area to a maximum of two (2) square feet per tenant, use or building specifically identified, up to a maximum of forty (40) square feet. Directories oriented toward pedestrian circulation areas, including those attached to buildings, shall be a maximum of twenty-four (24) square feet in area, and eight (8) feet in height.



- D. Identification signs: An on-site, ground-mounted tenant identification sign for an individual building within a development may be allowed as an alternative to an on-building identification sign provided such sign shall:
1. Be located on the most visible side of the building being identified.
  2. Not exceed twelve (12) square feet in area.
  3. Not exceed four (4) feet in height.
  4. Use materials and colors which are the same, or substantially the same, as those used on the building identified by the sign.

#### **2.206.07 Temporary Display and Portable Signs**

- A. Temporary Displays: A combination of banners, streamers, strings of lights, flags, beacon lights, and other similar apparatus; may be displayed for the purpose of advertising a grand opening or similar event under the following conditions and limitations:
1. Time period and duration: The temporary display shall not exceed a total time period of four (4) weeks in any calendar year and must coincide with an actual event.
  2. Hazards: No sign, light, electrical cord, streamer, banner, or other apparatus shall be situated or used in a manner which creates a hazard.
- B. Portable Identification Signs: A portable sign may be used to temporarily identify a new business until permanent identification signs are installed, or to identify an existing business while permanent identification signs are being repaired or replaced, under the following conditions and limitations:
1. Need: No portable sign shall be allowed under this provision when any other permanent or portable sign visible from adjacent roads accurately identifies the premises.
  2. Number: Only one (1) portable identification sign shall be displayed for a development of complex.
  3. Time period: The use of a portable identification shall be valid for ninety (90) consecutive days, or until a permanent identification sign is installed, whichever occurs first.

4. Design review: The application for permanent identification signing for the business shall be submitted for review prior to, or concurrent with, the establishment of a temporary display or portable sign under this Section.
  5. Size limits: Portable signs shall not exceed a sign area of thirty-two (32) square feet, or a height of six (6) feet above the natural ground elevation.
  6. Setbacks: Portable signs shall observe clear-vision area requirements of the district. In no case shall a portable sign be placed within the road right-of-way.
  7. Anchoring: All signs approved under this provision shall be physically established in a manner which both prevents the sign from being moved or blown from its approved location, and allows for removal of the sign.
  8. Exceptions: No portable sign shall be allowed under this provision for any business or development which has a changeable copy sign incorporated into their permanent identification sign.
  9. Illuminated Signs: Illumination of any sign, or portion thereof, in the shape of an arrow, or any other shape which may be construed as a traffic control device is prohibited. Signs containing any electrical components or parts, or illuminated by electrical lighting, must be approved under the National Electrical Code as modified by the State of Oregon Rules and Regulations. Lights and illuminated signs requiring an outside power source shall use a state approved power outlet.
  10. Hazards: No sign, light, electrical cord, streamer, banner, or other apparatus shall be situated or used in a manner which creates a hazard.
- C. Portable Service Station Signs: A service station may maintain one (1) portable sign displaying the current prices for fuel sold on the same premises provided such sign does not exceed an area of twelve (12) square feet, or a height of five (5) feet. Such signs shall be subject to clear-vision area requirements and one-half (1/2) the setback requirements of the district, and conditions 7 and 8 under Subsection 2.206.07(B).
- D. Incidental Signs: Emblems, decals, and other similar signs indicating membership in organizations, acceptance of credit cards, brand names of items sold, and other such information which pertains to the business or

proprietor of the business located on the premises may be displayed on the inside of any window or door.

- E. Temporary Window Signs: Posters and other signs of a temporary nature which advertise or inform the public of current prices or events may be displayed on the inside of a window or door of a business located in a commercial or industrial district.
  
- F. Temporary signs advertising the sale, rental or lease of commercial or industrial premises, or identifying a property developer, lease agent or builder, or advertising a legally recorded subdivision in its entirety, or residential property in excess of one (1) acre, may be allowed, subject to the following limitations:
  - 1. Shall not exceed sixty (60) square feet in area.
  - 2. Shall pertain only to property upon which they are located.
  - 3. Shall observe the setback provisions under Subsection 2.206.05(A) (4).
  - 4. Only one (1) such sign shall be permitted on the premises.
  - 5. Shall not be artificially illuminated.
  - 6. Such signs shall be removed from the premises after the premises are sold, rented or leased. Signs pertaining to recorded subdivisions shall not remain upon the premises in excess of eighteen (18) months from the date of filing of the subdivision.
  
- G. Real estate signs advertising individual lots:
  - 1. Shall not exceed six (6) square feet.
  - 2. Shall pertain only to the property upon which they are located.
  - 3. Shall be located at least five (5) feet behind the front lot line.
  - 4. Shall not exceed five (5) feet in height.
  - 5. Shall be temporary in nature and shall be removed within two (2) weeks after the date of sale.
  - 6. Shall not be artificially illuminated.

## **2.206.08 Off-Premise Signs**

- A. Along State Highways: All off-premise signs which are visible from a state highway are subject to approval by the Oregon State Highway Division pursuant to the Motorists Information Act.
- B. Billboards: New billboards shall not be allowed in any zoning district.
- C. Political Signs: Signs which support or oppose ballot measures, persons running for political office, and other issues subject to a vote by the public may be allowed subject to the following conditions:
  - 1. Approval of the owner of the property on which the sign is to be posted.
  - 2. Setbacks: Such signs may be located within the required setback area of the district, provided they are situated in a manner so as not to adversely affect safety, corner vision, or other similar conditions.
  - 3. Right-of-Way Excluded: Signs shall not be posted in state or county rights-of-way, on telephone poles, traffic signs, or other public apparatus.
  - 4. Size: Signs shall not exceed sixteen (16) square feet in size, as viewed from one direction.
  - 5. Time Limit: All such signs shall be removed within one (1) week after the election for which the sign is posted.
- D. Along Public Roads: Off-premise directional signs of a temporary nature such as those used to direct persons to open houses, garage sales, or special one-day events may be allowed subject to the following conditions:
  - 1. Any such sign which is visible from a state highway shall be subject to approval pursuant to Subsection 2.206.08(A), above.
  - 2. All such signs shall comply with conditions 1 through 4 under Subsection 2.206.08(C), above.
  - 3. Time Limit: All such signs shall be removed at the end of the day on which the event, open house or garage sale is conducted.

## 2.207 SITE AND LANDSCAPING DESIGN

### **2.207.01 Purpose**

- A. To guide the planting and maintenance of landscaping materials.
- B. To enhance the appearance of the City, provide areas for outdoor recreation and to:
  - 1. Provide shade and windbreaks where appropriate to conserve energy in building and site design;
  - 2. Buffer and screen conflicting land uses;
  - 3. Provide for the landscaping of parking areas to facilitate vehicular movement and break up large areas of impervious surface.
  - 4. Promote public safety through appropriate design principles.
- C. To prevent or reduce erosion potential on steep terrain by providing appropriate landscape materials.

### **2.207.02 Scope**

All construction, expansion, or redevelopment of structures or parking lots for commercial, multi-family, or industrial uses shall be subject to the landscaping requirements of this Section. Landscaping plans shall be submitted as required by the Site Development Review procedures of section 2.207 and reviewed by the Planning Commission, subject to Type II review procedures set forth in section 3.200.

### **2.207.03 Minimum Area Requirements**

Landscaped areas may include landscaping: around buildings; in open spaces and outdoor recreation areas; in islands and perimeter planting areas in parking and loading areas; and in areas devoted to buffering and screening as required in this Section and elsewhere in this Ordinance. The following area requirements shall be the minimum areas devoted to landscaping:

For expansions of existing developments and parking lots, the minimum new landscaped area shall be determined by: first calculating the percentage of the increase of total floor area or parking area; multiplying the gross site area by this percentage of increase; multiplying the resulting area by the minimum percentage for the type of development, as listed below:

- A. Multi-Family Developments: A minimum of 25 percent of the gross land area shall be devoted to landscaping in multi-family developments. Interior courtyards, atriums, solar greenhouses and roof gardens may be included with general landscaped areas in the calculation of this percentage.
- B. Commercial developments: A minimum of 6 percent of the gross land area shall be devoted to landscaping in commercial developments.
- C. Industrial Developments: A minimum of 6 percent of the gross land area shall be devoted to landscaping in industrial developments.

**2.207.04 General Provisions**

- A. For purposes of satisfying the minimum requirements of this Ordinance, a "landscaped area" must be planted in lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements as defined in this Ordinance.
- B. Landscaping shall be designed, developed and maintained to satisfy the specific functional and aesthetic objectives appropriate to the development and the district, considering the following:
  - 1. Type, variety, scale and number of plants used;
  - 2. Placement and spacing of plants;
  - 3. Size and location of landscaped areas;
  - 4. Contouring, shaping and preparation of landscaped areas;
  - 5. Use and placement of non-plant elements within the landscaping.
- C. The Planning Commission may grant the applicant credit for landscaping to be done in the public right-of-way provided the elements set forth for the granting of a variance are met by the applicant. It shall not be necessary to hold a public hearing to grant this credit. The Planning Commission shall consider the need for future use of the right-of-way for street purposes when granting approval for credit under this section.
- D. The landscape design shall incorporate existing significant trees and vegetation preserved on the site.

## **2.207.05 Screening and Buffering**

- A. Screening shall be used to eliminate or reduce the visual impacts of the following uses:
1. Commercial and industrial uses when abutting residential uses.
  2. Industrial uses when abutting commercial uses.
  3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas.
  4. Outdoor storage areas.
  5. Parking areas for 20 or more vehicles for multi-family developments, or 30 or more vehicles for commercial or industrial uses.
  6. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners.
  7. Any other area or use as required by this Ordinance.
- B. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement or other design techniques.
- C. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:
1. Planting Area: Width not less than fifteen (15) feet, planted with the following materials:
    - a. At least one row of deciduous or evergreen trees staggered and spaced not more than fifteen (15) feet apart.
    - b. At least one row of evergreen shrubs which will grow to form a continuous hedge at least five (5) feet in height within one (1) year of planting.
    - c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.

2. Berm Plus Planting Area: Width not less than ten (10) feet, developed in accordance with the following standards:
  - a. Berm form should not slope more than forty (40) percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.
  - b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use.
  - c. The combined total height of the berm and hedge shall be not less than five (5) feet.
3. Wall Plus Planting Area: Width must not be less than five (5) feet developed in accordance with the following standards:
  - a. A masonry wall or fence not less than five (5) feet in height.
  - b. Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.
4. Other methods which produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the Planning Commission.

**2.207.06 Planting and Maintenance**

- A. No sight-obscuring plantings exceeding thirty (30) inches in height shall be located within any required clear-vision area as defined in section 1.200 of this Ordinance.
- B. Plant materials shall not cause a hazard. Landscape plant materials over walks, pedestrian paths and seating areas shall be pruned to a minimum height of eight (8) feet and to a minimum height of fifteen (15) feet over streets and vehicular traffic areas.
- C. Landscape plant materials shall be selected which do not generally interfere with utilities above or below ground.
- D. Landscape plant material shall be installed to current nursery industry standards.
- E. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.



- F. All landscape material shall be guaranteed by the developer for a period of one year from the date of installation. A copy of the guarantee shall be furnished to the City by the developer.
- G. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas which will not be irrigated should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems, and be sound, healthy, and free from defects, diseases, and infections.
- H. Deciduous trees should be fully branched, have a minimum caliper of one and one-quarter (1 1/4) inches, and a minimum height of eight (8) feet at the time of planting.
- I. Evergreen trees shall be a minimum of six (6) feet in height, fully branched.
- J. Shrubs shall be supplied in a minimum one (1) gallon containers or eight (8) inch burlap balls with a minimum spread of twelve (12) to fifteen (15) inches.
- K. Ground cover plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum four (4) inch size container or a two and one-quarter (2 1/4) inch container or equivalent if planted eighteen (18) inches on center.
- L. All developments are required to provide appropriate methods of irrigation for the landscaping. Sites with over 1,000 square feet of landscaped area shall be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials. Sprinkler heads shall not cause any hazard to the public. Irrigation shall not be required in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks.
- M. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property.
- N. Landscape plant material shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable methods.

## 2.208 DEVELOPMENT STANDARDS FOR LAND DIVISIONS

### **2.208.01 Purpose**

To provide for the orderly, safe, efficient and livable development of land within the City of Lafayette.

### **2.208.02 Scope**

The provisions of this Section shall apply to all subdivisions and partitions within the City of Lafayette.

### **2.208.03 Standards for Lots or Parcels**

- A. Minimum lot area: Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.
- B. Lot width and depth: The depth of a lot or parcel shall not be more than 3 times the width of the parcel, with the following exceptions:
  - 1. Individual lots for townhouse units shall not be less than 20 feet in width. Lot depth may vary, but shall be adequate to provide a minimum of 300 square feet of semi-private outdoor living space for each unit.
  - 2. Individual lots for single-family attached dwelling units shall be designed so that lot depth is not greater than 3 1/2 times lot width.
  - 3. Parcels created for public utility uses or in zones where there is no minimum lot area requirement shall be exempt from width to depth ratio provisions.
- C. Access: All lots and parcels created after the effective date of this Ordinance shall provide a minimum of 40 feet of frontage, on an existing or proposed public street. The following exceptions shall apply:
  - 1. Residential lots or parcels, excluding townhouse developments and Planned Unit Developments, may be accessed via a private street or partition access easement developed in accordance with the provisions of Section 2.202 when the City finds that public street access is:
    - a. Infeasible due to parcel shape, terrain, or location of existing structures; and

- b. Not necessary to provide for the future development of adjoining property.
  2. Lots or parcels in townhouse developments or Planned Unit Developments may be accessed via public or private streets, in accordance with the following standards:
    - a. Internal local streets or drives may be private and shall be subject to the provisions of Section 2.202.
    - b. Collector and arterial streets shall be public and shall comply with the applicable provisions of Section 2.202.
    - c. Local streets which are needed to provide access to adjoining properties shall be public and shall comply with the applicable provisions of Section 2.202.
  3. Commercial or Industrial uses located in a campus or park-like development may be accessed via private streets when developed in accordance with Subsection 2.202.08.
  4. Flag lots, as permitted in Subsection 2.208.03(D).
- D. Flag Lots: With the exception of lots meeting both criteria set forth below, all lots shall maintain the lot frontage (width) required in the applicable zoning district. It is not the intention of this Section to allow the creation of "flag-lots" by increasing the required building set-back line. Flag-lots shall only be approved in conjunction with a partition application. However, this requirement is not intended to encourage the subdivision of a parcel through a number of subsequent partition applications. If the City Recorder determines that this is being done, the applicant shall be required to submit a street and lot plan which covers land under contiguous ownership of the applicant. Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed.

If a flag-lot is permitted, the following standards shall be met:

1. The access strip shall not be less than 25 feet wide. The access strip shall be improved with a minimum 14 foot wide paved driveway and paved encroachment which meet applicable City standards. If said access strip is over 200 feet in length, the driveway shall terminate in a turn-around capable of accommodating emergency fire vehicles and approved by the Fire Chief.

2. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance.
- E. Through Lots: Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. Screening or buffering, pursuant to the provision of Section 2.207, may be required by the City during the review of the land division request.
- F. Lot Side Lines: The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face.
- G. Lot Grading: The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns and other pertinent data, shall be established by the City Building Inspector.
- H. Utility Easements: Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Section 2.205 of this Code.

#### **2.208.04 Standards for Blocks**

- A. General: The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic including pedestrian and bicyclist; and recognition of limitations and opportunities of topography.
- B. Sizes: Blocks shall not exceed 600 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet.
- C. Traffic Circulation. The proposed subdivision shall be laid out to provide safe, convenient, and direct vehicle, bicycle and pedestrian access to nearby residential areas, neighborhood activity centers, commercial areas, and industrial areas; and to provide safe convenient and direct traffic circulation.
- D. Connectivity. To achieve the objective in C. Traffic Circulation, above, the Planning Commission may require the following:

1. Stub Streets: Where the potential exists for additional development on adjacent property.
  2. Pedestrian / Bicycle Accessways: Public accessways to provide a safe, efficient and direct connection to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to nearby residential areas, neighborhood activity centers, commercial areas, and industrial areas.
- E. Collector and Arterial Connections. Pedestrian / bicycle accessway connections with adjoining arterial and collector streets shall be provided if any portion of the site's arterial or collector street frontage is over 600 feet from either a subdivision access street or other pedestrian / bicycle accessway. If natural features e.g., adverse topography, streams, wetlands exist, the provisions of accessways may be limited.
- F. Design Standards. Pedestrian / bicycle accessways shall meet the following design standards:
1. Minimum dedicated width: 20 feet
  2. Minimum improved width: 10 feet
  3. Maximum length: 250 feet with a clear line of vision for the entire length of the accessway.
  4. When an accessway is in excess of 100 feet in length, then pedestrian scale lighting fixtures shall be provided along the accessways and lighted to a level where the accessways can be used at night.
  5. The accessway shall be designed to prohibit vehicle traffic.
  6. If the accessway is not owned by the public, the developer or home owners association shall be responsible for maintenance, lighting, and improvements

#### **2.208.05 Improvement Requirements**

- A. Partitions: During the review of partition proposals, the City may require, as a condition of approval, the following improvements:
1. Private driveways serving flag lots, or private streets, shall be surfaced per the requirements of this Code.

2. If the street frontage of the subject property is less than or equal to 250 feet, the applicant shall sign a non-remonstrance agreement with the City of Lafayette. This agreement shall stipulate that the applicant or future property owner will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities.
3. If the street frontage of the subject property exceeds 250 feet, the applicant shall improve the following:
  - a. Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities.
  - b. Sidewalks, meeting City standards, along public street frontage.
  - c. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve lots accessing off of the new street.

All improvements required as a condition of approval shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section shall be completed or assured through a performance bond or other instrument acceptable to the City Attorney prior to the approval of the final plat of the partition.

- B. Subdivisions: The following improvements shall be required for all subdivisions in the City of Lafayette:
  1. Frontage Improvements: Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.202 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.

2. Project Streets: All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.202.
3. Monuments: Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.
4. Bench Marks: Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.
5. Surface Drainage and Storm Sewer System: Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.
6. Sanitary Sewers: Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided.

If the required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the City may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is equitable to assure financing his share of the construction.

The City may require that the subdivider construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the subdivider as is desirable to assure his share of the construction.

7. Water System: Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the City will not expect the

developer to pay for the extra pipe material cost of mains exceeding ten (10) inches in size.

8. Sidewalks: Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks or sidewalks fronting public property shall not be deferred.
9. Other:
  - (a) Curb cuts and driveway installations, excluding common drives, are not required of the subdivider but, if installed, shall be according to the City standards.
  - (b) Street tree planting is not required of the subdivider but, if planted, shall be according to City requirements and of a species compatible with the width of the planting strip.
10. Street Lights. The installation of street lights is required at locations and of a type required by City standards.
11. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the city and shall be of a type required by City standards.

All improvements required under this Section shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision.

## **2.208.06 Improvement Procedures**

In addition to other requirements, improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure:

- A. Improvement work shall not commence until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City.



- B. Improvement work shall not commence until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer and the Director of Public Works. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.
- D. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.
- E. Upon completion of the public improvements and prior to final acceptance of the improvements by the City, the developer shall provide certified as-built drawings of all public utility improvements to the City. As-built conditions and information shall be reflected on one (1) set of mylar base as-built drawings. The as-built drawings shall be submitted to the City Engineer by the Developer's engineer.

## 2.209 YARD AND LOT STANDARDS

### **2.209.01 New Buildings Shall be on a Lot**

Every building erected shall be located on a lot as herein defined.

### **2.209.02 Yards Apply Only to One Building**

No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected.

### **2.209.03 No Parking in Front Yard, Yards Adjacent to a Street**

Exclusive of driveways, no parking shall be allowed within the required front yard area or yards located adjacent to a street. The side yard and rear yard areas may be used for parking of vehicles unless otherwise prohibited by this Ordinance.

The yard areas adjacent to a street shall not be used for the permanent storage of utility trailers, house or vacation trailers, boats, or other similar vehicles.

### **2.209.04 Zero Side Yard Setback**

Zero side yard dwelling units shall meet the following use and development standards:

- A. Number of attached units. No more than six dwelling units on two or more lots held in separate ownership may be attached in the R-2 or R-3 zone.
- B. Yards adjacent to a street. The requirements of this Ordinance for yards adjacent to a street are not relieved by this Section.
- C. Maintenance easement. As a condition of issuance of a permit for any building having an exterior wall contiguous to a property, the applicant shall furnish an easement from the owner of the property adjacent to said wall providing for ingress, egress, and use of such adjacent property for the purpose of maintaining, repairing, and replacing the building. Said easement shall be appurtenant to the property on which the building is located and shall be approved as to form by the city attorney and shall be recorded with the County Clerk prior to issuance of the permit.

### **2.209.05 Front Yard Projections**

Planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features of not more than 24 inches, from main buildings, uncovered porches and covered but unenclosed porches when not more than one story high and which do not extend more than 10 feet beyond the front walls of the building are exempt from the front yard setback provisions and need not be included when determining the average setback.

### **2.209.06 Side Yard Projections**

- A. Cornices, eaves, gutters and fire escapes when not prohibitive by any other code or ordinance, may project into a required side yard not more than one-third of the width of the side yard, nor more than 4 feet in any case.
- B. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and ornamental features may project not more than 12 feet into a required side yard, provided, however, chimneys and flues shall not exceed 6 feet in width.
- C. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the side yard property line when they are 3 feet or less in height from ground level.

### **2.209.07 Rear Yard Projections**

- A. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters and other ornamental features, may project not more than 12 feet into a required rear yard, provided, however, chimneys and flues shall not exceed 6 feet in width.
- B. A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard and set back at least 6 feet from any property line.
- C. Planter boxes, steps, uncovered porches, covered but unenclosed porches including covered patios when not more than one story high and the floors, which are not more than 4 feet above grade and which shall not come closer than 14 feet from the rear lot line, are exempt from the minimum rear yard depth requirements.
- D. No permitted projection into a required rear yard shall extend within 10 feet of the center line of an alley or of a rear lot line if no alley exists.

- E. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the rear yard property line when they are 3 feet or less in height from ground level.

**2.209.08 Vision Clearance**

A clear vision area shall be maintained where streets and private points of access intersect. The clear vision area shall conform with the following:

- A. A clear vision area at the intersection of a public street and a driveway shall be the triangular area established according to the following procedure:
  - 1. A line extending thirty feet from the intersection along the public street right-of-way;
  - 2. A line extending ten feet from the intersection along the park road;
  - 3. A third line that creates the triangular clear vision area by connecting the ends of the lines described in (a) and (b), above.
- B. Vision clearance for corner lots shall be a minimum of 20 feet.
- C. Vision clearance for street-alley intersections shall be a minimum of 10 feet.
- D. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half feet in height, measured from the top of the curb or, where no curb exist, from the established street centerline grade, except that the following may be allowed in the clear vision area:
  - 1. Trees, provided all branches and foliage are removed to a height of eight feet above grade;
  - 2. Telephone, power, and cable television poles; and
  - 3. Telephone switch boxes provided they are less than ten inches wide at the widest dimension.

**2.209.09 Fences, Walls and Hedges**

- A. Height, location: Fences, walls and hedges may be located in any required yard or along the edge of any yard. A fence, wall or hedge may not exceed eight feet in height without approval of a variance. With the exception of unobscured four foot tall chain link fencing, all fences, hedges and walls shall

not exceed a height of three and one-half (3 1/2) feet within 10 feet of any property line adjacent to the street and must comply with applicable clear vision area requirements.

- B. Construction material: Fences or walls constructed of unsafe materials, including, but not limited to barbed wire, electric fencing, broken glass, and spikes shall generally be prohibited. Agricultural uses may utilize electric and barbed wire fencing.
- C. Swimming pool requirements: All swimming pools shall be enclosed by a locking fence of 6 feet in height. A dwelling may be used to meet part of the enclosure requirement. No swimming pool or fence shall be located in a clear vision area.
- D. An entrance wall or gate to a subdivision, planned unit development or other residential development shall be permitted provided the wall or gate does not exceed 8 feet in height nor violate provisions of the clear vision area.

#### **2.209.10 Accessory Structures**

Accessory structures shall comply with the following requirements:

- A. Within the RA, Commercial, Industrial and Public zones:
  - 1. Location and Number. Accessory structures may be located anywhere the primary structure may be placed. There is no limit to the number of permitted accessory structures.
  - 2. Height. Accessory structures shall comply with the height provisions in the underlying zone for the primary structure.
  - 3. Setbacks. Accessory structures shall comply with the setback provisions in the underlying zone for the primary structure.
  - 4. Building size. There is no limitation, provided the building complies with the setback and height limitations of the underlying zone.
- B. Within the R2, R3 and RC zones:
  - 1. Location and Number. Accessory structures shall be located within the rear yard. A maximum of two are permitted.
  - 2. Height. The maximum allowable height is 20 feet, except that no accessory structure shall exceed the height of the primary building.

3. Property Setbacks. For structures 10 feet or less in height there shall be a minimum 5 foot setback along the side and rear property lines. For buildings greater than 10 feet in height there shall be a setback of 5 feet along each side property line and 10 feet along the rear property line.
4. Building Separation. Accessory structure shall be separated from the primary buildings by a minimum of 5 feet.
5. Building Size. The accessory structure shall be limited to the greater of the following: 20% of the floor area (excluding garage) for the primary building or 480 square feet. In no case shall the accessory structure occupy more than 20% of the rear yard. The building size limitation shall be considered the maximum allowable area permitted for all accessory structures.
6. Exterior Finish. The accessory structure shall have a exterior finish that is residential in character. Metal siding shall be prohibited on accessory structures exceeding 120 square feet in floor area.

## 2.210 TREES

### **2.210.01 Standards**

- A. No trees shall hereafter be planted or removed from any public parking strip or other public place in the City without permission from the superintendent of public works.
- B. It shall be unlawful to plant in any public parking strip the following trees:
  - 1. Poplar
  - 2. Cottonwood
  - 3. Willow
  - 4. Conifer
- C. The superintendent of public works may cause to be trimmed, pruned, or removed any trees, shrubs, plants, or vegetation in any required parking strip, street, or other public place; or may require the property owner to trim, prune, or remove any trees, shrubs, plants, or vegetation in a parking strip abutting upon an owner's property. Failure of the property owner to remove or trim such trees, after 30 days notice by the superintendent of public works, shall be deemed a violation of this ordinance and the City may remove or trim such trees and assess the cost against the property.
- D. Any tree or shrub growing in a parking strip, street, or any public place, which is endangering or which in any way may endanger the usefulness of any public street or sidewalk, is hereby declared to be a public nuisance; and the City may remove or trim any such trees in a parking strip abutting upon an owner's property. Failure of the property owner to remove or trim such trees, after thirty (30) days notice by the City Administrator or designee shall be deemed a violation of this ordinance and the City may remove or trim such trees and assess the cost against the property.

## 2.211 SOLAR ACCESS

### **2.211.01 Permitted Uses**

- A. Solar energy systems, including solar collectors, storage facilities, and distribution components for space heating and cooling, and domestic water heating is a permitted use within all zones, whether as a part of a structure or incidental to a group of structures nearby.
- B. Solar collectors and the equipment used for the mounting and operation of such collectors, where necessary, may be elevated above the structure height limitations in residential zones. However, elevation of solar collectors shall not restrict solar access to adjacent properties.

### **2.211.02 Building Orientation and Design Guidelines:**

- A. The longest axis of a building should run east and west in order to locate the maximum wall and window area along the south side of the building.
- B. To receive maximum benefit from sunlight, major living areas (such as living rooms and kitchens) should contain the larger south-facing windows.
- C. Shading should be provided to prevent overheating in the summer. Such shading can be in the form of shade trees (deciduous on the south side of the building) or eaves with a sufficient overhang to block the summer sun.
- D. Windows on other sides of a building should be kept to a minimum. On the west side of a structure, in particular, windows should be eliminated or provided with adequate shading to prevent overheating.



## CHAPTER 2 ZONING

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## 2.301 GENERAL PROVISIONS

### **2.301.01 Applicability of Special Use Standards**

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same Zoning District. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

### **2.301.02 Process**

The status of a special use as a permitted or conditional use is set forth in the underlying Zoning District.

Conditional uses shall be processed in accordance with the criteria and procedures specified in Section 3.103. Permitted uses shall be reviewed for compliance with the standards of Section 2.200 in the manner specified in the particular special use section.

- A. Conditional Uses and Special Uses: Special uses which are conditional uses in the underlying Zoning District shall be reviewed for compliance with the standards of Section 2.200 during the review of the Conditional Use Permit. In addition to any specific requirements under the special use, the following information shall be included with the application submittal:
1. A description of the proposed use and specific reason for the request.
  2. A vicinity map indicating the relationship of the proposed use to the surrounding area.
  3. A site plan of the property, including existing and proposed improvements, and other information necessary to address the requirements and conditions associated with the use.
  4. A building profile of proposed new or remodeled structures, as applicable.
  5. Information addressing the criteria set forth under Section 3.103.

## 2.302 PLANNED UNIT DEVELOPMENT (P.U.D.)

### **2.302.01 Purpose**

- A. To produce a development which would be as good as, or better than one resulting from traditional lot-by-lot development.
- B. To allow flexibility which will encourage a more creative approach in the development of land, and will result in a more efficient, aesthetic and desirable use of open area, while substantially maintaining the same population density and area coverage permitted in the district in which the project is located.
- C. To allow flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas, and to best utilize the site potential characterized by special features of geography, topography, size and shape.

### **2.302.02 Area of Application**

Planned Unit Developments may be established in residential districts on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of this Section. The minimum PUD size is five (5) acres.

### **2.302.03 Applicant for Planned Unit Development Projects**

- A. Planned Unit Development projects may be applied for:
  - 1. By the owner of all the property involved, if under one (1) ownership, or:
  - 2. Jointly by all owners of the property in the area proposed for the Planned Unit Development project, if there is more than one owner.

### **2.302.04 Uses Permitted**

- A. In a Planned Unit Development only the following uses are permitted:
  - 1. Residential Uses.
  - 2. Recreational facilities including, but not limited to, tennis courts, swimming pools and playgrounds.
  - 3. Open space uses.

4. Schools, libraries, community halls, and churches.
5. Offices, buildings and facilities required for the operation, administration and maintenance of any Planned Unit Development and for recreation purposes such as: golf courses, recreation rooms, and vehicle storage areas.
6. Convenience establishments of a commercial and service nature, including stores, laundry, and dry-cleaning establishments, beauty shops and barber shops, (but specifically excluding gas stations and repair garages) provided:
  - a. Such convenience establishments are an integral part of the general plan of development for the Planned Unit Development and provide facilities related to the needs of the prospective residents.
  - b. Such convenience establishments and their parking areas will not collectively occupy more than one (1) acre per one hundred (100) dwelling units.
  - c. Such convenience establishments will be located, designed and operated to efficiently serve frequent trade and to serve the needs of persons residing in the Planned Unit Developments.
  - d. Such convenience establishments will not, by reason of their location, construction or operation, have adverse effects on residential uses within or adjoining the district, or create traffic congestion or hazards to vehicular or pedestrian traffic.

### **2.302.05 Development Requirements**

Planned Unit Developments shall comply with the applicable development standards of Section 2.200.

- A. Site Adaptation: To the maximum extent possible, the plan and design of the development shall assure that natural or unique features of the land and environment are preserved.
- B. Lot Arrangement: All lots within the development shall be designed and arranged to have direct access to, or frontage on, open space or recreation areas.

- C. Density of Development: Permitted density of development in all PUDs shall be determined in accordance with the following procedures:
1. Determine total gross site area (G.S.A.)
  2. Multiply the G.S.A. by .85 to determine the Net Site Area (N.S.A.).
  3. Deduct from the N.S.A. any acres of 20 percent or greater slope or other unbuildable areas.
  4. Determine maximum density of development in accordance with the appropriate method below:
    - a. R-1 Zone Developments: Multiply NDSA by 5 units per acre.
    - b. R-2 Zone Developments Multiply NDSA by 15 units per acre.
- D. Amount of Open Space: The required amount of open space or outdoor recreational area shall be at least twenty (20) percent of the gross area. Such open space should include school access routes, bicycle trails, natural or landscaped buffer areas, covered bus stops and the like, whenever practical or appropriate.
- E. Community Option: The Planning Commission may request the dedication of proposed open space land which is reasonably suited for use as a City park or for recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, location, and applicable Comprehensive Plan policies, when such dedication is consistent with the ability of the City to maintain such parks.
- F. Structure Setback Provisions: Structures shall meet the setback requirements of the underlying zone.
- G. Circulation:
1. Streets within a PUD shall comply with the applicable standards of Section 2.204.
  2. Roads, pedestrian and bikeway paths shall be an integrated system designed to provide efficient and safe circulation to all users. Developments should be designed to minimize the length of roadway.
  3. Pedestrian/bikeways shall be clearly signed and have adequate crossing facilities where warranted.

H. Off-Street Parking

Off-street parking requirements shall be as specified in Section 2.205. Parking may be provided on each lot or in clustered parking areas. Additional off-street parking for guests and recreational vehicles may be required by the Planning Commission if warranted by reduced lot sizes, type of street and/or traffic volumes.

I. Utilities

In addition to other requirements set forth herein, the following shall apply:

1. All sewer and water provisions shall be approved by the City before construction of such improvements.
2. All utility services shall be placed underground.
3. Provisions shall be made for fire prevention, including service water lines, non-freeze hydrants, and free emergency access for fire fighting equipment around buildings.
4. Provision shall be made for control of site storm water drainage, as required by Section 2.206.

J. Homes Association

A non-profit incorporated homes association, or an alternative acceptable to the City Attorney, shall be required for improving, operating and maintaining common facilities, including open space, streets, drives, service and parking areas and recreation areas. The following principles shall be observed in the formation of any homes association and shall be reviewed by the City Attorney.

1. A homes association shall be set up before approval of the final plat, or any portion thereof.
2. Membership shall be mandatory for each home buyer and any successive buyer.
3. The open space restrictions shall be in perpetuity.
4. The homes association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

5. Home owners shall pay their pro rate share of the cost or the assessment levied by the association shall become a lien on the property.
6. The association shall be able to adjust the assessment to meet changes needed.
7. No change in open space use or dissolution of homes association shall occur without a public hearing before the Planning Commission and approval by the City Council.

K. R-1 Zoning Restrictions

1. The minimum residential lot size is 6,000 square feet.
2. The only permitted residential use are single family, detached dwellings.

**2.302.06 Process**

Planned Unit Developments shall be processed in accordance with the submittal requirements and procedures established in Section 3.107. Approval shall only be granted if the requirements of this Section and all other applicable requirements of this Ordinance are met.

**2.302.07 Modification of an Approved PUD**

A new public hearing shall be required if any one of the following changes is proposed to an approved planned unit development site plan:

- A. Increase or decrease of 10% (or more) in the number of dwelling units.
- B. Increase or decrease of 10% (or more) in the area devoted to open space or recreational space.



## 2.303 MANUFACTURED HOMES

### **2.303.01 Scope**

The following general standards are applicable to all manufactured homes sited in the City of Lafayette.

### **2.303.02 General Standards**

- A. All manufactured homes shall be subject to the following standards:
1. Type of Manufactured Home Permitted. Only those manufactured homes used as permanent residences, manufactured after June 15, 1976, which exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with Housing and Urban Development (HUD) standards shall be permitted.
  2. Manufactured homes shall only be sited in an approved manufactured home park or manufactured home subdivision or on an individual lot in accordance with Section 2.306.
  3. Manufactured homes shall be placed upon a foundation or footings according to the requirements of state statutes and regulations. Plans and specifications for the foundation or footing design shall be submitted to the City and a building permit obtained.
  4. Manufactured skirting shall be installed around the perimeter of manufactured home units except where a unit is placed on a permanent foundation.
  5. Any extension of or attachment to the manufactured home which is not part of the original factory manufactured home and which is intended for use either as part of the dwelling unit or for storage purposes shall not occur unless indicated as a part of the application and is part of the approval. This application shall include plans for review and approval to insure the extension or attachment proposed is compatible and of similar design and character to the existing manufactured home. A City building permit shall be obtained for such extensions or additions to manufactured homes if so required by the appropriate state statutes and regulations.
  6. The applicant must obtain an installation/set-up permit for the manufactured home from the City.

**2.303.03 Process**

Compliance with the standards of this Section shall be reviewed administratively by the City Building Inspector during the review of applicable building permits and set-up permits.

## 2.304 MANUFACTURED HOME PARKS

### **2.304.01 Scope**

The following standards shall apply to the design and development of all manufactured home parks in the City of Lafayette.

### **2.304.02 Processing Procedure**

Manufactured home parks shall be subject to the Site Development Review procedures of Section 3.104. Submittal requirements and review procedures shall be as specified in that Section. Approval shall not be granted unless all provisions of this Section and other applicable requirements of this Ordinance are met.

### **2.304.03 General Standards**

- A. Any lot or site used for a manufactured home park and any modifications to an existing park shall comply with the provisions of ORS 446.002 to ORS 446.210 and Mobile Home Park Standards, adopted as Oregon Administrative Rule, Chapter 814, Subdivision 3, Mobile Home Parks, Sections 28.010 to 18.170, inclusive.
- B. Minimum Park Size. All parks shall require a minimum of five acres.
- C. Density. The maximum density of a mobile home park shall not exceed six units per gross acre.
- D. Minimum Area. The minimum area to be contained on a mobile space by a mobile home and its accessory structures shall be 3,500 square feet.
- E. Setbacks. The following setback standards shall apply:
  - 1. General park development: Setbacks for structures other than a manufactured homes, carports and related accessory buildings shall comply with the minimum residential setbacks in the underlying zone.
  - 2. Manufactured homes:
    - a. Front: 5 feet minimum to the sidewalk; 8 feet minimum to the curb
    - b. Side and rear: 10 feet minimum to any adjacent manufactured home; 6 feet minimum to any adjacent non-residential structure

- c. Manufactured homes on the periphery of a manufactured home park shall maintain the same setbacks as required for the rear yard in the underlying zone.
- 3. Accessory structures:
  - a. Front: 5 feet minimum to the sidewalk; 8 feet minimum to the curb
  - b. Side and rear: 6 feet minimum to any adjacent manufactured home, or, adjacent non-residential structure
- 4. Carports:
  - a. Front: 20 feet minimum to the sidewalk
  - b. Side and rear: Carports attached to, or within 3 feet of, the manufactured home shall comply with the setbacks for the manufactured home. Otherwise, the setback provisions for accessory structures shall apply.
- F. Minimum Width. No mobile home space shall be less than 40 feet in width at its driveway frontage.
- G. Boundaries of Space. The boundaries of each mobile home space shall be clearly marked by a fence, landscaping or by permanent markers.
- H. Parking. A minimum of two off-street parking spaces shall be provided for each unit.
- I. Home Occupations. Home occupations shall not be permitted in the mobile home park.
- J. Commercial Facilities. Convenience commercial activities designed to serve the needs of the park residents shall be permitted including, but not limited to food stores and laundry facilities. Such uses shall not occupy more than 5% of the gross site area and shall conform with the parking and loading of this Code.
- K. Patio. Each mobile home space shall have a slab or patio or concrete, asphalt or flagstone or similar substance not less than 20 feet in length and 10 feet in width adjacent to each mobile home parking site.

- L. Mobile Home Space Coverage. Not more than 50% of a mobile home space may be occupied by a mobile home and its accessory structures, whether or not it is attached to the mobile home.
- M. Signs. All signs shall be in accordance with Section 2.206 of this ordinance.
- N. Skirting. All mobile homes shall have skirting around the exterior of the mobile home or they may be situated upon a continuous foundation meeting the approval of the city building code.
- O. Additions to Mobile Homes. Carports, cabanas, ramadas, awning and all other structures, whether defined herein or not, which are situated upon a mobile home space and are attached to the mobile home, shall conform to the requirements of the city building code. Such additions and structures shall be considered as a portion of the mobile home for determining the extent of lot coverage, setback lines and all other requirements for mobile homes, as if such additions and structures were a part of such mobile home.
- P. Truck Parking. No part of any mobile home park shall be used for the parking or storage of any heavy equipment or trucks exceeding 2 ton capacity.
- Q. Park Upkeep. A caretaker, owner or manager shall be responsible for keeping the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition.
- R. Buffer Area. Landscaped buffer areas shall be developed around the perimeter of all mobile home parks. Buffering shall comply with the landscaping standards of this Code.

#### **2.304.04 Design Standards**

- A. Driveways. All driveways (a way of travel), constructed within a manufactured home park, shall be paved with an asphaltic material or concrete and shall be a minimum of 24 feet in width. In addition if parking is to be permitted along the driveway, a minimum of 30 feet is required. Non-continuous driveways shall have a turn around consistent with Section 2.202. All driveways shall be adequately designed as to permit safe, easy access by emergency vehicles.
- B. Walks. Provisions shall be made for a walk from each mobile home to each driveway. All walks must be hard surfaced, well drained and not less than 36 inches in width.
- C. Recreation Area. A minimum of at least 10% of the gross land area shall be designate for a common recreation area (indoor recreational facilities may be

included in computing the total area). The recreation area shall be clearly designated as such. No vehicle parking or equipment storage shall be permitted thereon.

- D. Utilities. All utility services shall be underground. The applicant shall furnish the city with proper easements for reading the meters and for inspecting water and sewer lines. All meters and water and sewer lines shall be maintained by the park owners to city standards.
- E. Water, Sewer and Surface Drainage. Adequate provisions shall be made for an ample supply of safe and potable water and adequate provisions shall be made for sewage disposal and surface drainage and plans for such must have prior approval of the health department and the city engineer before a mobile home park is approved. All mobile home spaces shall have individual water meters. All meters, sewer and water lines shall be inspected while being installed and the installation shall meet normal city standards.
- F. Lighting. Common driveways and walkways must be adequately lighted.
- G. Refuse Areas. Common refuse areas shall be provided to serve the site. All refuse areas must be sized and located to accommodate the disposal service. Refuse areas must be screened.

## 2.305 MANUFACTURED HOMES ON INDIVIDUAL LOTS

### **2.305.01 Scope**

The provisions of this section are applicable to all manufactured homes sited on individual lots in the City of Lafayette. Manufactured homes sited in approved mobile/manufactured home parks or manufactured home subdivisions are not affected by the provision of this ordinance.

### **2.305.02 General Standards**

Manufactured homes are permitted on individual lots in all residential districts, in accordance with the following general standards, and the placement permit and design compatibility standards set forth in Subsections 2.305.03. and 2.305.04. The minimum lot area, setback, and height standards of the subject zone shall also apply to manufactured homes sited on individual lots.

- A. Size. The manufactured home shall be multi-sectional and have at least 1,000 square feet of gross floor area.
- B. Performance Standards. The exterior thermal envelope must meet the standards specified by state law for single family dwellings, as defined in ORS 455.010.
- C. Removal of Towing Equipment. All towing hitches, wheels, running lights, and other towing related equipment shall be removed within thirty (30) days after installation of the manufactured home.
- D. Foundations. The manufactured home shall be placed on an excavated and back filled foundation with no more than 12 inches of inclosing material exposed above grade. Where the building site has a sloped grade, no more than 12 inches of the inclosing material shall be exposed on the uphill side of the home. If the home is placed on a basement, the twelve (12) inch limitation shall not apply. Furthermore, the twelve (12) inch limitation shall not apply if the requirements of the Flood Hazard District mandate that the home be elevated more than twelve (12) inches above grade.

The foundation shall meet building code and Flood Hazard Area (if applicable) standards. The base of the manufactured home shall be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or a combination thereof.

- E. Design Compatibility. The siting of the manufactured home on an individual lot shall be reviewed by the City Administrator or his designate for design

compatibility. The criteria for design compatibility shall be based upon a review of the following design elements:

1. Roofing. The manufactured home must have a composition asphalt, fiberglass, shake, or tile roof with a nominal pitch of three (3) feet in height for each twelve (12) feet in width.
  2. Exterior Siding. The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings.
  3. Garage/Carport. A garage or carport of like material and color of the manufactured home is required. If a carport is used, than a minimum 50 square foot storage area shall be provided. The carport or garage shall be at least 240 square feet in size and shall meet building code requirements.
- F. Utilities. The manufactured home shall be provided with storm drainage, sanitary sewer, electric, telephone, and potable water utility services with easements dedicated where necessary to provide such services. All such utilities shall be located underground unless waived by the City Building Official where underground service would require an exception to local prevalent conditions.

Manufactured homes shall not be used for living purposes unless connected to local water, sewer, and electrical systems.

### **2.305.03 Placement Permit**

- A. Application Requirements. Prior to the location or relocation of any manufactured home on an individual lot, the homeowner or authorized representative shall secure a placement permit from the City. An application for the placement permit shall include the following information:
1. A plot plan which, at a minimum, describes elevations or all sides of the manufactured home, exterior dimensions, siding and trim materials, roof materials and pitch, and foundation support system and design.
  2. A copy of the manufacturer's approved instructions which will be used for installation.
  3. Flood plain elevation or slope grade, if relevant.



- B. Issuance of the Permit. After receipt of the information required for the Placement Permit, the City Recorder or his designate shall review the application for compliance with the general standards set forth in subsection II. and design compatibility criteria set forth in subsection III. Appeal of the decision shall be to the Planning Commission.
- C. Additional Action Necessary. If the City Recorder finds that siting and/or design changes are needed, a conditional approval of the Placement Permit may be issued. The conditions which must be met prior to occupancy shall be clearly stated in writing. If the applicant agrees in writing to the conditions, approval is given and the applicant proceeds to the building permit stage. If the applicant does not accept the conditions, the Placement Permit is denied with reasons stated in writing.

#### **2.305.04 Building Permit**

- A. Building Permit Required. After the Placement Permit is approved, the homeowner shall secure a building permit.
- B. Building Official Inspections. The Building Official shall inspect the manufactured home placement and set-up in accordance with the standard building permit procedures. The Building Official may provide referrals to other local officials for technical determinations, as appropriate, of conformance with conditions of the Placement Permit. If the applicant has complied with all of the required conditions, standards and inspections, final approval shall be issued and occupancy of the manufactured home permitted.
- C. Denial of Occupancy. If any of the conditions or standards have not been met, the final approval shall not be issued and manufactured home shall not be occupied until such conditions or standards have been met.

#### **2.305.05 Replacement Homes**

The following optional requirements shall be permitted for those lots or parcels containing existing non-conforming manufactured homes.

- A. A property owner may replace an existing manufactured home with a newer model which does not meet the standards in Section 2.305.02., subject to the following provisions:
  - 1. The replacement home shall comply with the requirements in Section 2.303.02.A.1., and shall be no greater than seven years of age at the time of replacement.

2. The replacement home shall meet or exceed the square footage of the existing home.
  3. If one does not exist, a garage or carport shall be constructed consistent with the requirements in Section 2.305.02.E.3.
  4. The manufactured home shall be re-inspected by the City Building Official, or other Building Official certified to inspect in the State of Oregon, prior to locating the manufactured home in Lafayette. The homeowner shall pay for the re-inspection costs.
- B. The replacement home shall otherwise comply with all applicable development standards of the underlying zone.

## 2.306 HOME OCCUPATION

### **2.306.01 Standards**

Home occupations may be allowed as an accessory use on any property on which there is a residence, subject to the following standards and restrictions:

- A. Participation: No person shall be employed other than a member of the family residing on the premises
- B. Character: The character and primary use function of the residence and premises shall not be changed by the use of colors, materials design, construction, lighting, landscaping or lack of landscaping.
- C. Traffic: A home occupation located on a local street, or privately maintained road serving three or more residences, shall not generate more than twenty (20) vehicle trips in one day. A "trip" is a vehicle traveling in one direction to or from a source. Twenty (20) trips is equivalent to ten (10) round trips.
- D. Noise: A home occupation shall not create noise of a type, duration or intensity which, measured at the property line, exceeds 60 DBA between the hours of 7:00 a.m. and 6:00 p.m. No noise shall be created by the home occupation between the hours of 6:00 p.m. and 7:00 a.m. that is detectable to normal sensory perception, off the premises of the home occupation.
- E. Equipment and Process Restrictions: No home occupation conducted within a single-family detached residence or an accessory structure shall create vibration, glare, fumes, odors, or electrical interference detectable to the normal sensory perception, off the property. No home occupation conducted in a residence other than a single family detached residence shall create vibration, glare, fumes, odors, or electrical interference detectable to normal sensory perception outside the dwelling unit. In the case of electrical interference, nothing shall be used which creates visual or auditory interference in any radio or television off the premises.
- F. Hazards: No equipment, process or material shall be used which will change the fire rating or structure separation, fire wall, or ventilation requirements for the structure in which the home occupation is located. No hazardous materials shall be used or stored on the property on which a home occupation located in quantities not typical of those customarily used in conjunction with activities or primary uses allowed in the zoning district.
- G. Signs: Signing shall be as provided in Section 2.206.

- H. On-Premise Client Contact: Customer and client contact shall be primarily by telephone or mail, and not on the premises of the home occupation, except those home occupations, such as tutoring, counseling or personal services, which cannot be conducted except by personal contact. Services or sales conducted on the premises shall be by appointment only, and shall not be oriented toward, or attract, off-the-street customer or client traffic.
- I. Prohibited businesses: The repair or maintenance of vehicles shall be prohibited. This prohibition includes the repair and/or maintenance of automobiles, trucks, recreational vehicles, trailers, motorcycles, farm equipment, boats, and, lawn mowers and other small engine equipment.
- J. Deliveries and Large Vehicle Storage: Delivery of materials to and from the premises shall not involve the use of vehicles over two (2) ton capacity, except parcel post or private parcel delivery trucks. Vehicles over one (1) ton capacity and used in conjunction with a home occupation shall be stored within an enclosed structure on the property. Regardless of capacity, storage of vehicles within the public right-of-way shall be prohibited.
- K. Parking: Parking spaces needed for the conduct of a home occupation shall be provided off the street, in defined areas which are appropriately designed and surfaced for that purpose, and not located within the side or rear yard setbacks of the district. No more than two (2) home occupation-related vehicles shall be located on the property at one time. If access to the property is from an arterial or collector street, adequate maneuvering room shall be provided on-site to allow vehicles to leave the property front-end first.
- L. Storage and Use of Yard Areas: Storage of tools, equipment and materials, and display of merchandise and all other activities associated with a home occupation, except as provided above for parking, shall be contained and conducted wholly within covered and enclosed structures and shall not be visible from the exterior of the containing structure(s). Home occupations which involve the care of children by a baby sitter, as defined in Section 1.200, may use yard areas for playground equipment.
- M. Day care facilities with 12 or fewer children shall not be subject to the provisions in this Section.

## **2.306.02 Process**

Home occupations are allowed as an accessory use to any residential use in the City of Lafayette, subject to the Type I approval process listed in Subsection 3.201.01. The standards of this Section shall govern all home occupations.

**2.306.03 Non-Compliance**

Any home occupation which does not comply with the requirement of this Section and the provisions of the underlying district shall be a violation of this Ordinance and shall be subject to the penalties and remedies of Subsection 1.102.03.

## 2.307 SMALL-SCALE MANUFACTURING IN A COMMERCIAL ZONE

### **2.307.01 Standards**

A small-scale manufacturing operation may be permitted in the Core-Commercial (C-1) Zone as a conditional use provided that:

- A. The area involved in the manufacturing of the product does not involve more than 4,000 square feet of floor area, and all storage of materials is enclosed.
- B. The building and site plan are not incompatible with the character of the commercial area.
- C. All sign requirements of Section 2.208 are met.
- D. All height requirements of the C-1 Zone are met.
- E. Off-street parking shall be provided for all customers and employees of the manufacturing business consistent with the provisions of Section 2.205.
- F. The use shall not be objectionable in relationship to surrounding residential or commercial uses because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration.

### **2.307.02 Process**

- A. Small-scale manufacturing uses in the Commercial Zone shall be reviewed in accordance with the Conditional Use Permit criteria and procedures as specified in Section 3.103; and
- B. Small-scale manufacturing uses in the Commercial Zone shall be subject to the criteria and procedures of Site Development Review process as set forth in Section 3.105.

The above reviews shall include consideration of the standards of this Section. Approval shall not be granted unless all standards of this Section and other applicable provisions of this Ordinance are met.

## 2.308 MOBILE HOME, TRAILER, AND VEHICULAR SALES, SERVICE AND RELATED USES

### **2.308.01 Scope**

The provisions of this Section shall apply to the following uses:

- A. Automobile service stations;
- B. Automobile, truck, mobile home, recreation vehicle or trailer sales;
- C. Boat and marine accessory sales;
- D. Motorcycle sales;
- E. Retail tire shop, sales, service and repair;
- F. Towing service.

### **2.308.02 Standards**

In addition to other development standards established elsewhere in this Ordinance, the following standards shall apply to the development of the uses listed in Subsection 2.308.01, above.

- A. All parking areas, loading areas or areas used for storage of boats, automobiles, mobile homes, recreational vehicles, trucks, trailers, motorcycles or other vehicles shall be paved with a concrete or asphalt surface.
- B. The lot shall be screened from adjoining residentially zoned properties in accordance with the provisions of Section 2.209.
- C. When not displayed for public sale, all merchandise and supplies, other than vehicles, manufactured homes and trailers, shall be stored within a building.

### **2.308.03 Process**

The uses listed in this subsection shall be reviewed for compliance with the standards of this subsection pursuant to the Site Development Review process set forth in Section 3.105.

## 2.309 RECREATIONAL VEHICLE PARKS

### **2.309.01 Purpose**

To provide for the development of RV parks. RV parks are permitted in the C-1 district and conditionally permitted in the R-3 district.

### **2.309.02 Size and Density Standards**

- A. Minimum Size: RV parks shall be at least three (3) acres in size.
- B. Density: The maximum density shall not exceed 18 RV park spaces per acre.
- C. Space Size: Each RV park space shall be at least 1,500 square feet in size.

### **2.309.03 Design Standards**

- A. Required Separation. Recreational vehicle stands shall be separated from each other and from park structures by at least ten feet.
- B. Setbacks. No recreational vehicle stand or park structure shall be located within 25 feet of a public right-of-way or within 20 feet of the property line.
- C. Roadways. Roadways shall be paved with asphalt, concrete, or a similar hard surface material and shall be designed to permit easy access to each recreational vehicle space. Roadway widths shall be as follows:
  - 1. A one-way road shall be a minimum of 12 feet in width, plus eight feet for each lane of parallel parking which is provided.
  - 2. A two-way road shall be a minimum of 24 feet in width plus seven feet for each lane of parallel parking which is provided.
- D. Parking. At least one (1) RV parking space (12 feet by 50 feet minimum) shall be provided at each campsite. In addition, at least one automobile parking space shall be provided at each campsite. Minimum parking space improvements shall be a graveled surface with a base of four inches of crushed rock.
- E. Clear Vision Areas. A clear vision area shall be maintained at the entrance and exit to the recreational vehicle park.



- F. Common Use Recreation Areas. A minimum of eight (8) percent of the gross site area for recreational vehicle parks shall be set aside and developed as common use areas for recreational facilities or recreational open spaces.
- G. Common Facilities. For each fifteen recreational vehicle spaces or fraction thereof the park shall provide toilets, lavatories, and showers for each gender in the following ratios: one toilet, one urinal, one lavatory, and one shower for men; and one toilet, one lavatory, and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms.
- H. Space Landscaping. A minimum of 40% of the RV space shall be landscaped with lawn.
- I. Perimeter Treatment. Except as required for vision clearance, the perimeter of each park shall be improved with:
1. A sight-obscuring fence or wall not less than six feet nor more than seven feet in height; or
  2. Maintained evergreen landscaping that will mature within three years, and reach at least six feet in height at maturity; or
  3. A combination of a and b above.
- J. Drainage. Each recreational vehicle space or campsite and each park street shall be designed to facilitate water run-off, in accordance with Section 2.204.
- K. Refuse Disposal. Durable, water-tight, easily cleanable refuse containers shall be provided at the rate of eight cubic feet (60 gallons) for each five campsites or recreational vehicle spaces. Refuse containers shall be located in such a manner that at least one readily accessible refuse container is within 150 feet of any recreational vehicle space or campsite.
- L. Water Supply.
1. The water supply shall meet the requirements of the State of Oregon Health Division and shall be connected to the City water system.
  2. Where individual water connections are not provided to recreational vehicle spaces or campsites, common use water faucets shall be conveniently accessible and located no more than 150 feet from any campsite or recreational vehicle space.

3. A water station for filling recreational vehicle water storage tanks shall be provided.

M. Sewage Disposal.

1. The sewage disposal system shall meet the requirements of the State of Oregon Health Division and shall be connected to the City sanitary sewer system.
2. If a sanitary waste pump station is provided, it shall meet the standards of the State of Oregon Health Division and shall be screened from recreational vehicle spaces, campsites, and adjacent property. Screening shall be achieved with:
  - a. A sight-obscuring fence or wall not less than six feet nor more than seven feet in height; or
  - b. Maintained evergreen landscaping which will mature within five years, and reach at least six feet in height at maturity; or
  - c. A combination of a and b above.

**2.309.04 Maximum Occupancy Period**

No individual or group shall be permitted to occupy a space within an RV park or camp ground facility for a consecutive period of more than 14 days. Movement to another space or movement from the park for a period of less than three days shall not be construed as renewing this 14 day maximum occupancy period.

**2.309.05 Process**

RV parks shall be reviewed for compliance with the standards of this subsection pursuant to the Site Development Review process set forth in Section 3.105.

## 2.310 TEMPORARY USES

### **2.310.01 Purpose**

To provide for the temporary occupancy of a mobile home or RV parked on a private residential property, when certain health and safety standards are met. The temporary use section is not intended to circumvent the building code of land use laws.

### **2.310.02 Occupancy Unlawful**

No individual may sleep in a mobile home or RV unless the vehicle is parked in a designated RV park, the home or vehicle has been sited pursuant to a duly issued building permit, or the individual has obtained a Temporary Occupancy Permit from the City Recorder.

### **2.310.03 Temporary Occupancy Permit**

The City Recorder is authorized to issue a Temporary Occupancy Permit for up to four weeks, allowing an individual(s) to occupy and sleep in a mobile home or RV temporarily parked in the yard of a residence, in which the individual(s) has access to sanitation and kitchen facilities. No more than two Temporary Occupancy Permits within a 12 month period.

## 2.311 HISTORIC BUILDINGS AND SITES

### **2.311.01 Purpose**

This section is established for the purpose of promoting the historic, educational, cultural, economic and general welfare of the public through the preservation, restoration, and protection of buildings, structures, sites, places and elements of historic interest within the City.

### **2.311.02 Establishment of an Historical Landmarks Committee:**

There is hereby created the Lafayette Historical Landmark Committee (HLC). The HLC shall consist of five members, each entitled to one vote, as follows: one member from the Lafayette Planning Commission; one member from the Yamhill County Historical Society; two members from the citizens at large and the mayor or his designee ex-officio. All members of the committee shall serve without compensation and, other than the mayor ex-officio, shall be designated by the mayor, with confirmation by the City Council. All members shall serve for a term of three years. Any vacancy occurring in a position for any reason shall be filled by appointment by the mayor for the remainder of the term.

### **2.311.03 Powers of the Commission**

- A. The powers, duties, and responsibilities of the HLC shall be as follows:
1. To make recommendations to the Planning Commission and City Council regarding matters concerning the preservation of historical buildings and sites in connection with zone change, conditional use permit, variance, and site design review applications;
  2. To inventory buildings, structures and sites of significant historical value and interest, and to designate these resources as historic landmarks;
  3. To draft and recommend ordinances, design standards and other measures designed to protect and foster interest in the improvement of designated historic landmarks;
  4. To review applications for building permits for new construction, additions and other exterior alterations affecting the appearance or historic character of designated historic landmarks;

5. To review applications for demolition permits involving historic structures and to delay the issuance of such permits for a period of up to six months.

#### **2.311.04 Designation of Historical Landmarks**

##### A. Institution of Proceedings:

1. The HLC, Planning Commission, City Council, property owner or any interested person may initiate proceedings for the designation of an Historical Landmark as follows:
  - a. The City Council, Planning Commission or HLC may initiate designation proceedings by sending written notice to the City Recorder or planning consultant.
  - b. A property owner or interested person may begin designation proceedings by making written application on forms available from the City Recorder. The application shall contain the following minimum information:
    - 1) The applicant's name and address;
    - 2) The owner's name and address, if different from the applicant;
    - 3) Assessor's map number and tax lot number of property proposed for designation;
    - 4) A statement explaining the following:
      - a) The reason why the proposed landmark should be designated;
      - b) The positive and negative effects, if any, which designation of the proposed landmark would have on the residents or other property owners of the area.

##### C. Process - The HLC shall hold a public hearing pursuant to the procedures and notification requirements of Section 5 of Article 3. The decision of the HLC shall be final unless an appeal to the City Council is filed pursuant to Section 7 of Article 3.

##### D. Designation Criteria

1. The HLC may designate a building, structure or site as an Historical Landmark upon findings that the proposed Historical Landmark is of architectural, historical, or cultural significance to the City of Lafayette.

The age of the proposed Landmark, alone, shall not be sufficient grounds for designation.

**2.311.05 Review of Alterations and Construction**

- A. Except as provided in 1.050(B) below, no Historical Landmark shall be altered in such a manner as to affect its exterior appearance, nor may any new structure be constructed upon a site designated as an Historical Landmark or upon a site containing an Historical Landmark, unless such alteration or construction has first been approved by the HLC pursuant to this subsection.
- B. Nothing in this subsection shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, material or the outward appearance of such feature, or which the Building Inspector shall certify is required for the public safety because of its unsafe or dangerous condition.
- C. Application Requirements
  - 1. The applicant shall make application, in accordance with the provisions of Article 3, upon forms obtainable from the City Recorder.
  - 2. The application shall include floor plans, building elevations, material samples and such other information as is necessary to explain the nature of the proposed alteration or construction.
- D. Process - The HLC shall hold a public hearing pursuant to the procedures and notification requirements of Section 5 of Article 3. The decision of the HLC shall be final unless an appeal to the City Council is filed pursuant to Section 7 of Article 3.
- E. The HLC shall determine the appropriateness of the proposed alteration or construction and may approve the request upon findings that the alteration or construction:
  - 1. Does not significantly reduce the historical or architectural character of the Landmark; and
  - 2. Is in keeping with the style, scale and general design of the Landmark.

### **2.311.06 Demolition Controls**

- A. If an application is made for a building permit to demolish all or part of a structure which has been designated as an Historic Landmark, or a structure which is located upon a site designated as an Historic Landmark, the Building Inspector shall within seven (7) days transmit to the HLC a copy of said application.
- B. The HLC shall hold a public hearing within 45 days of application, pursuant to the procedures outlines in Article 3.
- C. In determining the appropriateness of the demolition as proposed in an application for building permit, the HLC shall consider the following:
  - 1. All plans, drawings, and photographs as may be submitted by the applicant;
  - 2. Information presented at the public hearing held concerning the proposed demolition;
  - 3. The Lafayette Comprehensive Plan;
  - 4. The criteria used in the original designation of the Landmark;
  - 5. The historical and architectural style, the general design, arrangement, materials, and general condition of the structure in question or its appurtenant fixtures; and
  - 6. Whether denial of the permit will involve substantial hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this section of this ordinance.
- D. The HLC may approve the demolition request and authorize the Building Inspector to issue the permit after considering the criteria contained in 1.060 (C) of this Article. Action by the HLC shall be final unless an appeal to the City Council is filed pursuant to the provisions of Section 7 of Article 3.
- E. The HLC may reject the application for permit if it determines that in the interest of preserving historical or architectural values, the structure should not be demolished. In that event, issuance of the permit shall be suspended for a period fixed by the HLC as follows:

1. The HLC may invoke a stay of demolition for a period not exceeding thirty (30) days from the date of the decision on the requested demolition.
  2. The HLC may extend the suspension period if it determines that there is a program or project underway which could result in public or private acquisition of such structure or site, and that there is reasonable grounds to believe that such program or project may be successful. The suspension period may be extended in thirty (30) day increments for an additional period not exceeding more than one hundred and twenty (120) days from the date of the initial application;
  3. An action by the HLC suspending the issuance of a permit for any demolition may be appealed to the City Council by the applicant for the permit by filing an appeal with the City Recorder, pursuant to the provisions of Section 7 of Article 3.
- F. Nothing in this subsection shall be construed to prevent the issuance of a permit for the demolition of a structure which the Building Inspector shall certify constitutes a hazard to public safety because of its unsafe or dangerous condition.



CHAPTER 2  
ZONING

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## 2.401 GENERAL STANDARDS

### **2.401.01 Minimum Requirements**

In interpreting and applying this Ordinance, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where conflicts occur between the requirements of this Ordinance and a condition of approval established as part of a land use decision, the provisions of the condition shall prevail.

### **2.401.02 Completion of a Structure Within a Reasonable Length of Time**

Subsequent to the granting of a building permit for a particular use, the Planning Commission may determine, and recommend to the City Council, that a structure not completed within one year of beginning construction shall constitute a violation of this Ordinance.

### **2.401.03 Lots of Record**

- A. A parcel is a legal lot of record for purposes of this Ordinance when the lot conforms to all zoning requirements, Subdivision Ordinance requirements, and Comprehensive Plan provisions, if any, in effect on the date when a recorded separate deed or contract creating the separate lot or parcel was signed by the parties to the deed or contract; except
- B. Contiguous lots under the same ownership when initially zoned shall be combined, for the purposes of this Ordinance, when any of these lots do not satisfy the lot size requirement of the initial district. A lot or parcel which is a separate legal lot or parcel prior to the adoption of this provision shall remain a separate legal lot regardless of ownership.
- C. Lots in recorded plats shall not be combined under Subsection 2.401.03 (B).
- D. The use or development of any legal lot of record shall be subject to the regulations applied to the property when such development or use is commenced, irrespective of the lot width, street frontage, depth or area, but subject to all other regulations. However, no dwelling shall be built on an existing lot less than 3,000 square feet in area.

### **2.401.04 Lots Abutting a Partial Street**

New structures which are proposed to be constructed on lots abutting an existing public street which does not meet the minimum standards of Section 2.204 for right-of-way width shall provide setbacks sufficient to allow for the future widening of

the right-of-way. Building permits shall not be issued unless a yard setback equal to the minimum yard requirements of the zoning district plus the required minimum additional right-of-way width is provided.

#### **2.401.05 Protection of Solar Access**

The use of solar energy systems including solar collectors, storage facilities, and distribution components for space heating and cooling and domestic water heating is a permitted use within all zones, whether as a part of a structure or incidental to a group of structures nearby.

- A. Solar collectors and the equipment used for the mounting and operation of such collectors, where necessary, may be elevated above the 2 1/2 story height limitation in residential zones. However, elevation of solar collectors shall not restrict solar access to adjacent properties.
- B. Chimneys, communication transmission towers, television and radio masts shall not significantly restrict or impair solar access to buildings or solar collector locations.

#### **2.401.06 Unsafe Building**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

#### **2.401.07 Limitations on Buildings**

In an R-1 and R-2 Zone there shall be only one main building on a lot except in the case where multi-family dwelling units are built in an R-2 Zone; then the lot area requirements for multi-family dwellings shall apply.

#### **2.401.08 Protection of Runoff Capacity of Natural Drainage Channels**

A property owner shall not allow the water carrying capacity of any drainageway within his property to deteriorate and subsequently contribute to flood hazard. The property owner shall remove excess debris from the channel including dead vegetation. Neither shall any fill or garbage be dumped in any drainageway. Failure to maintain the water carrying capacity of the drainageway shall empower the City to enter the property and take whatever action is necessary to ensure that the carrying capacity of the drainageway is not impaired. The City may then assess the real property and improvements for the cost of the City's actions according to the special assessment ordinance of the City, 211-C.

## 2.402 GENERAL EXCEPTIONS

### **2.402.01 Yard Exceptions for Accessory Service Station Structures and Equipment**

In a district where automobile service stations are permitted, free standing gasoline pumps and pump islands, identification signs and lighting standards may occupy a required front or street side yard exclusive of a clear vision zone unless otherwise prohibited by this Ordinance. In any zone, gasoline pumps and pump islands shall not be located so that any part of a vehicle being served shall extend into any public street right-of-way, alley or private drive used for access or egress to private property. Further, gasoline pumps or pump islands shall not be built within 10' from a property line.

### **2.401.02 General Exception to Building Height Limitations**

Projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, flagpoles, and other similar objects not used for human occupancy are subject to review and approval of the Planning Commission in accordance with the Variance procedures of Section 3.104.

### **2.402.03 Height Exceptions for Public Buildings**

Public or quasi-public buildings, religious buildings, hospitals, and educational institutions when permitted in a zone may be constructed to a height not to exceed 1.75 times the height limit for the zone, provided the required yards are increased one foot for each two feet of additional building height above the height regulation for the zone.

### **2.402.04 Additions to Existing Structures**

When structures exist at the time a zone is adopted which do not comply with front yard setback restrictions, additions to such structures not conforming to the front yard setbacks shall be allowed, provided:

- A. The setback distance will not be decreased by the addition;
- B. The addition conforms to all other provisions of the zoning district; and
- C. The addition shall not be greater than forty (40) percent of the square footage on the ground level of the existing structure.

#### **2.402.05 Public Dedications**

Setback restrictions of this Ordinance shall not apply to existing structures whose setback is reduced by a public dedication. Additions to such structures shall be allowed subject to Subsection 2.402.04.

#### **2.402.06 Miscellaneous Exceptions to Setback Requirements**

Setback limitations stipulated elsewhere in this Ordinance may be modified as follows:

- A. Bus shelters which are intended for use by the general public and are under the ownership and/or control of a city, county, state or municipal corporation shall be exempt from setback requirements.
- B. Side and rear yards of underground structures may be reduced to 3 feet except:
  - 1. Where the perimeter wall of the structure is above the natural elevation of the adjacent ground, in which case the setback provisions of the district shall apply.
  - 2. All openings into the structure, including doors, windows, skylights, plumbing, intake and exhaust vents, shall meet the minimum setbacks of the district.
- C. An uncovered porch, terrace or patio structure extending no more than two and one-half (2 1/2) feet above the finished elevation may extend within three (3) feet of a side lot line or within ten (10) feet of a front or rear lot line.

## 2.403 USES PERMITTED IN ALL ZONES

### **2.403.01 Scope**

The following uses and activities are permitted in all zones:

- A. Placement and maintenance of underground or above ground wires, cables, pipes, guys, support structures, pump stations, drains, and detention basins within rights-of-ways by public agencies and utility companies for telephone, TV cable, or electrical power transmission, or transmission of natural gas, petroleum products, geothermal water, water, wastewaters, sewage and rainwater.
- B. Railroad tracks and related structures and facilities located within rights-of-ways controlled by railroad companies.
- C. Surfaced travel lanes, curbs, gutters, drainage ditches, sidewalks, transit stops, landscaping and related structures and facilities located within rights-of-ways controlled by a public agency.
- D. Expansion of public right-of-way and widening or adding improvements within the right-of-way, provided the right-of-way is not expanded to more width than prescribed for the street in the Public Facilities segment of the Comprehensive Plan. A non-conforming use may be continued although not in conformity with the regulations for the zone in which the use is located.

**CHAPTER 3-1**  
**APPLICATION REQUIREMENTS AND REVIEW PROCEDURES**

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### 3.101 SUMMARY OF APPLICATION TYPES AND REVIEW PROCEDURES

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

#### **3.101.01 Type I Action**

Type I actions are administrative reviews processed by the City staff. The review standards are generally clear and objective and allow little or no discretion. This process is further divided into two parts:

- A. Type I-A: A ministerial action reviewed by staff based on clear and objective standards. No conditions may be placed on the decision and notice of the decision is sent only to the applicant. Appeal is to the Planning Commission. The following actions are processed under the Type I-A procedure:
  - 1. Lot Line Adjustment
  - 2. Home Occupation
  - 3. Signs
  - 4. Floodplain Development
  
- B. Type I-B: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Appeal is to the Planning Commission. The following actions are processed under the Type I-B procedure:
  - 1. Minor Variance
  - 2. Partitions
  - 3. Site Plan Review

#### **3.101.02 Type II Actions**

A Type II action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Public notice and a public hearing is provided. Section 3.202 lists the notice requirements. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure:

- A. Conditional Use Permit

- B. Non-Conforming Uses
- C. Planned Unit Development
- D. Similar Use
- E. Subdivision
- F. Major Variance
- G. Restricted Development Permit

### **3.101.03 Type III Actions**

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards. The Planning Commission has an advisory role. Public notice is provided and public hearings are held at the Planning Commission and City Council. Section 3.202 lists the notice requirements. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure:

- A. Annexation
- B. Comprehensive Plan Map Amendments
- C. Vacation
- D. Zone Change

### **3.101.04 Type IV Actions**

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties cannot request a Type IV action. It must be initiated by City staff, Planning Commission, or City Council. Public notice and hearings are provided in a Type IV process.

## 3.102 ZONE CHANGE

### **3.102.01 Process**

Zone change shall be reviewed in accordance with the Type III review procedures specified in Section 3.201.

### **3.102.02 Application and Fee**

An application for a zone change shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

### **3.102.03 Criteria for Approval**

Zone change proposals shall be approved if the applicant provides evidence substantiating the following:

- A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.
- B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.
- C. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.
- D. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.
- E. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.
- F. The following additional criteria shall be used to review all non-residential changes:
  - 1. The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next 5 years, or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use.

2. The supply of vacant land in the existing zone is adequate, assuming the zone change is granted, to accommodate the projected rate of development of uses allowed in the zone during the next 5 years.
3. The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

## 3.103      CONDITIONAL USE PERMITS

### **3.103.01      Process**

Conditional Use Permit applications shall be reviewed in accordance with the Type II review procedures specified in Section 3.201.

### **3.103.02      Application and Fee**

An application for a Conditional Use Permit shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

### **3.103.03      Criteria for Approval**

Conditional Use Permits shall be approved if the applicant provides evidence substantiating that all the requirements of this Ordinance relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

- A.    The use is listed as a conditional use in the underlying district.
- B.    The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.
- C.    The proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the use.
- D.    The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.
- E.    The proposal satisfies any applicable goals and policies of the Comprehensive Plan which apply to the proposed use.

## 3.104 VARIANCES - MINOR AND MAJOR

### **3.104.01 Purpose**

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, maximum building heights and other development standards that apply to various uses. For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a variance to quantifiable requirements.

A minor variance may be approved for those requests resulting in no more than a 20% change in a quantifiable standard. Otherwise, any change to a quantifiable standard will require a major variance.

### **3.104.02 Application and Fee**

An application for a variance shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

### **3.104.03 Applicability**

Under the following provisions, a property owner or his designate may propose a modification or variance from a standard or requirement of this Ordinance, except when one or more of the following applies:

- A. The proposed variance would allow a use which is not permitted in the district;
- B. Another procedure and/or criteria is specified in the Ordinance for modifying or waiving the particular requirement or standard;
- C. Modification of the requirement or standard is prohibited within the district; or
- D. An exception from the requirement or standard is not allowed in the district.

### **3.104.04 Criteria and Procedure - Minor Variance**

The City Recorder may allow a minor variance from a requirement or standard of this Ordinance in accordance with the Type I-B review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

- A. The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; OR,
- B. The particular development as proposed otherwise clearly satisfies the intent and purpose for the provision sought to be varied; and
- C. The proposed development will not unreasonably impact adjacent existing or planned uses and development; and
- D. The minor variance does not expand or reduce a quantifiable standard by more than 20 percent and is the minimum necessary to achieve the purpose of the minor variance; and
- E. There has not been a previous land use action approved on the basis that a minor variance would not be allowed.

### **3.104.05 Criteria and Procedure - Major Variance**

The Planning Commission may allow a major variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the Type II review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.
- B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.
- C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.
- D. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.
- E. The variance requested is the minimum variance which would alleviate the hardship.

## 3.105 SITE DEVELOPMENT REVIEW

### **3.105.01 Purpose**

The Site Development Review Process is intended to:

- A. Guide future growth and development in accordance with the Comprehensive Plan and other related Ordinances;
- B. Provide an efficient process and framework to review development proposals;
- C. Ensure safe, functional, energy-efficient developments which are compatible with the natural and man-made environment; and
- D. Resolve potential conflicts that may arise between proposed developments and adjacent uses.
- E. The site development review provisions are not intended to preclude uses that are permitted in the underlying zones.

### **3.105.02 Application and Fee**

An application for Site Development Review shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

### **3.105.03 Applicability of Provisions**

- A. Site Development Review shall be applicable to all new developments and major remodeling of existing developments except:
  - 1. Single-family detached dwellings;
  - 2. A duplex; or
  - 3. Any commercial or industrial remodel that does not exceed 25% of the total square footage of the existing structure.
- B. All of the provisions and regulations of the underlying zone shall apply unless modified by other Sections of this Code.



### **3.105.04 Review and Approval Process**

Site Development Review applications shall be reviewed in accordance with the Type I-B review procedures specified in Section 3.201.

### **3.105.05 Submittal Requirements**

- A. The following information shall be submitted as part of a complete application for Site Development Review:
1. Site Analysis
    - a. Existing site topography;
    - b. Identification of areas exceeding 10% slopes;
    - c. Site drainage, areas of potential flooding;
    - d. Areas with significant natural vegetation;
    - e. Classification of soil types; and
    - f. Existing structures, roadway access and utilities.
    - g. Traffic safety, internal circulation and parking, connectivity of internal circulation to existing and proposed streets, bikeways and pedestrian facilities;
    - h. Existing and proposed streets, bikeways, and pedestrian facilities within 200 feet.
  2. Site Plan
    - a. Proposed grading and topographical changes;
    - b. All proposed structures including finished front and side floor elevations and setbacks;
    - c. Vehicular, bicycle and pedestrian circulation patterns, parking, loading and service areas;
    - d. Proposed access to public roads, highways, bikeways, pedestrian facilities, railroads or other commercial or industrial transportation systems;

- e. Site drainage plan including methods of storm drainage, sanitary sewer system, water supply system and electrical services. Inverse elevations may be required for all underground transmission lines;
- f. Proposed landscape plan, to include appropriate visual screening and noise buffering, where necessary, to ensure compatibility with surrounding properties and uses;
- g. Proposed on-premise signs, fencing or other fabricated barriers, together with their heights and setbacks;
- h. Proof of ownership and signed authorization for the proposed development, if applicant is not the owner of the site; and
- i. A schedule of expected development.

### **3.105.06 Evaluation of Site Development Plan**

The review of a Site Development Plan shall be based upon consideration of the following:

- A. Conformance with the General Development Standards contained in this Ordinance.
- B. Characteristics of adjoining and surrounding uses;
- C. Drainage and erosion control needs;
- D. Public health factors;
- E. Traffic safety, internal circulation and parking;
- F. Provision for adequate noise and/or visual buffering from non-compatible uses;
- G. Retention of existing natural features on site; and
- H. Problems that may arise due to development within potential hazard areas.
- I. Connectivity of internal circulation to existing and proposed streets, bikeways and pedestrian facilities.

### **3.105.07 Expiration of Approval**

- A. Site Development Review approval shall be effective for a period of one year from the date of approval if substantial construction of the approved plan has not begun within the one year period.
- B. Site Development Review approval shall be voided immediately if construction on the site is a departure from the approved plan.
- C. The City Recorder shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six months provided that:
  - 1. No changes are made to the approved Site Development Plan;
  - 2. The applicant can show intent to initiate construction on the site within the six month extension period; and
  - 3. There have been no changes in the facts or applicable policies or ordinance provisions on which the original approval was based.

### **3.105.08 Financial Assurances**

If required site improvements cannot be completed prior to the issuance of an occupancy permit, a performance bond or other guarantee acceptable to the City Attorney may be required, as provided for in Subsection 3.201.01(l)(3).

## 3.106 PARTITIONS

### **3.106.01 Area of Application**

A partition is required for any land division which creates two or three parcels in a calendar year. The parcels shall meet the Development Standards for Land Division of Section 2.208, other applicable development standards and the following additional requirements:

- A. Access: Each parcel shall meet the access requirements of Subsection 2.208.03.
- B. Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is approved.
- C. Adequate public facilities shall be available to serve the existing and newly created parcels.

### **3.106.02 General Provisions**

- A. Partition approval is valid in perpetuity, upon recording of the final surveyed plat.
- B. No parcel within an approved partition may be redivided within the same calendar year in which it was recorded, except through the subdivision process.
- C. A master plan for development is required for any application which leaves a portion of the subject property capable of replatting.

### **3.106.03 Submittal Requirements for Preliminary Review**

- A. Applications for partitions shall be submitted on forms provided by the City to the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.
- B. Each application shall be accompanied by a preliminary partition plat drawn to scale of not less than one inch equals fifty (50) feet nor more than one inch equals 200 feet, and containing at a minimum, the following:
  - 1. Appropriate identification stating the drawing is a preliminary plan.
  - 2. North point, scale and date.

3. Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan.
4. Map number and tax lot or tax account number of subject property.
5. The boundary lines and approximate area of the subject property.
6. Dimensions and size in square feet or acres of all proposed parcels.
7. All adjacent roads, bikeways, pedestrian facilities, public or private, easements or right-of-way to, or within the subject property, including name and road width, where applicable.

#### **3.106.04 Process for Preliminary Review**

Preliminary plats for partitions shall be reviewed in accordance with the Type I-B review procedures specified in Section 3.201.

#### **3.106.05 Process for Final Plat Approval**

- A. Survey Submitted: Within 1 year of the final decision approving a preliminary plat, a final survey of the approved plat shall be recorded. If the final survey is not submitted within 1 year, the preliminary approval shall lapse.
- B. Final Approval: If the partition plat is consistent with the approved preliminary plat, and if the conditions of approval have been satisfied, the City Recorder shall mark a copy of the survey plat "APPROVED" and shall retain one copy for the City's files.
- C. Recording of Approved Plat Required: No building permit shall be issued, or parcel sold, transferred or assigned until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees.
- D. Improvements/Bonding: Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney, as provided for in Subsection 3.201.01(G)(3).

## 3.107 SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

### **3.107.01 General Provisions**

- A. All subdivisions and PUDs shall conform to all applicable Zoning District Standards, development standards and other provisions of this Ordinance.
- B. A Master Plan for development is required for any application which leaves a portion of the subject property capable of redevelopment.

### **3.107.02 Submittal Requirements**

- A. The following submittal requirements shall apply to all major partition applications and to Preliminary Plan applications for subdivisions and PUDs.
  - 1. All applications shall be submitted on forms provided by the City to the City Recorder along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.
  - 2. In addition to the information listed in Subsection 3.106.03 of this ordinance, applicants for subdivisions, and planned unit developments shall submit the following:
    - a. The name, address and phone number of the applicant engineer, land surveyor, or person preparing the application;
    - b. Name of the PUD or subdivision.
    - c. Date the drawing was made.
    - d. Vicinity sketch showing location of the proposed land division.
    - e. Identification of each lot or parcel and block by number.
    - f. Gross acreage of property being subdivided or partitioned.
    - g. Direction of drainage and approximate grade of abutting streets.
    - h. Streets proposed and their names, approximate grade, and radius of curves.

- i. Any other legal access to the subdivision, PUD or partition other than a public street.
  - j. Contour lines at two foot intervals if 10% slope or less, five foot intervals if exceeding 10% slope, and a statement of the source of contour information.
  - k. All areas to be offered for public dedication.
- B. The following supplemental information shall be required for all PUD Preliminary Plan applications:
  - 1. Calculations justifying the proposed density of development as required by Subsection 2.302.05(D).
  - 2. Proposed uses of the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses, with the purpose, condition and limitations of such reservations clearly indicated.
  - 3. The approximate location and dimensions of all commercial or multi-family structures proposed to be located on the site.
  - 4. Statement of improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and time such improvements are to be made or completed.
  - 5. Written statement outlining proposals for ownership and maintenance of all open space areas, private streets and any commonly owned facilities.

### **3.107.03 Review Procedures**

- A. All Preliminary Plans for subdivisions and PUDs shall be heard by the Planning Commission pursuant to the procedures set forth in Section 3.203.
- B. Approvals of any preliminary plans for a subdivision or PUD shall be valid for one year after the date of the written decision. A Final Plat for a Final Plan for a subdivision shall be recorded within this time period or the approvals shall lapse. PUDs which do not involve the subdivision of property shall show substantial progress toward the construction of the project within the one year period or the approval shall lapse.
- C. The Planning Commission, after holding a hearing may extend the approval period for any subdivision or PUD for not more than one (1) additional year at

a time. Requests for extension of approval time shall be submitted in writing thirty (30) days prior to the expiration date of the approval period.

- D. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.

#### **3.107.04 Form of Final Subdivision or Plat**

- A. The final plat shall be prepared in a form and with information consistent with ORS 92.010-92.160, and approved by the County Surveyor.
- B. Where applicable, all Homeowners Agreements, Articles and By-Laws shall be submitted with the final plat for review by the City Attorney.
  - 1. The final plat shall not be approved by the Planning Commission until the Homeowners Association Agreement, Articles and By-Laws are approved.
  - 2. The Homeowner's Association Agreement shall be consistent with Chapter 94, Oregon Revised Statutes.
  - 3. A Certificate of Formation of a non-profit corporation, with a State seal, for the Homeowners Association, shall be submitted with the final plat for review by the Planning Commission.
  - 4. Signed, original documents of the Homeowners Association Agreement, Articles and By-Laws and the Certificate of Formation described in (3) above, shall be recorded with the final plat.
- C. All plat names shall conform to ORS 92.090.

#### **3.107.05 Final Plat Review of Subdivisions**

- A. The final subdivision plat shall be submitted to the Planning Commission for review. The Planning Commission shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The Planning Commission Chairman shall signify Planning Commission approval of the final plat by signing the recorder's plat sheet and exact duplicate.
- B. The final subdivision plat shall be filed with the Yamhill County Department of Assessment and Taxation.



## 3.108 SIMILAR USES

### **3.108.01 Purpose and Scope**

The purpose of this Section is to provide for those uses not specifically listed in a particular zoning district but which are similar in character, scale and performance to the permitted uses specified therein.

### **3.108.02 Application and Fee**

Any application for a similar use shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

### **3.108.03 Process**

Similar use requests shall be reviewed in accordance with the Type II review procedures.

### **3.108.04 Review Criteria**

A similar use may be authorized provided that the applicant demonstrates that the proposed use satisfies the following criteria:

- A. The use is consistent with the purpose of the underlying zoning district and is similar in character, scale and performance to permitted uses specified in the underlying district.
- B. The use conforms with the applicable standards and limitations of the underlying zoning district.

### **3.108.05 Determination**

- A. In approving an application for a similar use, the Planning Commission may:
  - 1. Determine whether the use is prohibited, permitted or conditionally permitted in the specified zone.
  - 2. Determine whether the use is permitted or conditionally permitted in a different zone.
  - 3. Consistent with the development requirements of the identified zone, determine whether additional land use actions, such as conditional use approval or a site plan review, are required.

- B. The determination by the Planning Commission that a proposed similar use cannot be accommodated in a given zone does not preclude an application, by the appropriate party, for an amendment to the text of the Comprehensive Plan and/or Development Code.

## 3.109 NONCONFORMING USES

### **3.109.01 Purpose and Scope**

Within the zoning districts established by this Ordinance and amendments thereto, uses and structures exist which were lawful before the date of adoption or amendment of this Ordinance but which would be prohibited or restricted under the terms of this Ordinance. The general purpose of this Section is to encourage the conversion of such nonconforming uses to conforming uses. However, this Section allows nonconforming uses and structures to be continued, altered, restored or replaced subject to satisfaction of the review criteria specified in Subsection 3.109.03. Nothing contained in this Ordinance shall require any change in the plans, construction, or designated use of any structure for which a building permit was issued and actual construction commenced prior to the date of adoption of this Ordinance or any amendment thereto. However, no alteration of a nonconforming use shall be permitted except in compliance with the provisions of this Section.

### **3.109.02 Application and Fee**

An application for an alteration or expansion of a nonconforming use shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section. Nonconforming use requests shall be heard by the Planning Commission pursuant to the provisions of Sections 3.202 and 3.203.

### **3.109.03 Discontinuation of Use**

If a non-conforming use is discontinued for a period of more than twelve (12) consecutive months, the use shall not be resumed unless the resumed use conforms with the requirements of the Ordinance and other regulations applicable at the time of the proposed resumption.

### **3.109.04 Alterations Required by Law**

The alteration of any nonconforming use when necessary to comply with any lawful requirement for alteration of the use or structure shall be permitted, subject to all other laws, ordinance and regulations.

### **3.109.05 Maintenance**

Normal maintenance of a nonconforming use is permitted provided there are not major structural alterations as determined by the City Building Inspector.

### **3.109.6 Alteration, Restoration, or Replacement**

- A. The City Recorder shall authorize restoration or replacement of a nonconforming use or structure when restoration or replacement is made necessary by fire, casualty, or natural disaster, provided the physical restoration or replacement is lawfully commenced within one (1) year of the damage or destruction.
- B. The alteration of a nonconforming use or structure may be authorized by the Planning Commission, subject to the Type II review procedure; provided that the applicant demonstrates that the proposal satisfies the following criteria:
  - 1. That the alteration of structures would result in a reduction in nonconformity of the use, or would have no greater adverse impact on the neighborhood
  - 2. If a change in use is requested, the non-conforming use would not be replaced by another non-conforming use (Replacement of a non-conforming use by a use in the same land use category shall not be considered a change of use).

### **3.109.07 Conditions of Approval**

In approving the alteration, restoration, or replacement of a nonconforming use, the Planning Commission may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out. Such conditions shall be reasonably related to the criteria set forth in Subsection 3.109.03.

### **3.109.08 Exemptions from Nonconforming Use Provisions**

Nonconforming single family homes and their accessory structures and uses, created as a result of a legislative zone change, shall be exempt from the provisions in Sections 3.109.01 to 3.109.07. Owners of these homes shall be allowed to expand, modify or replace an existing residence subject to compliance with the development provisions of the zone existing prior to the legislative zone change action. Nothing in this provision shall permit the establishment of new nonconforming uses nor exempt nonconforming uses from provisions in this Section as a result of a non-legislative zone change.

## 3.110 LOT LINE ADJUSTMENTS

### **3.110.01 Area of Application**

A lot line adjustment is a change to a property boundary that only modifies existing lots and does not create a new parcel of land or reduce the number of lots.

### **3.110.02 Standards**

- A. A lot line adjustment cannot create or vacate a parcel. Creation or vacation of a parcel requires approval of a land division.
- B. Following the lot line adjustment, all lots must comply with lot size and dimensional standards of the applicable land use district. For non-conforming lots, the adjustment shall not increase the degree of non-conformance of the subject property or surrounding properties.
- C. If there are existing structures on the parcels, the lot line adjustment may not result in a setback violation.
- D. The adjustment should not reorient or significantly reconfigure the lots or parcels.

### **3.110.03 Submittal Requirements**

The following information and material must be submitted by the applicant:

- A. Applications for lot line adjustments shall be submitted on forms provided by the City to the City Recorder and accompanied by the appropriate fee. The application must be signed by the owners of all lots affected by the application.
- B. Each application shall be accompanied by a preliminary map drawn to scale of not less than one inch equals fifty (50) feet nor more than one inch equals 200 feet, and containing at a minimum, the following:
  - 1. Appropriate identification stating the drawing is a preliminary map.
  - 2. North point, scale and date.
  - 3. Name and addresses of land owners, applicants, engineer, surveyor, planner, architect or other individuals responsible for the plan.
  - 4. Map number and tax lot or tax account number of subject property.

5. The proposed boundary lines and approximate area of the subject property created before and after the adjustment.
6. Dimensions and size in square feet or acres of all proposed parcels.
7. The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines.

#### **3.110.04 Review Process**

A lot line adjustment is subject to Type I-A review.

After a lot line adjustment is approved, the new boundary becomes effective only after the following steps are completed:

- A. A metes and bounds legal description of the adjusted lots is recorded with the Yamhill County Clerk.
- B. If required by ORS Chapter 92, a final plat and boundary survey are prepared and all new boundaries are monumented as required by ORS Chapters 92 and 209. The final plat is submitted to the City for signatures. After signatures are received the applicant files the final plat in the County Clerk's office and returns three (3) copies to the City.

## 3.111 ANNEXATIONS

### **3.111.01 Authority of City to Annex**

The boundary of the City may be extended by the annexation of territory not then within the City and which territory is within the urban growth boundary and contiguous to the City or separated from it by a stream or right-of-way only.

### **3.111.02 General Annexation Procedure**

- A. Following submission of annexation proposal or initiation, the City Recorder shall set a date for hearing with the Planning Commission. Notice shall be pursuant to the proposed method of annexation.
- B. The Planning Commission shall hear testimony and shall recommend approval or denial of the proposed annexation and submit such recommendation to the Council within 10 days for the hearing. The Planning Commission's decision shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. For all annexations the decision shall state how the proposal will:
  - 1. Affect the community's air resources;
  - 2. Promote an orderly, timely and economical transition of rural and agricultural lands into urbanized lands;
  - 3. Relate to areas with natural hazards;
  - 4. Affect the fish and wildlife in the proposed annexation;
  - 5. Utilize energy resources and conserve energy use;
  - 6. Protect open spaces and scenic views and areas;
  - 7. Provide for transportation needs in a safe, orderly and economic manner;
  - 8. Provide for an orderly and efficient arrangement of public services;
  - 9. Provide for the recreation needs of the citizens;
  - 10. Affect identified historical sites and structures and provide for the preservation of such sites and structures;

11. Improve and enhance the economy of the City; and
  12. Provide quality, safe housing through a variety of housing types and price ranges.
- C. The City Recorder shall set a date for a public hearing with the Council upon receipt of the Planning Commission's recommendation. Notice shall be pursuant to the proposed method of annexation. After considering all testimony the Council shall sustain or reverse the Planning Commission's recommendation. The Council shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. The decision shall state how the proposed annexation will address the criteria stated in 3.111.02 (B).

### **3.111.03 Annexation by Election**

- A. The Council, upon approval of the annexation proposal, has the authority to submit, except when not required under ORS. 222.850 to 222.915, to dispense with submitting the proposal for annexation to the registered voters of the City.
- B. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose. The proposal for annexation may be voted upon by the voters of the City and of the territory simultaneously or at different times not more that twelve months apart.
- C. Two or more proposals for annexation may be voted upon simultaneously; however in the City each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot.
- D. The Council shall give notice of each annexation election by publication prior to such election one each week for four successive weeks in a newspaper of general circulation in the City. Whenever simultaneous elections are held, the same notice and publication shall fulfill the requirements of publication for the City election and the election held in the territory. Notice shall also be given by posting notices of the election in four public places within the City if votes are to be cast therein and four public places in each territory proposed to be annexed for a like period as provided in this section for publication of notice. The notice shall distinctly state the proposition to be submitted, shall contain a legal description of, and a map indicating the boundaries of each territory proposed to be annexed, and the registered voters shall be invited thereby to vote upon such annexation. The Council shall also designate and the notice shall state the hours during which the polls will be open within the City and each territory proposed to be annexed. If the election is to be held



at the usual precinct polling places designated for a general election held at that time, or if the election is not held at the same time as a general election, but is held at the same polling places used for the last preceding general election, the notice shall so state; if any polling place is to be different than the regular polling places, the notice shall describe the location of the polling places to be used in the area or precincts in which the polling places are different.

#### **3.111.04 Annexation Procedure Without City Election**

- A. By ordinance, the Council may elect to dispense with submitting the annexation proposal to the registered voters of the City, set a date for public hearing, at which time the registered voters of the City can be heard on the annexation proposal.
- B. Notice of the public hearing shall be published once a week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the City, and posted in four public places in the City for a like period.
- C. Written notice shall be given to all property owners within the boundaries of the proposed annexation and within 500 feet of the external boundaries of the proposed annexation.
- D. After the public hearing the Council, by ordinance subject to referendum, and containing a legal description of the proposed annexation:
  - 1. Declare that the territory is annexed to the City upon the condition that the majority of the votes cast in the territory is in favor of annexation;
  - 2. Declare that the territory is annexed to the City where persons with land ownership in the proposed territory consent in writing to such annexation as provided in Section 3.200.

#### **3.111.05 Annexation Procedure with Election in Proposed Territory**

- A. The Council need not call or hold an election in any contiguous territory proposed to be annexed, or post notice in the contiguous territory, if more than half the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file the annexation proposal on or before the day:

1. The public hearing procedure shall be pursuant to Subsections 3.111.02 (A) and (B); and Subsections 3.111.04 (B), and (C). If the Council dispenses with submitting the question to the registered voters of the City; or
2. The Council takes the necessary action to call the annexation election in the City under Subsection 3.111.03 (D), if the Council submits the question to the registered voters of the City.

### **3.111.06 Island Annexation**

- A. It is within the power and authority of the City by ordinance subject to referendum, to annex land, provided it is not an incorporated City that is surrounded by the corporate limits or boundaries of the City, with or without consent of any property owner or resident in the territory.
- B. Notice and procedure for public hearing shall be provided pursuant to the provisions of Section 3.111.02.
- C. If the Council elects to submit the questions to the registered voters of the City, procedure shall be pursuant to Subsection 3.111.03.

### **3.111.07 Submission of Annexation Reports**

- A. The City shall report all changes in the boundaries or limits of the City to the County Clerk and County Assessor. The report shall contain a legal description of the new boundaries and shall be filed within 10 days from the effective date of the change of any boundary lines.
- B. With the exception of "Island Annexation" the City Recorder shall submit to the Secretary of State:
  1. A copy of the annexation ordinance;
  2. An abstract of the vote within the City if votes were cast therein, which shall show the whole number of registered voters voting therein on the annexation, the number of votes cast against annexation;
  3. A copy of the statement of consent of landowners in the territory annexed;
  4. A copy of the ordinance of the City declaring that no election is required in the City; and

5. An abstract of the vote upon the referendum if a referendum petition was filed with respect to the deferred ordinance.

**3.111.08 Effective Date of Annexation**

The annexation shall be complete from the date of filing with the Secretary of State as provided in ORS 222.150, 222.160, 222.170, 111.900, and Subsection 3.111.07 (B). Thereafter, the annexed territory shall be and remain part of the City. The date of such filing shall be the effective date of annexation, provided such filing is not made later than 90 days prior to any general or primary election; otherwise, the effective date of such annexation shall be the day after the primary or general election next following the date of filing.

**3.111.09 Zone Designation of Annexed Property**

The City Council shall establish the appropriate Comprehensive plan designation and Zoning district upon annexation of the property to the City.

CHAPTER 3-2  
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES

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## 3.201 GENERAL PROCEDURES

### **3.201.01 Procedure for Type I-A Review**

Applications subject to administrative review shall be reviewed and decided by the City Administrator or his designee.

- A. Upon receipt of an application for a Type I-A land use action, the City staff shall review the application for completeness.
  - 1. Incomplete applications shall not be reviewed until all required information has been submitted by the applicant.
  - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
  - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;
  - 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes.
- C. Referrals will be sent to interested agencies such as City departments, police departments, school district, utility companies, and applicable state agencies. If a county road or state highway is impacted, referrals should be sent to the Yamhill County public works department and/or ODOT.
- D. If the staff finds that the facts of the particular case require interpretation of existing standards, then a public hearing before the Planning Commission shall be scheduled. The procedures for conducting the public hearing shall comply with the standards in Sections 3.203.
- E. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance;
- F. Notice shall be provided consistent with Section 3.202.01.

- G. A Type I-A land use decision may be appealed by the applicant to the Planning Commission. The appeal shall be filed within ten (10) days from the date of the decision, pursuant to the provisions of Section 3.205.
- H. The timing requirements established this Section are intended to allow a final action, including resolution of any appeals, within one hundred twenty (120) days of receipt of a complete application. If for any reason it appears that such final action may not be completed within the 120 day period, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance.
  - 1. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting with in the 120 day period.
  - 2. Public notice shall be mailed to affected parties as specified in Section 3.202.
  - 3. The City Council shall hold in a public hearing on the specified date, in accordance with the provisions of Section 3.204 and render a decision approving or denying the request within the 120 day period. Such action shall be the final action by the City on the application.

**3.201.02 Procedure for Type I-B Review**

Applications subject to administrative review shall be reviewed and decided by the City Administrator or his designee.

- A. Upon receipt of an application for a Type I land use action; the City staff shall review the application for completeness.
  - 1. Incomplete applications shall not be reviewed until all required information has been submitted by the applicant.
  - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
  - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;

2. On the 31st day after the original submittal the application shall be deemed complete for review purposes.
- C. Referrals will be sent to interested agencies such as City departments, police departments, school district, utility companies, and applicable state agencies. If a county road or state highway is impacted, referrals should be sent to the Yamhill County Public Works Department and / or ODOT.
  - D. If the staff finds that the facts of the particular case require interpretation of existing standards, then a public hearing before the Planning Commission shall be scheduled. The procedures for conducting the public hearing shall comply with the standards in Sections 3.203.
  - E. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance;
  - F. Approvals of a Type I-B action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:
    1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:
      - a. Ensure that the standards of the development code are met; or
      - b. Fulfillment of the need for public service demands created by the proposed use.
    2. Changes of alterations of conditions shall be processed as a new administrative action.
    3. Whenever practical, all conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information which demonstrates that it is not practical to fulfill all conditions prior to issuance of such permit, the City may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.
      - a. Types of Guarantees



Performance guarantees may be in the form of performance bond payable to the City of Lafayette, cash, certified check, time certificate of deposit, or other form acceptable to the City. The form must be approved by the City Attorney and appropriate documents filed with the City Recorder.

b. Amount of Guarantee

The amount of the guarantee must be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant must provide a written estimate acceptable to the City, which must include an itemized estimate of all materials, labor, equipment and other costs of the required performance.

- G. Notice of the decision shall comply with the provisions in Section 3.202.01.
- H. A Type I-B land use decision may be appealed to the Planning Commission, by either the applicant or persons receiving notice of the decision. The appeal shall be filed within ten (10) days from the date of the decision, pursuant to the provisions of Section 3.205.
- I. The timing requirements established this Section are intended to allow a final action, including resolution of appeals for all Type II or Type III land use actions within one hundred twenty (120) days of receipt of a complete application. If for any reason it appears that such final action may not be completed within the 120 day period, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance.
  - 1. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120 day period.
  - 2. Public notice shall be mailed to affected parties as specified in Section 3.202.
  - 3. The City Council shall hold in a public hearing on the specified date, in accordance with the provisions of Section 3.204 and render a decision approving or denying the request within the 120 day period. Such action shall be the final action by the City on the application.

**3.201.03 Procedures for Type II and Type III Actions**

- A. Upon receipt of an application for Type II or Type III land use action, the City staff shall review the application for completeness.
  - 1. Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been submitted by the applicant.
  - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
  - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;
  - 2. On the 31st day after the original submittal the application shall be deemed complete for scheduling purposes only.
- C. Applications for more than one Type II or Type III land use action for the same property may, at the applicant's discretion, be combined and heard or reviewed concurrently.
- D. Referrals will be sent to interested agencies such as City departments, police departments, school district, utility companies, and applicable state agencies. If a county road or state highway is impacted, referrals should be sent to the Yamhill County Public Works Department and / or ODOT.
- E. The Public Hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners. Notice requirements shall comply with Section 3.202.02.
- F. Staff shall prepare and have available within 7 days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be mailed to the applicant and available at City Hall for all interested parties.
- G. The public hearing before the Planning Commission shall comply with the provisions in Section 3.203.
- H. Approvals of any Type II or Type III action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:

1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:
  - a. Protection of the public from the potentially deleterious effects of the proposed use; or
  - b. Fulfillment of the need for public service demands created by the proposed use.
2. Changes of alterations of conditions shall be processed as a new administrative action.
3. Whenever practical, all conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information which demonstrates to the satisfaction of the Planning Commission that it is not practical to fulfill all conditions prior to issuance of such permit, the Planning Commission may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.

a. Types of Guarantees

Performance guarantees may be in the form of performance bond payable to the City of Lafayette, cash, certified check, time certificate of deposit, or other form acceptable to the City. The form must be approved by the City Attorney and appropriate documents filed with the City Recorder.

b. Amount of Guarantee

The amount of the guarantee must be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant must provide a written estimate acceptable to the City, which must include an itemized estimate of all materials, labor, equipment and other costs of the required performance.

c. Time Periods

The Planning Commission may grant a waiver of performance for a period not to exceed six (6) months. A request for extension of any waiver granted must be submitted to and approved by the City Council.

- I. The applicant shall be notified, in writing, of the Planning Commission's decision or recommendation. In addition, notice of the Commission's decision shall be mailed to individuals who request such notice at the public hearing, or, by those individuals who submitted a written request for notice prior to the public hearing.
- J. A Type II land use decision may be appealed to the City Council by either the applicant or persons receiving notice of the decision. The appeal shall be filed within ten (10) days from the date of the decision, pursuant to the provisions of Section 3.205. Type III land use applications are automatically reviewed by the City Council.
- K. The timing requirements established this Section are intended to allow a final action, including resolution of appeals for all Type II or Type III land use actions within one hundred twenty (120) days of receipt of a complete application. If for any reason it appears that such final action may not be completed within the 120 day period, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance.
  - 1. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting with in the 120 day period.
  - 2. Public notice shall be mailed to affected parties as specified in Section 3.202.
  - 3. The City Council shall hold in a public hearing on the specified date, in accordance with the provisions of Section 3.204 and render a decision approving or denying the request within the 120 day period. Such action shall be the final action by the City on the application.

## 3.202 PUBLIC NOTICE REQUIREMENTS

### **3.202.01 Type I Actions**

- A. Written notice of any Type I-A decision shall be mailed to the applicant.
- B. Written notice of any Type I-B decision shall be mailed to the applicant and all property owners within 100 feet of the subject property.

### **3.202.02 Type II and Type III Actions**

- A. Notice of any public hearings before the Planning Commission or City Council for a Type II or Type III land use action required by this Ordinance shall be published in a newspaper of general circulation in the City at least twenty (20) days prior to the public hearing. Newspaper notice shall only be required for comprehensive plan amendments, subdivisions, vacations, and zone changes.
- B. Written notice of the initial public hearing shall be mailed at least twenty (20) days prior to the hearing date to the owners of property within 100 feet of the boundaries of the subject property.
- C. The City shall post public notice, as described in Subsection E., on the subject property at least seven days prior to the public hearing.
- D. Where a multiple hearing application is scheduled (Type IV) only a ten (10) written and published notice shall be required.

### **3.202.03 Notice for Appeals**

- A. Notice of hearings on appeal to either the Planning Commission or City Council shall be pursuant to Subsection (A) above, and shall include written notice at least ten (10) days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision.

### **3.202.04 Notice Requirements**

- A. Public notice shall:
  - 1. Explain the nature of the application and the proposed use or uses which could be authorized;
  - 2. Cite the applicable criteria from the ordinance and the plan which apply to the application at issue;

3. Set forth the street address or other easily understood geographical reference to the subject property;
4. State the date, time and location of the hearing;
5. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Appeals Board of Appeals;
6. Include the name of the City representative to contact and the telephone number where additional information may be obtained;
7. State that a copy of the application, all documents and evidence relied upon by the applicant and application criteria are available for inspection at no cost and a copy will be available at reasonable cost;
8. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost;
9. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearing.

## 3.203 PUBLIC HEARING BEFORE THE PLANNING COMMISSION

### **3.203.01 General Provisions**

- A. Land use actions which require a public hearing by the Planning Commission under the provisions of this Ordinance shall be initially heard by the Planning Commission within sixty (60) days of the receipt of an application or appeal.
- B. The Planning Commission may continue a public hearing for additional, information, testimony or for decision only, to its next regular meeting or to a special meeting. In no instance, however, shall the decision be continued more than sixty (60) days beyond the initial hearing date.
- C. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing.
- D. The decisions of the Planning Commission on applications for Type II actions shall be final unless appealed to the City Council pursuant to Section 3.205.
- E. The recommendations of the Planning Commission on applications for Type III actions shall be referred to the City Council for final determination, pursuant to Section 3.204.
- F. An issue which may be the basis for an appeal to the Land Use Board of Appeals (LUBA) may be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the City Council or Planning Commission, and the parties, an adequate opportunity to respond to each issue.
- G. Appeal of a Type I action shall be heard by the Planning Commission in accordance with provisions of Section 3.205. Findings of the Planning Commission on such appeal shall be final unless further appealed to the City Council.

### **3.203.02 Public Hearing Procedures**

- A. The Public Hearing shall be conducted under the following procedures:
  - 1. Open the public hearing and announce the purpose.
  - 2. Call for abstentions.
  - 3. Ask for objections to jurisdiction.
  - 4. Staff report.

5. Proponents address Commission/Council.
  - a. Principal.
  - b. Others.
6. Opponents address Commission/Council.
7. Questions of proponents and opponents from the floor and Commission/Council directed through Chair/Mayor.
8. Public Agencies.
9. Letters.
10. Proponent rebuttal.
11. Staff recommendation.
12. Close of hearing.
13. Deliberation of Commission/Council of findings of fact.

**3.203.03 Evidence**

- A. All evidence offered and not objected to may be received unless excluded by the Planning Commission on its own motion. Evidence may be received subject to a later ruling as to its admissibility.
- B. The Planning Commission may exclude irrelevant, unduly repetitious, immaterial or cumulative evidence; but erroneous admission of evidence by the Commission shall not preclude action or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party. When a hearing will be expedited, any part of the evidence may be received in written form.
- C. All evidence shall be offered and made a part of the public record in the case.
- D. The Planning Commission may take notice of judicially recognizable facts, and members may take notice of general, technical or scientific facts within their specialized knowledge. Parties shall be notified at any time during the proceeding, but in any event prior to the final decision, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. The Planning Commission members may utilize their experience, technical competence and specialized knowledge in evaluation of the evidence presented.
- E. Every party is entitled to an opportunity to be heard and to present and rebut evidence.
- F. All interested persons shall be allowed to testify.



**3.203.04 Record of Hearing**

A verbatim record of the proceeding shall be made by written, mechanical or electronic means, which record need not be transcribed except upon review of the record.

**3.203.05 Limits on Oral Testimony**

The Planning Commission Chairman may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing.

**3.203.06 Exhibits**

All exhibits received shall be marked so as to provide identification upon review. Such exhibits shall be retained by the City.

## 3.204 REVIEW AND PUBLIC HEARINGS BY CITY COUNCIL.

### **3.204.01 General Provisions**

- A. Action on Type III Reviews: The City Council shall hear all Type III actions pursuant to Subsection 3.201.02. The City Council action on such requests shall be the final action of the City on the request.
- B. Appeals: The City Council shall hear appeals of all Planning Commission actions conducted pursuant to Section 3.205. The appeal hearing shall be conducted in a manner consistent with Section 3.204. The action of the Planning Commission shall be final and the appeal shall not be heard by the Council if the appeal period has lapsed.
- C. All hearings or reviews required by the City Council shall be heard within thirty (30) days of the Planning Commission's written decision or appeal request. In no instance, however, shall this period extend the date of the hearing and final action beyond 120 days from the date of the initial submission of a complete application, unless voluntarily agreed to by the applicant.
- D. The decision shall be made by the City Council and written findings prepared listing findings for approval or denial, and any conditions of approval, within two weeks of the hearing by the City Council. In no case, however, shall this decision and the preparation of written findings extend beyond 120 days from the date of initial submittal of a complete application, unless voluntarily agreed to by the applicant.

### **3.204.02 Hearings by City Council**

Actions on quasi-judicial requests shall be conducted at public hearings pursuant to the City Council's adopted rules of procedure. The City Council shall allow opportunity for all parties to be heard and may accept new evidence.

### **3.204.03 Review by City Council**

- A. Review on Record: Except as set forth in Subsection 3.203.03 (B), the City Council review of an appeal on an action by the Planning Commission shall be confined to the record of the initial proceeding. Parties may offer testimony regarding alleged errors in the Planning Commission action. The meeting shall be conducted as set forth in the City Council's adopted rules of procedures. The record of the initial proceeding shall include:

1. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered by the Planning Commission as evidence;
  2. All materials submitted by the City Staff with respect to the application;
  3. The transcript of the hearing; and
  4. The findings and action of the Planning Commission and the notice of decision.
- B. Submission of New Testimony and De Novo Hearings: The City Council may admit additional testimony and other evidence by holding a de novo hearing.
- Upon the decision to admit additional testimony or other evidence and to hear the entire matter de novo, the presentation of such testimony and evidence shall be governed by the procedures applicable to the presentation of such matters at the initial hearing.
- C. City Council Action: The City Council may affirm, rescind or amend the action of the Planning Commission and may grant approval subject to conditions necessary to carry out the Comprehensive Plan and as provided for in Subsection 3.201.02. The City Council may also remand the matter back to the Planning Commission for additional information, subject to the agreement of the applicant to extend the 120 day review period specified in Section 3.201.02 (G).

## 3.205 APPEAL PROVISIONS

### **3.205.01 Appeal Period**

- A. The decision of the City Recorder shall be final for a Type I land use decision unless a notice of appeal from an appropriate aggrieved party is received by the City within ten (10) days of the date of the final written notice, or unless the City Council, on its own motion, orders review within ten (10) days of initial action. An appeal stays the proceedings in the matter appealed until the determination of the appeal.
- B. The decision of the Planning Commission for a Type II land use decision, or the appeal of a Type 1-A or 1-B decision, shall be final unless a notice of appeal from an aggrieved party is received by the City within ten (10) days of the date of the final written notice, or unless the City Council, on its own motion, orders review within ten (10) days of initial action. An appeal stays the proceedings in the matter appealed until the determination of the appeal.

### **3.205.02 Form of Appeal**

Appeal requests shall be made on forms provided by the City and shall state the alleged errors in the Planning Commission action.

### **3.205.03 Notice Requirements**

- A. Notice of hearings by the Planning Commission on appeal requests shall be as specified in Section 3.202.
- B. Notice of hearings by the City Council on appeal requests shall be as specified in Section 3.202.

### **3.205.04 Transcript Fees**

In addition to other fees for appeal requests, the appellant shall pay a transcript fee equal to the actual cost of the preparation of the transcript up to \$500, plus one-half the actual costs over \$500. The cost of the transcript fee shall be determined by the cost per page for the preparation of such transcripts, at the rate of \$0.25 per page.

The City shall estimate the cost of the transcript at the time of the filing of the appeal request and shall receive a deposit in that amount. The appellant shall be billed for actual costs in excess of the deposit or receive a refund for surplus deposit funds in excess of transcript fees authorized by this Section.

## 3.206 FEES

### **3.206.01 Purpose**

Fees are for the purpose of defraying administrative costs.

### **3.206.02 General Provisions**

- A. Fees shall be payable at the time of application and shall be as set forth by Ordinance or Resolution of the City Council. There shall be no fee required for an application initiated by the Planning Commission or the City Council.
- B. The failure to submit the required fee with an application or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect.
- C. Fees are not refundable unless the application is withdrawn prior to the notification of the hearing.
- D. The City Council may reduce or waive the fees upon showing of just cause to do so.

## 3.207 TYPE IV ACTIONS

### 3.207.01 Initiation

Type IV may be initiated by:

- A. Majority vote of the City Council.
- B. Majority vote of the Planning Commission.

### **3.207.02 Procedure for Type IV Actions**

- A. Public Hearings by Planning Commission
  - 1. A public hearing shall be held by a majority of the Planning Commission on all proposed amendments to this Ordinance and on all legislative amendments to the Zoning Maps.  
  
The Planning Commission may continue any hearing in order to make a reasonable decision.
  - 2. Amendments shall be considered and acted upon by the Planning Commission and no extension granted by the City Council, the City Council may act upon the amendment.
  - 3. Notice of the time, place and purpose of the Planning Commission's hearings shall be given by publication of a notice in a newspaper of general circulation in the City not less than twenty (20) days prior to the date of hearing.
- B. Public Hearing by City Council: Following Planning Commission action, the City Council shall hold a public hearing to consider the Planning Commission's recommendation on proposed amendments. Notice shall be as specified in Section 3.202.

## 3.208 REVOCATION OF DECISION

### **3.208.01 Compliance with Conditions**

Compliance with conditions imposed by the City Recorder, Planning Commission or City Council in granting a permit for any land use action shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this Ordinance.

### **3.208.02 General Provisions**

- A. The City Recorder may initiate a revocation of any land use permit or approval issued for failure to comply with any prescribed condition of approval. The hearing shall be conducted as a Type II hearing and in accordance with the procedures for a Type II hearing.
- B. Final decisions regarding Comprehensive Plan text or map amendments, Development Code text amendments or zone changes shall not be subject to revocation.