

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. LAND DIVISION

152. ZONING

**APPENDIX A: GENERAL RESIDENTIAL DISTRICT
DIAGRAMS**

APPENDIX B: COMMERCIAL DISTRICT DIAGRAMS

CHAPTER 150: BUILDING REGULATIONS

Section

150.01 Building code adopted by reference

§ 150.01 BUILDING CODE ADOPTED BY REFERENCE.

That certain document, three copies of which are on file in the office of the City Recorder, being marked and designated as *A Proposed Building Code for Small Cities, most recent edition*, published by the Bureau of Municipal Research and Service, University of Oregon, in cooperation with the League of Oregon Cities, is hereby adopted as the building code of the city for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the city; providing for the issuance and collection of fees therefor; and providing penalties for the violation of such code; and each and all of the regulations, provisions, penalties, conditions, and terms of such code, on file in the office of the City Recorder, are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter.

(Ord. 85, passed 11-6-67)

CHAPTER 151: LAND DIVISION

Section

151.01 Land division ordinance adopted by
reference

§ 151.01 LAND DIVISION ORDINANCE ADOPTED BY REFERENCE.

Ordinance 157, the Monroe Land Division Ordinance, passed 11-19-79, is hereby adopted by reference and made a part of this code the same as if set forth in full herein. Complete copies of the ordinance are on file with the City Recorder and can be examined during regular business hours.
(Ord. 157, passed 11-19-79)

CHAPTER 152: ZONING

Section

	<i>General Provisions</i>	152.048 Building permits for an approved conditional use
152.001	Title	152.049 Time limit on an approved conditional use application
152.002	Purpose	152.050 Termination of a conditional use
152.003	Definitions	152.051 Limitation
152.004	Compliance with provisions	152.052 Standards governing conditional uses
152.005	Interpretation	
152.006	Enforcement, responsible officers	
152.007	Building permit	
152.008	Stop work order	
	<i>Establishment of Zones</i>	
152.020	Classification of zones	152.065 Manufactured housing on individual lots
152.021	Location of zones	152.066 Multi-family dwellings (duplexes, triplexes and four-plexes)
152.022	Zoning maps	152.067 General provisions regarding accessory uses
152.023	Zoning of annexed areas	152.068 Access
152.024	Zone boundaries	152.069 Clear vision areas
	<i>Use Zones</i>	152.070 Distance from property line
152.030	General Residential (GR)	152.071 Setbacks for automobile service stations
152.031	Commercial Zone (C)	152.072 Use of residential structures in C Zone
152.032	Industrial Zone (M)	152.073 Exterior lighting
152.033	Public Zone (P)	152.074 Exceptions to lot size requirements
152.034	Flood Plain Zone (FP)	152.075 Exceptions to yard requirements
	<i>Conditional Uses</i>	152.076 Exceptions to building height limitations
152.045	Purpose of conditional use procedure	152.077 Projections from buildings
152.046	Authorization to grant or deny a conditional use permit	152.078 Signs
152.047	Procedure for taking action on a conditional use application	152.079 Off-street parking requirements
		152.080 Off-street loading requirements
		152.081 Historic structures
		152.082 Other site considerations

152.083 Fencing
152.084 Riparian setback

Non-Conforming Uses

152.095 Intent
152.096 Continuation of a non-conforming use
152.097 Non-conforming structure
152.098 Discontinuance of a non-conforming use
152.099 Change of a non-conforming use
152.100 Repairs and maintenance
152.101 Completion of structure

Variances

152.115 Authorization to grant or deny variances
152.116 Circumstances for granting a variance
152.117 Procedure for taking action on a variance application
152.118 Building permits for an approved variance
152.119 Time limit on an approved variance application
152.120 Termination of a variance
152.121 Limitation

Amendments

152.135 Authorization to initiate amendments
152.136 Public hearings on amendments
152.137 Record of amendments
152.138 Limitation

Administrative Provisions

152.150 Administration
152.151 Certificate of occupancy
152.152 Authorization of similar uses
152.153 Appeals
152.154 Form of petitions, applications, and appeals
152.155 Filing fees
152.156 Notice of public hearing

152.998 Violations
152.999 Penalties
Appendix A: General Residential District Diagrams
Appendix B: Commercial District Diagrams

GENERAL PROVISIONS

§ 152.001 TITLE.

This chapter shall be the Monroe Zoning Code.
(Ord. 156, § 1.010, passed 11-19-79)

§ 152.002 PURPOSE.

The purpose of this chapter is to promote the public health, safety and general welfare, to assist in carrying out the Monroe Comprehensive Plan, and to assist in implementing statewide planning goals and guidelines as adopted by the State of Oregon Land Conservation and Development Commission.
(Ord. 156, § 1.020, passed 11-19-79)

§ 152.003 DEFINITIONS.

(A) *Purpose.* For the purpose of interpreting this chapter certain words concepts and ideas are defined herein. Except as defined herein, all other words used in this chapter shall have their everyday dictionary definition.

(B) *Interpretation.*

(1) Words used in the present tense include the future tense.

(2) Words used in the singular number include the plural, and words used in the plural number include the singular.

(3) Any word denoting gender includes the female and the male.

(4) The word "shall" is always mandatory and not merely directory.

(C) *Definitions.*

ACCESSORY BUILDING. A structure subordinate to the principal structure on a lot or parcel in square footage and primary use. There are instances only in commercial and institutional development where an accessory structure may be larger in square footage than the principal structure and serve in an auxiliary capacity to the principal structure's primary use. (Example: meeting hall of a church.) Other accessory uses in commercial and institutional developments include but are not limited to stadiums, libraries, cafeterias, dormitories, research facilities, hospitals, assisted living, dependent and independent living facilities, and recreational facilities.

ACCESSORY DWELLING UNIT. A structure incidental and subordinate to the main use of property and located on the same lot or parcel as the main use; freestanding and structurally separated from the main use.

ADULT CARE CENTERS. A place where daytime care is provided to six or more handicapped persons or senior citizens unrelated by blood or marriage to, and not legal wards or foster children of, the attendant adult within an occupied residence.

ADULT RETAIL. Shall be defined as any establishment which sells, rents, leases, distributes, purchases or trades in materials. Said materials include all forms of audio, video, written, and digitized information.

AT OR ABOVE GRADE. Means the elevation of the land or land level at a specific point.

AUTO DEPENDENT DESIGN. The construction of buildings and development to accommodate the car as the only method of transportation such as, drive-through windows, plentiful parking located in front of entrances; wide road lanes with the elimination of on-street parking, sidewalks and street trees; and large intersections. The codification of auto design standards in engineering regulations makes the car the principal means of transport for all necessary trips, thereby inhibiting the construction of mixed uses and compact development.

AUTOMOTIVE REPAIR. Any building, premises and land in which or upon which the primary use of land is a business that involves the maintenance or servicing of vehicles.

BED AND BREAKFAST INN. A use that takes place within a building that prior to such an establishment, was a single-family residence that consists of renting one or more dwelling rooms on a daily basis to tourists, vacationers, and business people, where provision of meals is limited to the breakfast meal available only to guests. The homeowner shall reside on-site and employment shall not exceed two full-time employees not including the owner(s).

BUILD OUT. The completed construction of all phases of a development as allowed by all ordinances that regulate an area. The scale of build out can be from a single lot to the city.

BUILD-TO LINE. The line where construction of a building is to occur on a lot or parcel. A build-to line runs parallel to the front property line and is established to create an even building facade line on a street.

BUILDING LINE. The line formed by the facades of buildings which creates a frame defining the public realm. Respecting building lines means to place walls or landscaping so as to continue the frame where there is an absence of buildings.

BUILDING PERMIT. A permit obtained from Benton County Community Development and Parks Department Building Division which sets the inspection schedule and construction techniques for a project.

CALIPER. The measurement of the size in inches of a tree's trunk diameter usually taken between one and four feet above the ground elevation.

CARRYING CAPACITY. The amount of traffic which can be accommodated on a street without reducing the service level of the street as defined by the Oregon Department of Transportation (ODOT) or street design standards of the Monroe zoning regulations. **CARRYING CAPACITY** is determined by the amount of traffic per lane per hour.

CERTIFICATE OF OCCUPANCY (CO). A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this chapter and all other applicable regulations.

CHILD CARE CENTERS. A place where daytime care is provided to six or more children who are not the legal wards or foster children of the attendant adult within an occupied residence.

CIVIC USE/LOT. Land designated for civic use shall contain but not be limited to the following: community buildings including meeting halls, libraries, post offices, schools, child care centers for over 30 children, clubhouses, religious buildings, recreational facilities, museums, performing art buildings, and municipal buildings. Civic lots should be within or adjacent to a square or park or on a lot terminating a street vista.

COMMERCIAL USE. All retail sales establishments, office uses (such as medical, financial), service industry uses (such as restaurants hotels/motels/inns), wholesale businesses and general business (such as mini-storage, automotive repair).

CONDITIONAL USE. A use subject to specific provisions or which requires the approval of the Planning Commission and/or City Council before the issuance of a zoning or building permit.

DIRECTOR. Shall mean the Planning Officer or City Recorder of the city.

DISTURBED GROUND. Any area of ground on a site which during construction is dug up, filled, graded, built on or used for storage or parking.

DRIP LINE. An imaginary vertical line extending from the outer most portion of the tree canopy to the ground.

DUPLEX An attached single-family structure containing two dwelling units located on a singly deeded lot.

DWELLING, ATTACHED SINGLE-FAMILY. Attached housing does not provide for an open yard on all sides of the home (perimeter yard). Any group of attached housing containing more than two dwelling units on a single lot or parcel is multi-family. Attached housing with each house on its own deeded lot or parcel (zero lot line) is not multi-family.

DWELLING, DETACHED SINGLE-FAMILY. Detached housing must have a perimeter yard and be located on a single deeded lot or parcel. This definition includes manufactured homes.

ENCROACHMENT. The part of a structure which intrudes into an easement or dedicated right-of-way.

ENTERTAINMENT USE. Any establishment which provides active recreational opportunities such as miniature golf, batting cages, carnival games, water slides, or passive recreation such as movie theaters.

ESPLANADE. A wide, pedestrian walk formal in design which runs parallel to a waterfront. An **ESPLANADE** may be made of asphalt, crushed gravel, grass, or concrete.

ESSENTIAL SERVICES.

(1) Publicly- or privately-owned facilities or systems for the distribution of gas, electricity, steam, or water, the collection and disposal of sewage or refuse; the transmission of communications; of similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceed 180 feet in height.

(2) **ESSENTIAL SERVICES** are divided into three classes:

(a) *Class 1.* Transmission lines (above and below ground) including electrical, natural gas, and water distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 square feet).

(b) *Class 2.* Elevated water storage tanks; package treatment plants, telephone switching facilities (over 200 square feet), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

(c) *Class 3.* Generation, production, or treatment facilities such as power plants, water and sewage plants, landfills, and any receiving or transmitting towers.

FACADES. The vertical surface of a building which is set along a frontage line. The elevation of a facade is the vertical surface area. Facades are subject to visual definition by building height, setback lines, recess lines (a line prescribed for the full width of the facade above which the facade sets back). The location of a recess line is determined

by the desired height-to-width ratio of the enfronting space or by a desired compatibility with existing buildings, and transition lines (a line prescribed for the full width of the facade expressed by a variation of material or by a limited projection such as a cornice or balcony).

FLAT ROOF. Refers to the silhouette formed by a roof line. Flat roof lines infer a roof with no pitch. The actual roof structure is required to have a slope for drainage purposes. This is separate from the roof line that can be stepped or flat in appearance through architectural elements such as cornices, mansards, and parapets; or pitched as with residential homes.

FLOOD INSURANCE RATE MAP. The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

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

FRONTAGE. The lot boundary which coincides with a public thoroughfare or space. The facade of a structure facing the street. There are seven ways in which a building addresses the street:

(a) *Arcade.* The facade overlaps the sidewalk while the shop front remains set back. This type is excellent for retail use, but only when the sidewalk is fully absorbed so that the pedestrian cannot bypass the colonnade. An easement for public use of private property is required.

(b) *Shopfront.* See **SHOPFRONT**.

(c) *Stoop.* The facade is aligned directly on the frontage line with the first floor elevated to secure privacy for the windows. This type

is suitable for residential uses such as rowhouses and apartment buildings. An easement may be necessary to accommodate the encroaching stoop.

(d) *Forecourt.* The facade sets back and is replaced by a low wall at the frontage line. The forecourt is suitable for gardens, and car drop-offs. It should be used sparingly and in conjunction with subsections (b) and (c) above. Trees within the forecourt should be placed to have their canopies overhanging the sidewalks.

(e) *Dooryard.* The facade is set back from the frontage line with an elevated garden or terrace between. This type effectively removes the front yard from the sidewalk and keeps it private. Roofed terraces are suitable for restaurants and cafes.

(f) *Porch and fence.* The facade is set back substantially from the frontage line with an encroaching porch. The porch should be within conversational distance of the sidewalk. The fence at the frontage line establishes the demarcation of private from public use.

(g) *Front lawn.* The facade is set back substantially from the frontage line. The front lawn should be visually continuous with adjacent yards and should be unfenced. The large setback provides a good buffer from traffic and is an appropriate design for boulevard settings.

FRONTAGE BUILDOUT. The portion of lot frontage that has a building or wall running parallel to it.

GARAGE. Any building, premises, or land in which or upon which the primary use of land is a business that involves the maintenance or servicing of vehicles. This differs from a body shop that involves the painting of vehicles or external repairing of damaged vehicles.

GAS STATION. A use where vehicular fuels are sold at the retail level and where the

installation of such automotive items as lubricants, tires, batteries, and similar accessories takes place and where minor automobile repair and maintenance work is conducted.

GAZEBO. A free-standing, roofed, open-sided structure providing a shady resting place.

GENERAL COMMERCIAL USE. Business and retail establishments providing consumer services and products. See permitted uses list for each district.

GROUP HOMES. A dwelling housing where four or more handicapped persons, including resident staff who live together as a housekeeping unit. As used herein "handicapped" shall mean a record of, or being regarded as having, a physical or mental impairment that substantially limits one or more of a person's major life activities. This does not include alcohol or drug treatment centers, or work release facilities for convicts or ex-convicts.

HEALTH AND WELFARE FACILITIES. All hospitals and institutions specializing in medical treatment, physical therapy (alcohol and drug treatment), assisted living for all ages, retirement communities, and shelters.

HEIGHT. The vertical distance from the mean grade elevation taken at the fronting street side of a structure to the parapet or roof line of a flat roof, the eaves of a pitched roof, or the deck line of a mansard roof. Towers, spires, steeples, and enclosed rooftop mechanical equipment are not counted in height measurements.

HOME OCCUPATION. A lawful occupation carried on within a residential zone by a resident of a dwelling, where the occupation is secondary to the main use of the property as a residence. The home occupation shall not change the character of the residential property. When observed from beyond the lot or parcel on which it is located, the home occupation does not give visual, audible,

sensory, or physical evidence that the property is used for any nonresidential purpose.

IMPERVIOUS COVER. All areas covered by buildings, pavement, gravel, rooftops of stored merchandise such as cars and manufactured housing displays even if located on grass surfaces. Wooden slatted decks and pool surfaces are exempt.

INTERCONNECTED. Refers to streets that provide **through access to other streets**. **INTERCONNECTED** means the presence of a grid or grid pattern and includes curvilinear street layouts.

IRREGULARLY SHAPED LOTS OR PARCELS. Lots or parcels which are located on corners or at intersections that create lots or parcels with three sides or lots or parcels with more than four sides, with corner angles greater or less than 90 degrees. The front yard of such lots and parcels shall be determined with respect to adjacent homes, and the maintenance of street vistas.

LAND USE SEGREGATION. The practice of prohibiting mixed use development or close proximity of residential and non-residential uses. This is accomplished through zoning standards that emphasize the separation of all uses and the buffering and screening of dissimilar uses from one another. The highly negative impacts of such practices result in auto dependent design that demands greater land area coverage to accommodate cars.

LARGE, MEDIUM, AND SMALL MATURING TREES. Tree height categories:

(a) Large maturing trees grow to a minimum height of 40 feet.

(b) Medium maturing trees grow to a minimum of 20 feet.

(c) Small maturing trees grow to a minimum of 10 feet.

LIGHT ASSEMBLY, INDUSTRIAL. As defined by this chapter light assembly includes all operations involved in textile manufacturing currently conducted within the city and all industrial processes of less intensity than such operations. No light assembly industrial use shall emit noise or odor that alters or impacts adjacent property, or discharge gas or liquid waste into the environment that impacts adjacent property. Light assembly uses shall be conducted indoors and any accompanying storage shall be indoors or screened from all abutting property lines and non-industrial uses.

LOT. A buildable unit of land created by a subdivision of land. A **LOT** shall include two or more abutting lots when used as a single lot excluding lots lawfully divided or partitioned.

LOT, AREA. The total horizontal area within the property lines of a lot or parcel that is exclusive of public and private streets.

LOT, CORNER. A lot abutting on two or more streets at their intersection other than an alley.

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

LOT LINE. The property line bounding a lot.

LOT LINE, FRONT. The lot line separating the lot from a street other than an alley. In the case of a corner lot the front lot line shall be determined by orientation of any existing structure based on its front entrance and/or legal street address. The facade of a structure shall face the front lot line or frontage. Also see **FRONTAGE**.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten feet in length within the lot, parallel to the front lot

line that intersects the other lot lines at a maximum distance from the front lot line.

LOT LINE, SIDE. Any lot line not a front or rear lot line.

LOT WIDTH. The average horizontal distance between the side lot lines.

MACHINE SHOP. A workshop which is mechanized to size and assemble pieces of machinery.

MAINTAINED EASEMENT. A recorded right-of-way made of crushed gravel, pavement, or graded and cleared of brush to permit access by all vehicles.

MANUFACTURED HOUSING. A residential dwelling unit that is not constructed in accordance with the standards set forth in the Uniform Building Code and is composed of one or more components, each of which was assembled in a manufacturing plant and designed to be transported to the home site on its own chassis.

MASSING. The shape and form a building takes on through architectural design. There are ten architectural design elements that create urban space. A specific project may not need to incorporate all ten elements.

(a) *Building silhouette.* Similar pitch and scale to a roof line.

(b) *Spacing between building facades.* Setbacks or notches between primary facades that frames the structure.

(c) *Setback from property line.* Building setback and/or primary facade setback from property line.

(d) *Proportion of windows, bays, and doorways.* Vertical or horizontal elements tied together in bands across facade lengths.

(e) *Proportion of primary facade.* Size of facades similar in area and height-to-width ratios.

(f) *Location and treatment of entryway.* Important visual commonality between structures.

(g) *Exterior materials used.* Similar materials and treatment add to detail and monumentality of a building.

(h) *Building scale.* Similarity of building height and configuration.

(i) *Landscaping.* Ties together buildings and defines space.

(j) *Shadow patterns form decorative features.* The light and dark surfaces from materials used and projections from windows bays and setbacks create visual breaks.

MECHANICAL EQUIPMENT. All HVAC (heating, ventilation and air conditioning) equipment located on the roof of a building or outside a home or building.

MIXED USE. The presence of residential and nonresidential uses within the same complex or same building. **MIXED USE** can also refer to different categories of nonresidential uses such as institutional, retail and office within the same complex or building. The advantage of mixed uses is the promotion of architectural compatibility, and pedestrian-scaled environments.

MODULAR HOME. A dwelling unit constructed in compliance with O.R.S. 466.155 and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

MULTI-FAMILY. Three or more attached single-family dwelling units located on a lot or parcel.

NON-CONFORMING USES. Any use lawfully being made of any land, building, or structure which on the effective date of these regulations or on the effective date of any amendment thereto, rendering such use illegal within a district which does not comply with all the regulations of this chapter or any amendments thereto.

NURSING HOME. A licensed facility that provides supportive services to three or more elderly, ill or infirm patients needing assistance in meeting their day-to-day basic needs for a period exceeding 24 hours.

OFF-STREET PARKING. Parking which occurs on a lot or parcel and not on a street or other public right-of-way.

OFFICE USE. Business, professional, service, and governmental occupations within a building or buildings.

ON-SITE, OFF-SITE. Located on the lot or parcel relative to a use or structure; or located off the lot or parcel relative to a use or structure.

OPEN SPACE. Any area which does not consist of buildings, streets, rights-of-way, parking, or easements, and serves as a passive or active recreational area or as pervious cover for watershed requirements. Definitions and design standards in this chapter categorize open space by type.

ORDINANCE. A document of regulations enforceable as municipal law.

PAVED. Any surface area covered by crushed compacted gravel, concrete, asphalt, brick or similar material in durability, appearance, and permeability.

PARCEL.

(a) A single unit of land conforming with all land development regulations in effect on the

date the parcel was created. **PARCEL** also refers to a unit of land legally created prior to partition ordinances. **PARCEL** does not include a unit of land created solely to establish a separate tax account. **PARCEL** does not include **LOT** as defined in this section.

(b) Except as provided in (c), a **PARCEL** is considered legally created and will be recognized as a legally created unit of land if:

1. The creation of the parcel was approved by the city pursuant to city zoning and land division ordinances in effect at the time of partitioning; Or

2. The creation of the parcel was by one of the following listed methods and the creation of the parcel was in accordance with applicable laws in effect at the time:

a. The parcel is shown on a survey filed with the State of Oregon prior to October 5, 1973; or

b. The parcel was described in a land sales contract entered into prior to November 28, 1975; or

c. The parcel was described in a deed recorded prior to November 28, 1975.

(c) Any legally created parcel as described in (b) above will cease to be recognized by the city as a distinct unit of land once it has been reconfigured, altered, or consolidated into a larger unit of land by approval or recording of anyone or more of the following:

1. Partition plat;

2. Subdivision plat;

3. Deed with a single unified metes and bounds legal description;

4. Deed expressly stating an intent to unify separately described parcels;

5. Covenant expressly stating an intent to unify separated described parcels.

PARKING AREA. All the area in square footage of land designated for the storage of cars. The parking area also includes all areas for storage and trash facilities.

PATIO, ATRIUM, COURTYARD, ZERO LOT LINE HOMES. Homes with side, rear, or courtyard yards; as opposed to perimeter yards.

PEDESTRIAN ORIENTED DEVELOPMENT. Development which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option or choice of not having to use a car to accomplish certain trips, and will provide a variety of interesting and detailed streetscapes that balance the need of the pedestrian and car equally.

PERMITTED USES. Uses allowed to occur within a designated regulating district.

PERSON. Includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.

PLANNING COMMISSION. Shall mean the City Planning Commission.

PRINCIPAL BUILDING. A building in which is conducted the principal use on a lot.

PUBLIC HEARING. A meeting advertised in the local printed media which requires public input.

PUBLIC SAFETY STATION. Fire and rescue stations.

PUBLIC STREET. Any right-of-way used for vehicular traffic that is permanently maintained by the city, county, or the state and is open to all traffic.

RIGHT-OF-WAY (ROW). An area of land dedicated to infrastructure such as streets sewer lines, water lines, electric lines, and gas lines.

REGULATING MAP or **MONROE REGULATING MAP.** Shall mean the Adopted Planning Map of Monroe, Oregon.

RETENTION (DETENTION). Engineered facilities for storing or detaining rain water runoff from a site. **RETENTION** delays the flow off a site to prevent flooding. **DETENTION** stores water on a site to allow time for pollutants to precipitate out of the runoff. This cleans the water before it is allowed to flow to nearby drinking sources (see **WATERSHED**).

SETBACKS. The mandatory distance between a frontage line and a facade or a lot line and a building wall.

SHADE TREE. Any large maturing tree which provides a crown width sufficient to shade a minimum of 1,200 square feet.

SHOPFRONT. A business or retail use. The facade of a shopfront is aligned directly on the frontage line with the entrance at grade. This is typical for sidewalk retail. Shopfronts often have awnings or a colonnade. A transition line should separate the shopfront signs from the facade below.

SIGNIFICANT TREE. Any tree with a trunk diameter of 18 inches or more as measured four feet from grade.

SITE PLAN. A diagram to scale showing the development plans for a lot or parcel. **SITE PLANS** are only permitted for single-family and duplex lots and parcels, and accessory structures.

SITE SURVEY. A map completed by a surveyor accurately depicting the scale, distances and measurements of all planned structures on a lot.

STORM WATER RUNOFF. Rain that falls onto impervious surfaces and is not absorbed into the ground immediately. Storm water runoff carries pollutants from paved surfaces into streams and rivers, and causes flooding by speeding up the rate of water flow into streams and rivers.

STREET ORIENTATION. The direction of the architectural front facade of a building in relation to the street.

STREET VISTA. A view framed by buildings at the termination of the axis of a thoroughfare.

STREET YARD. The area of land along the front property line parallel to a ROW reserved for tree planting and landscaping.

STRUCTURE. Shall include the word **BUILDING**.

SUBURBAN SPRAWL. The name given to development designed according to segregated use zoning standards and auto-dependent criteria concerning access and parking. The resultant development provides for a low-density landscape of independently designed uses connected by a system of hierarchical streets that do not provide through access. A majority of the land in this model is relegated to street and parking surfaces, and although the building density and population may be low, the amount of usable open space is minimal to none, and traffic congestion is common

SUSTAINABLE. Having the ability to accommodate and maintain population growth and economic expansion through intelligent design.

TEMPORARY STRUCTURES. Buildings placed on a lot or parcel for a specific purpose that are

to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classroom or office space, construction trailers and guard houses, manufactured housing placed on a lot for temporary housing while principal home renovations are done, and produce stands. The duration permitted for a temporary structure is established by this chapter.

TEMPORARY USE PERMIT. A permit issued by the City Recorder allowing a use which is not permitted within a district to continue as long as certain criteria are being met by the applicant.

TRADITIONAL NEIGHBORHOOD. A **TRADITIONAL NEIGHBORHOOD** incorporates the best in design principles to produce compact, mixed use, pedestrian scaled sustainable communities.

(a) The following conventions are shared by **TRADITIONAL NEIGHBORHOODS**:

1. The neighborhood is limited in area to that which can be traversed in a 10 to 15 minute walk.
2. Residences, shops, workplaces, and civic buildings are located in close proximity.
3. A well defined and detailed system of interconnected streets serve the needs of the pedestrian and the car equitably, providing multiple routes to all parts of the neighborhood.
4. Physically defined open spaces in the form of plazas, squares and parks provide places for formal social activity and recreation.
5. Private buildings form a clear edge, delineating the private from the public realm.
6. Civic buildings reinforce the identity of the neighborhood providing places of assembly for social, cultural, and religious activities.

(b) **TRADITIONAL NEIGHBORHOODS** pursue certain objectives through their design:

1. By bringing within walking distance most of the activities of daily living, the elderly and the young gain independence of movement.
2. By reducing the number and length of car trips, traffic congestion is minimized and road construction costs are reduced.
3. By organizing appropriate building densities, alternative forms of transportation can be easily provided for when appropriate.
4. By providing public open spaces such as parks, squares, and streets, people can come to know each other and to watch over their collective security.
5. By providing a full range of housing types and workplaces, age and economic class are integrated and the bonds of authentic community are formed.
6. By providing suitable sites for civic buildings, community awareness and civic responsibility are encouraged.

TRAILS. Pedestrian paths within parkways or greenbelts. **TRAILS** are informal in design and run through natural settings. They differ from the formal design of promenades and esplanades in parks and squares.

TRANSITIONAL YARD. The area of a property running along the side or rear yard of a nonresidential lot or parcel when it abuts a residential lot or parcel, used as a buffer. Transitional yards are planted with trees and landscaping to reduce noise, and other impacts on less intense property uses.

UNDERPINNING. The skirting around the base of a manufactured home or temporary structure which forms a continuous wall around the structure from the foundation or grade level, to the base, or bottom floor level, of the structure. Underpinning material is prescribed by this chapter.

USED or OCCUPIED. As applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

USES PERMITTED WITH CONDITIONS. This chapter lists all allowable uses by district. The allowable uses are split into two categories: uses permitted by right and uses permitted with conditions. The latter are provided with criteria that must be met in order for the use to be allowed within the district.

VARIANCE. The relaxation of the strict terms of a specific provision of this chapter in accordance with this chapter.

VOCATIONAL CENTER. A teaching or learning business where classes are held which may be affiliated with a university or college.

WATERSHED. The land area that drains into a stream or river used for drinking water. The watershed delineates the boundaries of the watershed district that sets development standards for impervious surface areas and water quality.

YARD. Land area immediately adjacent to a building. Yards are broken into front, rear, and side. Front yards extend from the architectural front of a building to the fronting street or ROW. Side yards extend from the sides of a building to a street ROW or property line. Rear yards extend from the back of a building to a property line or ROW. Yard configuration establishes building typologies. There are four typologies into which most buildings can be classified: perimeter yard buildings, side yard buildings, rear yard buildings, and courtyard buildings.

ZONING PERMIT. Written permission issued by the City Planning Department for the construction or enlargement of a structure, including signs, or the grading or excavation of a site in preparation of construction or for the installation of underground utilities.
 (Ord. 156, § 1.030, passed 11-19-79; Am. Ord. 192, passed 8-86; Am. Ord. 98-228, passed 8-20-98)

§ 152.004 COMPLIANCE WITH PROVISIONS.

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

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

(C) No lot area, yard, off-street parking area, off-street loading area, or other open space shall be used as the required lot area, yard, off-street parking area, off-street loading area, or other open space of another use, except as provided for in this chapter.
 (Ord. 156, § 2.010, passed 11-19-79)

§ 152.005 INTERPRETATION.

Where the conditions imposed by any provision or this chapter are less restrictive than comparable conditions imposed by any other provisions of this chapter or any other chapter or ordinance, the provisions which are more restrictive shall govern.
 (Ord. 156, § 2.020, passed 11-19-79)

§ 152.006 ENFORCEMENT, RESPONSIBLE OFFICERS.

The Land Division and Zoning Codes shall be administered and enforced by the City Recorder.
 (Ord. 98-228, passed 8-20-98)

§ 152.007 BUILDING PERMIT.

No building permit shall be issued by the Building Official for any authorized development unless the City Recorder has determined that the proposed development complies with the provisions of this chapter and the required development permit has been issued.
 (Ord. 98-228, passed 8-20-98)

§ 152.008 STOP WORK ORDER.

Whenever any work is being done contrary to the provisions of this chapter, the City Recorder may order the work stopped by notice in writing served on any persons engaged in the work and any such persons shall immediately stop such work until authorized by the City Recorder to proceed.
 (Ord. 98-228, passed 8-20-98)

ESTABLISHMENT OF ZONES

§ 152.020 CLASSIFICATION OF ZONES.

For the purpose of this chapter the following zones are hereby established:

<i>Zone</i>	<i>Abbreviated Designation</i>
General Residential, Large Lot	G-R (A)
General Residential, Small Lot	G-R (B)
General Residential, Civic	G-R (C)
Commercial	C
Industrial	M
Public	P
Flood Plain	FP

(Ord. 156, § 3.010, passed 11-19-79)

§ 152.021 LOCATION OF ZONES.

The boundaries for the zones listed in this chapter are indicated on the city Zoning Map of 1979 which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.
(Ord. 156, § 3.020, passed 11-19-79)

§ 152.022 ZONING MAPS.

A zoning map or zoning map amendment adopted by § 152.021 or by an amendment thereto shall be prepared by authority of the City Council. The map or map amendment shall be dated with effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this chapter remains in effect.
(Ord. 156, § 3.030, passed 11-19-79)

§ 152.023 ZONING OF ANNEXED AREAS.

All areas annexed to the city shall be placed in the General Residential District, unless specifically placed in another zone by the City Council. The Council shall not place an area to be annexed into a zone other than **G-R** until after receiving and considering a recommendation from the Planning Commission.
(Ord. 156, § 3.040, passed 11-19-79)

§ 152.024 ZONE BOUNDARIES.

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of a street or railroad right-of-way or such lines extended.
(Ord. 156, § 3.050, passed 11-19-79)

USE ZONES**§ 152.030 GENERAL RESIDENTIAL (GR).****(A) Purpose.**

(1) The General Residential District is intended to promote the stability and improvement of the city's traditional neighborhoods as well as providing for their expansion along the same traditional lines with which they were established.

(2) The district is divided into three types of lots based upon size, in order to promote a traditional mixture of housing types and sizes.

(3) Adequate city water and sewer service is necessary for development in a G-R District.

(4) Alley accessed parking is encouraged for new residential development. For non-residential development, all off-street parking shall be provided for in rear and side yards. Side yards which abut a publicly dedicated road shall not be used for parking.

(5) Civic lots should be within or adjacent to a square or park on a lot terminating a street vista.

(B) Uses permitted by right.

(1) Single-family dwellings;

(2) Churches;

(3) Schools;

(4) Day care centers;

(5) Essential services.

(C) Uses permitted with conditions.

(1) Bed and breakfast;

- (2) Community center;
- (3) Medical or dental offices;
- (4) Customary home occupations;
- (5) Two-family dwellings;
- (6) Multi-family dwellings;
- (7) Public safety station;
- (8) Recreational facilities;
- (9) Rooming or boarding houses.

(D) Lot provisions.

<i>Lot Type</i>	<i>Description</i>	<i>Minimum Lot Size</i>	<i>Maximum Lot Size</i>
G-R (A)	Residential large lot	8,001 sq. ft.	14,000 sq. ft.
G-R (B)	Residential small lot	5,000 sq. ft.	8,000 sq. ft.
G-R (C)	Civic lot	none	none

(E) Lot width and depth.

(1) All lots must front along a minimum of 40 feet and a maximum of 80 feet of publicly dedicated road (not alley) in order to be built on.

(2) Recommended maximum lot depth (from front to rear lot lines) is as follows. See also diagram in Appendix A, § 1:

- (a) Lot Type A: 130 feet;
- (b) Lot Type B: 100 feet;
- (c) Lot Type C: 100 feet.

(F) Setbacks.

(1) Setbacks shall be equal to the average setbacks for buildings on the same side of the street within 300 feet. Building and street facades shall extend parallel to front property lines. Frontage for irregularly shaped lots shall be determined by the Director.

(2) Where there are no such buildings, minimum setbacks shall be as follows (see also diagram in Appendix A, § 2):

	<i>Type A</i>	<i>Type B</i>	<i>Type C</i>
Front	25 feet	10 feet	30 feet
Side	12 feet	8 feet	15 feet
Rear	30 feet	30 feet	20 feet

(3) Side yards which abut a public or private street shall have the same minimum setback as the front yard setback.

(G) Encroachments.

(1) Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways shall be permitted to extend within the minimum front setback, to a maximum of

- (a) Type A (large lot): 12 feet;
- (b) Type B (small lot): 8 feet;
- (c) Type C (civic): 15 feet.

(2) Open patios and decks in rear yard:

- (a) Type A: 12 feet;
- (b) Type B: 10 feet.

(3) Side yards that abut a public street shall be treated as described above.

(4) Hedges, garden walls, or fences may be built on property lines or as a continuation of building walls. (See also diagram in Appendix A, § 3.)

(H) *Building height.*

(1) The vertical distance from the mean elevation of the finished grade relative to the frontage street, to the eave line of the structure.

(2) All uses: 20 feet.

(3) Exceptions: Roof equipment not intended for human occupancy and which is necessary to the structure upon which it is placed. (See image in Appendix A, § 4.)

(I) *Accessory structures.*

(1) *Permitted uses.* The following uses are permitted within outbuildings:

- (a) Parking;
- (b) Gazebo;
- (c) Poolhouse;
- (d) Equipment enclosure;
- (e) Artist studio space;
- (f) Workshop;
- (g) Accessory dwelling unit;
- (h) Greenhouse.

(2) *Conditional permit.* A conditional use permit from the Planning Commission as well as the availability of water and sewer are necessary for use

as a dwelling or studio space. The owner of the lot must occupy either the principal residence or the accessory unit.

(3) *Accessory dwelling units.* Only one accessory dwelling unit shall be allowed on a lot or contiguous lots under one ownership.

(4) *Deed restrictions.* Upon issuance of a building permit for an accessory dwelling unit, the city shall cause to be recorded a deed restriction on the property stating that as a condition for the issuance of the building permit for the accessory dwelling unit, the property owner must reside on the premise or the accessory dwelling unit may not be used as a residence.

(5) *Rear yard use.* Trash containers, mechanical equipment and outdoor storage shall be located only within the rear yard.

(6) *Uses permitted in front, side, or rear yard.* Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.

(7) *Type A lots.* Accessory structures shall not exceed 40% of the total area of the principal structure or 576 square feet whichever is greater. At no time shall the total area of an accessory use exceed 25% of the rear yard. Such uses shall only be permitted in the rear yard.

(8) *Type B lots.* (See also diagram in Appendix A, § 6.)

(a) Accessory structures shall not exceed 576 square feet or 25% of a rear yard, whichever is less.

(b) 1. **Minimum side and rear setbacks:** 5 feet;

2. Minimum setback from principal structure: 10 feet.

(c) Accessory structures with a total area exceeding 500 square feet shall be constructed using materials and features similar to the principal structure.

(d) Outbuildings in rear yards that abut a publicly-dedicated street must have a minimum setback equal to the front yard setback.

(9) *Type C lots.*

(a) Large accessory structures shall be located toward the perimeter of a lot. Small accessory structures shall be located toward the interior of a lot. Accessory structures shall be located a minimum of 15 feet behind the principal structure facade. There is no minimum or maximum square footage for accessory structures on C lots.

(b) Side and rear setbacks: 20 feet.

(c) Maximum height: 26 feet (see also diagram in Appendix A, § 5).

(J) *Platting provisions.*

(1) *Generally.*

(a) Ten units per acre is approximately the maximum non-multi-family platted density achievable in this district which can accommodate a residence and on-site parking.

(b) Alley service is required for this density.

(2) *G-R Type A, single family.*

(a) Ten units per acre.

(b) Forty-foot lot width.

(c) Alley service required. Lots 54 feet in width and less are required to use alley service for access to on-site vehicle parking and storage. See diagram in Appendix A, § 7.

(3) *G-R Type B, single family.*

(a) Eight units per acre.

(b) Fifty-five-foot lot width.

(c) Alley service optional. Lots wider than 54 feet may use frontage street for access to on-site vehicle parking and storage (garages must be set back at least 20 feet from primary facade). See diagram in Appendix A, § 8.

(4) *Multi-family.*

(a) Fourteen units per acre, one floor, 20 parking spaces required.

(b) Thirty-two units per acre, two floors, 48 parking spaces required.

(c) Forty-eight units per acre, three floors (max), 80 parking spaces required.

(d) Multi-family development may not exceed 35% of a mixed residential development or ten acres, whichever is less. Multi-family development densities shall be determined by on-site parking requirements as shown in the Appendix A, § 9.

(K) *General design standards and provisions.*

(1) *Use.*

(a) Similar land categories shall generally face across streets. Dissimilar categories shall abut at rear lot lines. Corner lots which front on streets of dissimilar use shall be set back the same as the adjacent use with the lesser setback.

(b) Large-scale, single use (conference spaces, theaters, athletic facilities, and the like) shall occur behind or above habitable street front space.

(c) Accessory structures may be used for rental housing on attached and detached home lots.

(d) All uses shall be conducted within complete enclosed buildings unless otherwise specified.

(2) *Lots and buildings.*

(a) All lots shall share a frontage line with a street or square.

(b) All buildings, except accessory structures, shall have their main entrance opening onto a street or square.

(c) Stoops, open colonnades, and open porches may encroach up to 12 feet into front setbacks.

(3) *Streets and alleys.*

(a) New streets and major street improvements shall be designed to provide maximum access to all tracts and lots.

(b) Streets and alleys shall terminate at other streets within the neighborhood and connect to existing and projected through streets outside the development.

(c) There shall generally be a continuous network of alleys to the rear of lots within new residential developments.

(d) New residential streets shall be developed to include curbs, gutters landscape strips, and sidewalks. Streets shall have a maximum right-of-way of 60 feet consisting of two ten-foot travel lanes (single, or narrower lanes are encouraged pending Planning Commission approval), eight-foot parallel

parking on both sides, square curbs with concrete gutters two six-foot landscape strips, and five-foot (minimum) sidewalks. Curb radius shall not exceed ten feet. In all cases, driveway curb cuts shall be minimized. Curb cut slopes to the street shall be between the street and sidewalk without extending into the sidewalk. All street curb and gutter construction shall be consistent with the city's drainage/stormwater plan.

(e) A fee may be paid by the developer to the city in lieu of curb, gutter and sidewalk construction, however the total right-of-way dedication to the city shall be required in all cases. This in-lieu fee, based on the total construction costs, shall be determined by the Director or Planning Commission.

(f) The average perimeter of all blocks shall not exceed 1,200 feet. No block face shall have a length greater than 500 feet without a dedicated alley or pathway providing through access.

(g) Utilities shall run along alleys wherever possible.

(h) Street lamps shall be installed at a maximum height of 12 feet, on both sides of the street no less than 100 feet apart.

(i) Rights-of-way and streets are encouraged to differ in dimension and each street is encouraged to be separately detailed.

(j) Steady and even build-to lines shall be established along all streets and public space frontages, determining the width desired for each street or public space. A minimum percentage build-out at the build-to line shall be established along all streets and public square frontages.

(k) The long axis of the street shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway.

(4) *Parking.*

(a) Parking lots shall generally be located at the rear or at the side of buildings and shall be screened from the sidewalk by low walls, fences or hedges.

(b) Parking lots and parking garages shall not abut street intersections or civic buildings, be adjacent to squares or parks, or occupy lots which terminate a vista.

(c) For properties with more than one street frontage, primary street frontages shall have no vehicular entries. Properties with a single-frontage on a primary street shall be limited to a maximum of one single-lane-width vehicular entry separated by a minimum of 20 feet.

(d) Vehicular entries may be shared between two or more properties (by easement or other means).

(e) Adjacent parking lots shall have vehicular connections via an alley or internally.

(f) On-street parking directly bordering shall count toward fulfilling the parking requirement of that lot. One parking space credit shall be given for every space in front of the lot that is over 50% of the length of the parking space.

(5) *Landscaping.*

(a) Trees shall be planted within rights-of-way parallel to the street along all streets. (Exception: alleys.)

(b) Tree spacing shall be determined by species types. Large maturing trees shall be planted a minimum of 40 feet and a maximum of 50 feet on center. Small and medium maturing trees shall be planted a minimum of 10 feet and a maximum of 30 feet on center.

(c) Large maturing trees, such as oaks, poplars, and maples shall generally be planted along residential streets and along the street frontages and perimeter areas of parks, squares, greenbelts, and civic lots.

(d) Small maturing trees such as flowering dogwoods, pears and cherry shall generally be planted along non-residential streets, interior portions of parks, squares and greenbelts, and civic lots.

(e) Plantings in immediate proximity to buildings in front and side yards shall respect architectural lines (should be seen as extension of architectural walls).

(f) Plantings toward the street shall respect the integrity of the street by not obscuring important buildings and respecting views to and from streets, porches, walks, and public open spaces.

(g) All plantings shall be installed free from disease in a manner that ensures the availability of sufficient soil and water for healthy growth, and which is not intrusive to underground utilities.

(L) *Architectural standards.*

(1) *Compatibility required.* Due to the mixed use nature of the district, architectural compatibility is necessary in order to visually integrate development and allow for proximity of varied uses. All residential construction shall conform in street orientation and massing to adjacent homes.

(2) *Civic uses.* Schools, churches, and government buildings shall be built so that they terminate a street vista whenever possible, and shall be of sufficient design to create visual anchors for the community. Civic buildings shall adhere to the provisions as marked below. Metal paneling shall be approved by the Director of Planning Commission and shall not exceed 25% of a wall surface area.

(3) *Materials.*

(a) Residential building walls shall be wood clapboard, wood shingle, wood drop siding, primed board, wood board and batten, brick, stucco or approved vinyl (as determined by the Director or Planning Commission).

(b) Civic building walls shall be clad in stone, brick, marble or cast concrete.

(c) Residential roofs shall be clad in wood shingles, slate, and diamond tab asphalt shingles.

(d) Civic roofs shall be clad in slate, sheet metal, corrugated metal, or diamond tab asphalt shingles.

(e) Principal building roofs shall have a pitch of at least 5:12 or conform to the roof pitches of adjacent homes.

(f) Gutters and downspouts shall be made of copper or galvanized painted metal.

(4) *Configurations.*

(a) Two wall materials may be combined horizontally on one facade. The heavier material must be below.

(b) Exterior chimneys shall be finished in brick or stucco.

(c) Stains and paints used for exterior walls need to conform to the existing appearance and character of the neighborhood.

(d) The undercroft of buildings shall be enclosed.

(5) *Techniques.*

(a) Flush eaves shall be finished by profiled molding or gutters.

(b) Windows shall be set to the inside of the building face wall.

(c) All rooftop equipment shall be enclosed in building material that shall be enclosed in building material that matches the structure or is visually compatible with the structure. (Ord. 156, §§ 4.010, 4.020, passed 11-19-79; Am. Ord. 98-228, passed 8-20-98)

§ 152.031 COMMERCIAL ZONE (C).

(A) *Purpose.* This district is intended to provide redevelopment or investment opportunities for designated commercial areas within the city. Developments in the commercial district are to emulate the Main Street characteristics of Historic Downtown Monroe, and encourage pedestrian use through connection to adjacent neighborhoods, and the construction of mixed use buildings.

(B) *Uses permitted outright.*

(1) General commercial uses up to 20,000 gross square feet. (Exception: any use which encourages patrons to remain in their automobiles while receiving goods or services, adult retail, automotive repair, garages, welding shops, machine shops, outdoor storage or sales, pool halls/game rooms);

(2) Office uses up to 20,000 gross square feet;

(3) Hotels/meeting facilities up to 10 rooms and 20,000 gross square feet of floor area;

- (4) Restaurants (Exception: drive-through restaurants);
- (5) Bed and breakfast inns;
- (6) Multi-family up to ten units;
- (7) Mixed used structures up to 25,000 gross square feet;
- (8) Zero-lot line residential;
- (9) Civic uses on lots not exceeding two acres;
- (10) Fraternal and service organizations;
- (11) Indoor theaters;
- (12) Vocational centers.

(C) *Uses permitted subject to conditional review.*

- (1) Customary home occupations;
- (2) Day care centers;
- (3) Gas stations;
- (4) Nightclubs and bars with live music;
- (5) Restaurants with drive-through service;
- (6) Parking decks;
- (7) All commercial uses exceeding 20,000 gross square feet;
- (8) All office uses exceeding 20,000 gross square feet;
- (9) Hotels/convention facilities exceeding ten rooms and 20,000 gross square feet of convention floor area;

- (10) Multi-family exceeding ten units;
- (11) Civic uses exceeding two acres;
- (12) Mixed use structures exceeding 25,000 gross square feet.

(D) *Lot provisions.* (See also diagram in Appendix B, § 1.)

- (1) Minimum lot width:
 - (a) Commercial and mixed use: 32 feet;
 - (b) Residential use: 27 feet;
 - (c) All other uses: 48 feet.
- (2) Maximum lot width. All uses: 80 feet.

(E) *Setback and encroachments.* (See also diagram in Appendix B, § 2.)

- (1) Front and side setbacks (min): 0 feet;
- (2) Rear setback (min)• 20 feet;
- (3) Frontage buildout (min): 90% (exception: civic use lots);
- (4) Building and street facades shall extend along frontage lines. All portions of a frontage line shall be occupied by a building or a wall. (Exception: pedestrian walkways, civic lots);
- (5) Balconies, awnings, and arm signs shall be permitted to encroach within sidewalk areas (but not beyond) as follows:
 - (a) Balconies: 3 feet;
 - (b) Awnings: 6 feet;
 - (c) Signs: 4 feet.

(F) *Building height and use.*

(1) The vertical distance from the mean elevation of the finished grade relative to the frontage street, to the roof line of the structure.

(2) All uses:

(a) Maximum: 45 feet;

(b) Minimum: 26 feet (applies only to buildings fronting Main Street/Highway 99 between XX Street and XX Street) and [portion of] Commercial Street).

(c) Exceptions: roof equipment not intended for human occupancy and which is necessary to the structure upon which it is placed.

(3) Uses within buildings shall be as depicted in the diagram in Appendix B, § 3.

(G) *Streets and alleys.*

(1) New streets and major street improvements shall be designed to provide maximum access to all tracts and lots.

(2) Streets and alleys shall terminate at other streets within the neighborhood and connect to existing and projected through streets outside the development.

(3) There shall generally be a continuous network of alleys to the rear of lots within new commercial development.

(4) New streets shall be developed to include curbs, gutters, landscape strips, and sidewalks. Streets shall have a maximum right-of-way of 60 feet consisting of two ten-foot travel lanes (single, or narrower lanes are encouraged pending Planning Commission approval), eight-foot parallel parking on both sides, square curbs with concrete gutters, two six-foot landscape strips, and five-foot

(minimum) sidewalks. Curb radius shall not exceed ten feet. In all cases, driveway curb cuts shall be minimized. Curb cut slopes to the street shall be between the street and sidewalk without extending into the sidewalk. All street curb and gutter construction shall be consistent with the city's drainage/stormwater plan.

(5) A fee may be paid by the developer to the city in lieu of curb, gutter and sidewalk construction, however the total right-of-way dedication to the city shall be required in all cases. This in-lieu fee, based on the total construction costs, shall be determined by the Director of Planning Commission.

(6) The average perimeter of all blocks shall not exceed 1,200 feet. No block face shall have a length greater than 500 feet without a dedicated alley or pathway providing through access.

(7) Utilities shall run along alleys wherever possible.

(8) Street lamps shall be installed at a maximum height of 12 feet, on both sides of the street not less than 100 feet apart.

(9) Rights-of-way and streets are encouraged to differ in dimension and each street is encouraged to be separately detailed.

(10) Steady and even build-to lines shall be established along all streets and public space frontages, determining the width desired for each street or public space. A minimum percentage build-out at the build-to line shall be established along all streets and public square frontages.

(11) The long axis of the street shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway.

(H) *Parking and loading requirements.*

(1) Parking requirements shall be as follows:

(a) Parking may extend to side and rear lot lines only (including corner lots).

(b) Off-site parking within 400 feet of a use shall count toward fulfilling required parking.

(c) Parking must be a minimum of four feet from the rear of a building.

(d) There shall be one space per 500 square feet of building space except for office use which shall have one per 400 square feet.

(e) There shall be one space per room of lodging and for every two bedrooms.

(f) There shall be one space per four feet of meeting area.

(g) Parking requirements may be suspended for select uses of 2,500 square feet or less, that portion of a restaurant with outdoor seating, day care centers, or for other uses which require encouragement.

(2) Any proposed shared parking concepts shall be considered in lieu of the above requirements.

(3) Off street loading requirements shall be as follows:

(a) Office/restaurant/hotel less than 10,000 square feet: None;

(b) Office/restaurant/hotel over 10,000 square feet: One;

(c) All other commercial establishments less than 10,000 square feet: None;

(d) All other commercial establishments 10,000 to 50,00 square feet: One;

(e) All other commercial establishments over 50,000 square feet: Two.

(I) *Architectural standards.*

(1) *Conformity.* All construction shall conform in street orientation and massing to adjacent structures.

(2) *Materials.*

(a) Walls shall be clad in wood, brick, cast concrete, stucco, stone, marble, or metal paneling not exceeding 10% of the surface area of a building wall.

(b) Signs on the inside of glazed openings may be neon.

(3) *Configurations.*

(a) Two wall materials may be combined horizontally on one facade. The heavier material must be below and can cover the first floor only.

(b) Multi-story buildings must include clear division lines between the first and second floors consisting of a cornice, molding or jog in surface plane of at least two inches in depth.

(c) Roofs shall be of a minimum pitch of 5:12 (Exception: multi-story buildings with roof line cornices, civic buildings).

(d) Street level windows shall be untinted, and for commercial uses, shall comprise at least 50% of the first floor facade.

(e) Windows of upper story buildings shall be of square or vertical proportion, circular or hexagonal.

(4) *Techniques.*

(a) Windows shall be set to the inside of the building face wall.

(b) All roof top equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.

(J) *Landscaping.*

(1) Civic uses shall have the perimeter road frontage planted every 10 to 30 feet on center with large maturing trees.

(2) Commercial streets may be planted. Trees shall be selected that, at maturity, can form high canopies which will not obstruct the visibility of storefronts from the street.

(3) Parking areas shall be screened from adjacent sidewalks by low walls, fences, or hedges between three to five feet in height.

(Ord. 156, § 4.110, passed 11-19-79; Am. Ord. 179, passed 10-83; Am. Ord. 98-225, passed 1-5-98; Am. Ord. 98-228, passed 8-20-98)

§ 152.032 INDUSTRIAL ZONE (M).

(A) *Purpose.* The purpose of the M Zone is to provide areas suitable and desirable for all types of industrial activity, provided that sufficient standards are utilized to minimize possible hazards related to air or water pollution, fire or explosion hazard, or the excessive emission of noise, dust, smoke, odor, glare or fumes.

(B) *Uses permitted outright.* In an M Zone the following uses and their accessory uses are permitted outright:

(1) **A use involving manufacture,** research, repair, assembly, processing, fabricating,

wholesaling, storage, or transportation, except for the following:

(a) A use listed as a conditional use in the M Zone;

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

(2) A single-family home or manufactured housing when used as an accessory with another permitted use, and functioning as a residence for an owner or employee. Manufactured housing shall be subject to the conditions in § 152.065;

(3) Animal hospital, veterinarian office;

(4) Automobile, boat, truck, trailer sales, service, rental, display, storage or repair;

(5) Feed or seed store;

(6) Heavy equipment, implement, machinery sales, service, rental, display, storage, or repair;

(7) Lumber, building materials sales or storage;

(8) Tire sales or repair shop.

(C) *Conditional uses permitted.* In an M Zone the following uses and their accessory uses may be permitted subject to the provisions of §§ 152.045 *et seq.*:

(1) Manufacturing and related uses included:

(a) Cement, lime or similar products manufacture;

(b) Explosives storage of manufacture;

(c) Petroleum products manufacture or refining;

(d) Pulp mills;

(e) Rendering plant, tannery, slaughter house, feed lot;

(f) Smelting or refining of metallic ore;

(g) Other uses similar to the above which may possess characteristics injurious to public health and safety due to emission of smoke, dust, odor, refuse, fumes, vibration, glare or similar hazard;

(2) Governmental structure or use of land;

(3) Public utility facility;

(4) Airport;

(5) Solid waste disposal transfer station;

(6) Extraction and processing of rock, sand, gravel, or other earth product;

(7) Automobile wrecking yard, junk yard.

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

(E) *Yards.* In an M Zone yards shall be as follows:

(1) A front yard and a street side yard abutting a residential zone shall be a minimum of 25 feet;

(2) A side yard and a rear yard abutting a residential zone shall be a minimum of 25 feet. All other yards shall be allowed a 0-foot setback;

(F) *Buffering.* All industries which are constructed adjacent to established residential areas shall be provided with adequate buffering (landscaping, fencing, berms) to sufficiently reduce any negative impacts resulting from the industry. All buffers shall be provided to the satisfaction of the Planning Commission.

(Ord. 156, § 4.210, passed 11-19-79)

§ 152.033 PUBLIC ZONE (P).

(A) *Purpose.* The purpose of the P Zone is to acknowledge areas where public and semi-public facilities and uses are located, including governmental and educational uses.

(B) *Uses permitted outright.* Any use or structure is permitted provided that it is publicly-owned and further complies with all applicable provisions of this chapter governing the type of use or structure proposed.

(C) *Transfer of ownership.*

(1) Whenever a public zone or part of a public zone is transferred to private ownership for a different use, such transferred area shall revert to a zone specified by the Planning Commission and City Council, and the Monroe Comprehensive Plan shall be amended to reflect that change.

(2) Whenever any privately-owned land is acquired by a governmental body for public use, the land so acquired shall automatically be zoned public

and the City Zoning Map and Comprehensive Plan is amended accordingly.
(Ord. 156, § 4.211, passed 11-19-79)

§ 152.034 FLOOD PLAIN ZONE (FP).

(A) *Purpose.* The purpose of the FP Zone is to provide development controls in areas of special flood hazard, in order to eliminate and minimize potential hazards to the public health and safety.

(B) *Establishment of an FP Zone in combination with a basic zone.* A FP Zone may be established in combination with a residential, commercial, public or industrial zone. The FP Zone shall be considered a combining zone while the residential, commercial, industrial or public zone it is combined with shall be considered the basic zone. In the cases of conflict between standards of the basic zone and the FP Zone, the standards of the FP Zone shall apply.

(C) *Proposed development review.* All proposed development in the FP Zone shall be reviewed and approved by the Building Official to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage;
- (2) All public utilities and facilities shall be located, elevated and constructed to minimize or eliminate flood damage;
- (3) Adequate drainage shall be provided so as to reduce exposure to flood hazards.

(D) *FIRM.* The areas of special flood hazard identified by the Federal Insurance Administration on the Flood Insurance Rate Map shall be used as the source of flood plain information.

(E) *Review by county.* The development of residential building sites on man-made fills shall be reviewed and approved by the Benton County

Development Department in accordance with the requirements of this overlay zone and shall not impair the flow of flood water.

(F) *Review by Building Official.* All development permits in an FP Zone shall be reviewed and approved by the Building Official, to determine whether the proposed building sites will be reasonably safe for flooding. Any approved construction or alteration shall meet the following criteria:

- (1) The main floor level of all structures shall be one foot above the flood plain level. The applicant shall provide the lowest habitable floor elevation for new construction and substantial improvements;
- (2) It shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
- (3) All new construction and substantial improvements shall be constructed with material and utility equipment resistant to flood damage;
- (4) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;
- (5) Construction shall not significantly impair the natural flow of floodwater, such that water is forced into areas not previously flooded;
- (6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

(G) Subdivision proposals.

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

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

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).

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

(1) Be floodproofed 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; and

(3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in § 152.034(F)(1).

(I) Manufactured housing.

(1) Manufactured housing shall be anchored in accordance with the requirements of this zone and the Uniform Building Code.

(2) For new manufactured housing parks and manufactured housing subdivisions; for expansions to existing manufactured housing parks and manufactured housing subdivisions; for existing manufactured housing parks and manufactured housing subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50% of the streets, utilities and pads before the repair, reconstruction or improvement has commenced and for manufactured housing not placed in a manufactured housing park or manufactured housing subdivision, require that stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured housing will be at or above the base flood level;

(3) No manufactured housing shall be placed in a floodway.

(J) Materials, equipment storage. Materials, supplies and equipment which are stored on the site shall be either stored within an enclosed building or shall be located or anchored in such a way that their movement will not represent a potential obstruction to the natural flow of floodwaters or a potential danger to the public safety.
(Ord. 156, § 4.310, passed 11-19-79; Am. Ord. 192, passed 8-86)

CONDITIONAL USES**§ 152.045 PURPOSE OF CONDITIONAL USE PROCEDURE.**

A conditional use is a use of land or a structure which is normally appropriate, desirable, or necessary in a zone where it is permitted, but which, by virtue of a feature of that use, could create a problem within the area such as excessive height or bulk, congestion, a potential nuisance, or a health or safety hazard. It is the intent of this subchapter to provide standards and

procedures so that uses which are classified as conditional can fit into a particular zone in a manner so that the best interests of surrounding property, the neighborhood, and the city are safeguarded.

(Ord. 156, § 5.010, passed 11-19-79)

§ 152.046 AUTHORIZATION TO GRANT OR DENY A CONDITIONAL USE PERMIT.

(A) Conditional uses listed in this chapter may be permitted, altered, or enlarged upon by authorization of the Planning Commission in accordance with the standards and procedures set forth in this subchapter.

(B) In taking action on a conditional use permit application, the Planning Commission may either approve or deny the application.

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

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

- (1) Increasing the required lot size, lot width, or yard dimensions;
- (2) Limiting the height of buildings;
- (3) Controlling the location and number of vehicle access points;

(4) Increasing the street width;

(5) Increasing the number of required off-street parking or off-street loading spaces;

(6) Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property;

(7) Limiting the number, size, location and lighting of signs;

(8) Designating sites for open space or outdoor recreation areas;

(9) Regulating noise, vibration, odors and similar factors which may have a substantial negative effect on the development of the surrounding area of the city as a whole;

(10) Providing internal property improvements such as utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, landscaping, fencing, screening, or recreation areas in order to enhance the area and to protect adjacent or nearby property;

(11) Regulating time periods for the conduct of certain activities;

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

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

(F) The Planning Commission may require that the applicant for a conditional use furnish the city with a performance bond or similar contractual arrangement of up to the value of the cost of the improvement to be guaranteed by such bond, in order

to assure that the conditional use is completed according to the plans as approved by the Planning Commission. The amount of the financial guarantee shall be approved by someone designated by the City Council.

(G) The Planning Commission may require that an applicant for a conditional use enter into a contractual agreement with the city to assure that the application will provide streets, curbs, gutters, sidewalks, and water, sewer and drainage facilities that meet city standards. (Ord. 156, § 5.020, passed 11-19-79)

§ 152.047 PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE APPLICATION.

(A) A property owner may initiate a request for a conditional use by filing an application with the City Recorder, using forms prescribed pursuant to § 152.154. A filing fee in accordance with the provisions of § 152.155 shall accompany an application for a conditional use.

(B) Before the Planning Commission may act on a conditional use application, it shall hold a public hearing thereon in accordance with the provisions of § 152.156.

(C) Within seven days after a decision has been rendered with reference to a conditional use application, the city shall provide the applicant with written notice of the decision of the Planning Commission. (Ord. 156, § 5.030, passed 11-19-79)

§ 152.048 BUILDING PERMITS FOR AN APPROVED CONDITIONAL USE.

Building permits for all or any portion of a conditional use shall be issued only on the basis of the plan for the conditional use as approved by the

Planning Commission. Any proposed changed in the approved plan shall be submitted to the Planning Commission as a new application for a conditional use. Building permits involving an approved conditional use shall not be issued until the appeal period, as specified under § 152.153, has passed.

(Ord. 156, § 5.040, passed 11-19-79)

§ 152.049 TIME LIMIT ON AN APPROVED CONDITIONAL USE APPLICATION.

Authorization of a conditional use shall be void one year after the date of approval of a conditional use application, or such lesser time as the authorization may specify, unless a building permit has been issued and substantial construction pursuant thereto has taken place, or unless a use not involving construction has been initiated in some substantial manner. However, upon written request the Planning Commission may extend authorization for an additional period not to exceed one year.

(Ord. 156, § 5.050, passed 11-19-79)

§ 152.050 TERMINATION OF A CONDITIONAL USE.

A conditional use may be revoked or modified by the Planning Commission, after the public hearing, on any one or more of the following grounds:

(A) Approval of the conditional use was obtained by fraud or misrepresentation;

(B) The use for which approval was granted has ceased to exist;

(C) The use does not meet the conditions specifically established for it at the time of approval of the application;

(D) The use is in violation of any provision of this chapter or any other applicable statute, ordinance, or regulation.

(Ord. 156, § 5.060, passed 11-19-79)

§ 152.051 LIMITATION.

No request for a conditional use shall be considered by the Planning Commission within the one-year period immediately following a denial of such request, except the Planning Commission may consent to a new hearing if in the opinion of the Planning Commission, new evidence of a change of circumstances warrants it. (Ord. 156, § 5.070, passed 11-19-79)

§ 152.052 STANDARDS GOVERNING CONDITIONAL USES.

In addition to the standards of the zone in which the conditional use is located and the other standards of this chapter, conditional uses shall meet the following standards:

(A) *Standards for governmental structures.* Standards for governmental structures or uses of land for public utility facilities, such as an electrical substation or transformer, public or community domestic water supply reservoir, public or community sewage disposal plant, or pumping station, radio or television tower or transmitter, telephone exchange, school bus garage, shop or storage yard or similar governmental or utility structure or use of land, are as follows:

- (1) In a residential zone, all equipment and material storage shall be within an enclosed building;
- (2) Public utility facilities and storage areas shall be screened and provided with landscaping;
- (3) The minimum lot size requirement may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent or nearby property;
- (4) Sewage treatment plants and similar uses shall not be permitted in a residential zone.

(B) *Standards for home occupations.*

- (1) The home occupation shall be secondary to the main use of the dwelling as a residence.
- (2) All aspects of the home occupation shall be contained and conducted within a completely enclosed building.
- (3) The home occupation shall be limited to either a pre-existing garage or accessory structure, or not over 25% of the floor area of the main floor of a dwelling. If located within an accessory structure or a garage, the home occupation shall not utilize over 500 square feet of floor area.
- (4) Any structural alteration to accommodate the home occupation shall not detract from the outward appearance of the property as a residential use.
- (5) No person other than a maximum of two members of the immediate family residing within the dwelling shall be engaged in the home occupation.
- (6) No window display and no sample commodities displayed outside the dwelling shall be allowed.
- (7) No materials or mechanical equipment shall be used which are detrimental to the residential use of the dwelling or any nearby dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or any other factor.
- (8) No parking of customers' vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking shall be allowed. A maximum of two customers' vehicles shall be permitted at one time.

(C) *Standards for a manufactured housing park*

A manufactured housing park may be permitted as a conditional use in residential zones, provided it meets the requirements of O.R.S. Chapter 446 and the standards of the Oregon State Board of Health. In addition, the following minimum standards shall apply:

(1) The minimum size of a manufactured housing park shall be five acres;

(2) The minimum size of a manufactured housing space shall be 4,000 square feet in park areas designated for families with children under 14, and 3,000 square feet in areas designated for adults only;

(3) Each manufactured housing unit and accessory building or structure shall be located at least 25 feet from any park property boundary line abutting upon a public street or highway, and at least 5 feet from other park property boundaries;

(4) Manufactured housing shall not be located closer than 20 feet from all community and service buildings, closer than 10 feet from all interior access roads, and closer than 3 feet from a sidewalk;

(5) The wheels and tongue or hitch shall be removed from all manufactured housing;

(6) Manufactured housing shall not be located such that any part of the living space would project over a sidewalk or roadway;

(7) Each access road connecting with a city street shall have a surface width of at least 30 feet and all other access roads within the manufactured housing park shall have a minimum surface width of 24 feet;

(8) Primary access into the manufactured housing park shall be designed to cause minimum interference with traffic movement. Where necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation;

(9) All access roads and parking areas shall be surfaced with permanent surfacing to city standards, and shall be well drained;

(10) All intersections should be designed to be as close to 90 degree angles as possible, to allow for maximum visibility;

(11) Hard-surfaced walkways not less than three feet wide shall be required to connect manufactured housing spaces with community and service buildings, and to facilitate pedestrian travel through the park;

(12) Each manufactured housing lot shall have a minimum access approach of 14 feet to a manufactured housing park street;

(13) Each manufactured housing lot shall be designed to include two automobile parking spaces;

(14) Each manufactured home shall be provided with electrical, sewer and water connections complying with all applicable city and state codes and ordinances;

(15) All electrical and communications utilities provided shall be installed underground;

(16) The water system serving a manufactured housing park shall be capable of supplying a minimum of 150 gallons per day per manufactured housing lot, without exhausting the source of supply;

(17) Access to a manufactured housing unit for fire protection services shall be such as to permit fire apparatus to approach within 100 feet of each manufactured housing unit. Fire hydrant line sizes should be such that 500 gallons-per-minute can be delivered to a manufactured housing lot;

(18) A separate play area shall be provided in all manufactured housing parks that accommodate

children under 14 years of age. Such play area shall not be less than 2,500 square feet in an area with at least 100 square feet of play area provided for each manufactured housing lot;

(19) Recreation areas shall be appropriately developed and maintained. Play areas adjacent to a parking lot, road, railroad, river or similar hazard shall be fenced on the side parallel to such hazard with a minimum three-foot high fence;

(20) Each manufactured housing stand shall be provided with a patio adjacent to the manufactured housing, and constructed of concrete, asphalt, flagstone, wood or other hard, smooth surface, which totals at least 120 square feet, with its least dimension not less than four feet;

(21) Structures located in any manufactured housing space shall be limited to storage building or carport. These may be combined as one structure. Structural additions to the manufactured housing shall be limited to an awning, patio cover, or cabana adjacent to the manufactured housing;

(22) One permanent storage building with a minimum floor area of 32 square feet shall be provided for each manufactured housing space;

(23) Streets and walkways designed for general use of manufactured housing residents shall be lighted during hours of darkness. Lighting shall not be under control of manufactured housing occupants and shall produce uniform illumination of at least one foot candle power maintained throughout;

(24) All areas not used for manufactured housing spaces, motor vehicles parking, traffic circulation or community or service buildings shall be completely and permanently landscaped. The landscaping shall be maintained in good condition;

(25) Screening shall be provided on each side of a manufactured housing park which is adjacent to or across a street or alley from an area which is

located in a residential zone. The screening shall consist of a continuous fence, evergreen hedge, or combination thereof so as to effectively screen the manufactured housing park from view. All screening shall be maintained in good condition.

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

(E) *Standards for day nursery, kindergarten, nursery school, or similar facility.*

(1) At least 75 square feet of outdoor play area per child shall be provided.

(2) The outdoor play area shall be adequately fenced in order to provide for the safety of the children at the facility.

(3) A structure other than a private residence shall be used if more than 15 children are to be enrolled or cared for at the facility.

(4) The facility shall be readily accessible for fire and other emergency vehicles.

(5) The facility shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.

(F) *Standards for auto wrecking yard or junk yard.*

(1) The auto wrecking yard or junk yard shall be fully enclosed by a sight-obscuring fence, free of advertising, maintained in good condition, and not less than six feet nor more than eight feet in height. No materials or equipment shall be stored in such a manner that they exceed the height of the fence.

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

(3) All sales, display, storage, repair, or other handling of products, merchandise, equipment, and other articles shall take place either within an enclosed building or within the fenced area. All truck loading and unloading shall take place within the fenced area.

(4) When the auto wrecking yard or junk yard is located within 400 feet of a residential or commercial zone or a state highway, view obscuring screening shall be maintained in good condition and shall be not less than six feet in height.
(Ord. 156, § 5.080, passed 11-19-79)

SUPPLEMENTARY PROVISIONS

§ 152.065 MANUFACTURED HOUSING ON INDIVIDUAL LOTS.

(A) Manufactured housing is permitted outright on individual lots in the General Residential District. Manufactured housing is also permitted outright in the M Industrial Zone, when used as an accessory to another permitted use.

(B) Manufactured housing on individual lots in any zone are subject to the following conditions:

(1) The manufactured housing and any manufactured housing accessory buildings and structures shall be constructed and maintained in conformance with state and federal safety and construction standards as administered by the State of Oregon, applicable at the time of placement of the manufactured housing. The manufactured housing

shall bear the Oregon "Insignia of Compliance" as provided for by state law;

(2) The manufactured housing shall conform to the lot size and width, yard, lot coverage and building height requirements of the G-R(A) District;

(3) Each manufactured home shall have a minimum width of 24 feet and a minimum length of 40 feet of liveable space, excluding the tongue;

(4) The wheels and tongue or hitch shall be removed from the manufactured housing;

(5) The support piers and footings for the manufactured home shall be constructed and placed in conformance with state requirements. The manufactured home shall be tied down and anchored in conformance with state requirements;

(6) The manufactured home shall be either perimeter blocked or skirted with non-decaying, non-corroding material which is continuous around the perimeter of the unit. Ventilation shall be provided through the perimeter blocking or skirting in accordance with state requirements;

(7) The manufactured housing shall be provided with gutters and downspouts to direct surface water;

(8) All plumbing fixtures shall be connected to the city water supply system and sewage disposal system. All water and sewer lines connecting the manufactured housing with city water and sewer lines shall comply with the standards of the city;

(9) If the manufactured housing is removed from its permanent supports, the owner of the property shall agree in writing to remove the supports, the manufactured housing and all additions thereto from the property, and to permanently disconnect and secure all utilities. This agreement authorizes the city

to perform the work and place a lien against the property for the cost of the work in the event the owner fails to accomplish the work within 30 days from the date the manufactured housing is removed from its supports. This condition shall not apply in the event that the manufactured housing is replaced on the original supports, or the original supports as modified, by another approved manufactured housing within 30 days of the removal of the original manufactured housing;

(10) The lot upon which the manufactured housing is situated, shall be landscaped and maintained as a permanent residence similar to the surrounding area.

(11) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in O.R.S. 455.010. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficient standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer's certification shall not be required.

(12) The manufactured home shall have a garage or carport constructed of exterior materials matching the manufactured home and shall conform to applicable structural safety and construction standards as adopted by the state. However, the attached or detached garage will be required in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

(13) The manufactured homes and any accessory buildings shall conform to applicable structural safety and construction standards as adopted by the state. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce

heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in O.R.S. 455.010. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficient standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer's certification shall not be required.

(Ord. 156, § 6.010, passed 11-19-79; Am. Ord. 179, passed 10-83; Am. Ord. 209, passed - -; Am. Ord. 98-244, passed 9-23-96)

Cross-reference:

Manufactured home as conditional use, see § 152.052

§ 152.066 MULTI-FAMILY DWELLINGS (DUPLEXES, TRI-PLEXES AND FOUR-PLEXES).

Multi-family dwellings are permitted outright in the G-R(B) District and as a conditional use in C Commercial Zone, subject to the following conditions:

(A) A minimum of 20% of the lot shall be developed and maintained as open space and outdoor recreation area;

(B) Open space does not include roads, driveways, parking or loading areas, or public service easements. Where feasible, natural features of the land shall be maintained. Landscaping may include ground cover, trees, shrubs, or other plantings;

(C) All facilities or equipment provided in conjunction with open space or a developed recreation area shall be maintained in good condition so as not to endanger the safety of any potential users;

(D) Accessory facilities such as garbage collection areas and public utility and air-conditioning facilities located on the property but not attached to a building shall be appropriately screened and landscaped;

(E) All multi-family dwellings which are constructed adjacent to established industrial areas shall be provided with adequate buffering (landscaping, fencing, berms) to sufficiently reduce any negative impacts resulting from the adjacent industry. (Ord. 156, § 6.020, passed 11-19-79)

§ 152.067 GENERAL PROVISIONS REGARDING ACCESSORY USES.

(A) An accessory use shall comply with all requirements for a principal use, except where specifically modified by this section. Accessory uses shall not be used for human habitation except as specified in this section.

(B) Accessory uses shall comply with the following standards:

(1) Fences, hedges, walls or anything else which is site obscuring may be located within required yards, except at the intersection of the edge of a driveway and property line in which a 15-foot clear vision area shall be maintained as described in § 152.069. Elsewhere, fences, hedges, and walls shall not exceed six feet in height in residential and commercial zones and eight feet in height in industrial zones;

(2) No sales shall be made from a greenhouse or hothouse maintained accessory to a dwelling in a residential zone unless it has been approved as a home occupation under the conditional use provisions of this chapter;

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

(4) Accessory structures, other than garages, shall be detached from all other buildings by at least eight feet;

(5) The highest point of the roof of an accessory structure shall not exceed a height of 14 feet in a residential zone;

(6) A garage shall be located a minimum of 20 feet from the front property line, 10 feet from the street-side property line, and 5 feet from the interior property line;

(7) For single-family residences, the maximum size for a garage shall be three stalls with a maximum floor area of 900 square feet. In addition, a detached accessory building may be provided with a maximum floor area of 400 square feet;

(8) In a commercial or industrial zone, a single-family dwelling occupied by the owner, manager, night watchman or caretaker of the commercial or industrial establishment may be permitted accessory to the commercial or industrial use. If the dwelling is attached to the commercial or industrial use, residential zone yard, lot size, and lot coverage standards may be waived;

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

(a) Storage shall not be permitted in a front or street side yard;

(b) Storage shall be at least five feet from an interior side or rear lot line or in an enclosed garage or accessory structure.

(Ord. 156, § 6.030, passed 11-19-79)

§ 152.068 ACCESS.

Every lot shall abut a street other than an alley, for a minimum width of 20 feet, with the minimum width of any lot being 20 feet within the portion of the lot used as access.

(Ord. 156, § 6.040, passed 11-19-79)

§ 152.069 CLEAR VISION AREAS.

(A) In all zones except C Zones, a clear-vision area shall be maintained on the corners of all property at the intersections of two streets or a street and a railroad.

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

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

(D) The following measurements shall establish a clear-vision area: The minimum distance shall be 15 feet or at intersections including an alley, 10 feet.

(Ord. 156, § 6.050, passed 11-19-79)

§ 152.070 DISTANCE FROM PROPERTY LINE.

In commercial or industrial zones where a side or rear yard is not required and a structure is not to be

erected at the property line, it shall be set back at least three feet from the property line.

(Ord. 156, § 6.060, passed 11-19-79)

§ 152.071 SETBACKS FOR AUTOMOBILE SERVICE STATIONS.

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

(Ord. 156, § 6.070, passed 11-19-79)

§ 152.072 USE OF RESIDENTIAL STRUCTURES IN C ZONE.

In the C Zone, pre-existing residential structures may be occupied by uses permitted in the zone provided the structure meets minimum building and safety standards as outlined in the building code and provided further that the Building Official approves a development plan for vehicular access and parking, signing, and exterior lighting.

(Ord. 156, § 6.080, passed 11-19-79)

§ 152.073 EXTERIOR LIGHTING.

Exterior lighting for uses in commercial and industrial zones shall be located in such a manner so as not to face directly, shine, or reflect glare onto an adjacent street or property.

(Ord. 156, § 6.090, passed 11-19-79)

§ 152.074 EXCEPTIONS TO LOT SIZE REQUIREMENTS.

If a lot or aggregate of contiguous lots held in a single ownership as recorded in the office of the Benton County Assessor and located in the city as of the date of this chapter has an area or dimension which does not meet the lot size requirements of the

zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone. If there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the lot area per dwelling unit requirements of the zone. The applicant for a permit shall have the responsibility for submitting evidence of proof that the lot was created prior to the date of this chapter.

(Ord. 156, § 6.100, passed 11-19-79)

§ 152.075 EXCEPTIONS TO YARD REQUIREMENTS.

In a residential zone, the Building Official may reduce the minimum front yard setback for a part of the building by not more than five feet provided the average front yard depth shall not be less than the standard of the zone. Garage and carport setbacks shall not be reduced below 20 feet.

(Ord. 156, § 6.110, passed 11-19-79)

§ 152.076 EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS.

Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, and similar objects not used for human occupancy shall not exceed the building height limitations of this chapter by more than ten feet.

(Ord. 156, § 6.120, passed 11-19-79)

§ 152.077 PROJECTIONS FROM BUILDINGS.

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than 24 inches into a required yard.

(Ord. 156, § 6.130, passed 11-19-79)

§ 152.078 SIGNS.

(A) General provisions.

(1) Signs (other than time or temperature signs) which are flashing, blinking, or fluctuating, or signs which are moving or have any visible moving part, shall not be allowed.

(2) No sign, regardless of setback requirements, may project over the public right-of-way.

(B) Residential zones. In the General Residential District, all signs shall conform to the following standards:

(1) Each dwelling unit may display one non-illuminated nameplate not exceeding 1/2 square feet in size, indicating the name of the occupant or the occupant's approved home occupation;

(2) Buildings other than dwelling units or home occupations may display one sign not exceeding 12 square feet in size. Signs may be illuminated internally or externally, providing no light is cast upon adjacent residential property;

(3) One sign which pertains to the sale or rent of property may be displayed. It shall not exceed six square feet in size and shall not be illuminated;

(4) One sign may be displayed on a tract of land or subdivision, regarding the sale or development of the property. It shall not exceed 18 square feet and shall not be illuminated;

(5) No sign shall be located within six feet of a property line abutting the right-of-way of a public street.

(C) *Commercial and industrial zones.* In the C Commercial Zone and M Industrial Zone, all signs shall conform to the following standards:

(1) Primary signs for individual establishments shall be wall signs and shall not exceed 1½ square feet of sign for each one foot of building footage, with a maximum allowable sign area of 150 square feet;

(2) One detached sign identifying a shopping center is permitted in addition to the signs permitted in subsection (1) above. The sign may contain individual names of businesses or advertise products and services. If a detached sign is to be used, the permitted square footage for an establishment from subsection (1) above, shall be reduced by the individual establishment's share of the square footage of the detached sign;

(3) Individual establishments not situated at a shopping center are permitted one detached sign in addition to signs permitted in subsection (1) above. The sign may project the business name and advertise the major project or service provided. If the individual establishment elects to use the detached sign, then its allowance of subsection (1) above shall be reduced by the square footage of the detached sign;

(4) Wall signs may project no more than 18 inches from the wall to which they are attached. Wall signs located on an alley frontage may not project from the face of a building below a clearance of 15 feet;

(5) Wall signs may be placed on the face of an awning or canopy;

(6) Marquee signs are permitted. Marquee signs which project over a sidewalk shall have a clearance above the sidewalk of 7½ feet. Marquee signs are to be included as part of the total permitted sign area of an establishment. All signs placed on the face of a marquee shall not project beyond said face;

(7) Barber poles are not permitted to exceed four feet in height and one foot in diameter;

(8) Upon approval of the Planning Commission, bulletin boards not over 24 square feet in area may be permitted for public, charitable or religious institutions when they are located on the premises of these institutions. Such signs may be lighted with unexposed lighting and are not to exceed eight feet in height. Bulletin boards are not permitted to be projecting signs or at any point extend over the public right-of-way.

(Ord. 156, § 6.140, passed 11-19-79)

§ 152.079 OFF-STREET PARKING REQUIREMENTS.

(A) For each new structure or use, each structure or use increased in area and each change in the use of an existing structure there shall be provided and maintained off-street parking areas in conformance with the provisions of this section.

(B) Design and improvement requirements for parking lots:

(1) In commercial and residential zones, all parking areas and driveway approaches shall be surfaced with asphaltic concrete, or other materials approved by the Building Official. All parking areas, except those in conjunction with a single-family or two-family dwelling, shall be graded so as not to drain storm water over the sidewalk or onto any abutting property.

(2) In a commercial zone, service drives and parking spaces on parking lots shall be clearly and permanently marked.

(3) In industrial zones parking areas shall be durable and dust free.

(4) Parking areas for other than single-family and two-family dwellings shall be served by a service driveway so that no backing movements or other maneuvering within a street other than an alley shall be required. Design for parking arrangements and turning movements shall be approved by the Planning Commission. Two-way driveways shall have a minimum width of 20 feet and a maximum width of 30 feet. One-way driveways shall have a minimum width of 12 feet and a maximum width of 16 feet.

(5) Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper so placed to prevent a motor vehicle from extending over adjacent property or a street.

(6) Service driveways 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 maximum safety of pedestrian and vehicular traffic on the site. The number of service driveways shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated.

(7) All off-street parking areas in or abutting a General Residential District intended for three or more cars and serving other than single-family and two-family dwellings shall be provided with screening consisting of a fence, wall, hedge, or similar sight-obscuring material. The proposed screening shall be approved by the Planning Commission with installation to be completed when the parking area is completed. The screening shall be maintained in good condition.

(C) Location standards for parking lots:

(1) Off-street parking spaces for dwellings shall be located on the same lot as the dwelling. Off-street parking spaces for all other uses shall be located not further than 300 feet from the building or use they are required to serve.

(2) In residential zones, off-street parking areas shall not be located in a required front or street side yard, except that driveways may be used for off-street parking for single-family and two-family dwellings.

(D) Required parking spaces shall be available for the parking of operable motor vehicles 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 a business.

(E) The provision and maintenance of off-street parking spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show parking space. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking space required by this chapter.

(F) Should the owner or occupant of a lot or building change the use of the property to a use which increases the off-street parking requirements, it shall be unlawful and a violation of this chapter to begin to maintain such altered use until the required increase in off-street parking is provided, unless otherwise approved by the Planning Commission.

(G) 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.

(H) Owners of two or more uses, structures or parcels of land may agree to use the same parking spaces jointly when the hours of operation do not overlap, provided substantial proof is presented to the Building Official pertaining to the cooperative use of the parking facilities.

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

(J) In commercial or residential zones, parking lots which exceed 50 spaces shall be provided with landscaping and other suitable devices in order to divide the parking lot into sub-units to provide for pedestrian safety, traffic control, and to improve the appearance of the parking lot.

(K) Space requirements for off-street parking shall be as listed in this division. Fractional space requirements shall be counted as a whole space. When square feet are specified the area measured shall be the gross floor area of the building but shall exclude any space within a building used for off-street parking or loading.

<i>Use</i>	<i>Parking Space Requirement</i>
Single-Family Dwelling	2 spaces per unit
Multi-Family Dwelling	3 spaces per every two units
Manufactured Housing Park	2 spaces per unit
Commercial Uses	1 space for every 300 square feet of gross building area
Industrial Uses	1 space for every 600 square feet of gross building area
Public or Quasi-Public	1 space for every 300 feet

(Ord. 156, § 6.200, passed 11-19-79)

§ 152.080 OFF-STREET LOADING REQUIREMENTS.

(A) A commercial or industrial building erected on a lot or increased in size shall provide a minimum

of one off-street loading space for a floor area of 10,000 square feet or less. One additional off-street loading space shall be provided for each additional 20,000 square feet of floor area or major fraction thereof.

(B) Each loading space shall be not less than 35 feet in length, 10 feet in width, and 14 feet in height. (Ord. 156, § 6.210, passed 11-19-79)

§ 152.081 HISTORIC STRUCTURES.

(A) (1) The Planning Commission shall review all applications to alter or demolish an historic structure listed as significant in the Comprehensive Plan.

(2) Alteration as governed by this section means any addition to, removal of, or change in the exterior part of a structure and shall include modification of the surface texture, material, or architectural detail of the exterior part of the structure but shall not include paint color.

(B) Before the Planning Commission may act on an application for alteration or demolition of an historic structure, it shall:

(1) Refer the application to the Benton County Historic Resources Commission for recommendation; and

(2) Hold a public hearing in accordance with the provisions of § 152.156. The Hearing shall be scheduled within 30 days from the date of receipt of the completed application.

(C) The Planning Commission may approve alteration of an historic structure if the alteration is found to be compatible with the appearance and character of the structure.

(D) (1) When reviewing an application for demolition of an historic structure, the Planning Commission shall consider the following:

- (a) The state of repair of the building;
- (b) The reasonableness of the cost of restoration or repair;
- (c) The purpose of preserving such designated historical buildings and sites;
- (d) The character of the neighborhood;
- (e) All other factors the Planning Commission feels are appropriate.

(2) Based on the above considerations, the Planning Commission shall order either:

- (a) Immediate **issuance of the** demolition permit; or
- (b) Delay of issuance of the permit for up to 180 days.

(3) During a demolition delay period the Planning Commission shall seek alternatives to demolition, such as acquisition of the historic structure by an owner interested in preservation of the structure. (Ord. 156, § 6.300, passed 11-19-79; Am. Ord. 192, passed 8-86)

§ 152.082 OTHER SITE CONSIDERATIONS.

Any development in areas indicated in the Monroe Comprehensive Plan of 1979 or this chapter as having development limitations shall be subject to the following requirements. Development in areas with severe surface drainage characteristics shall be provided with adequate drainage facilities, development in areas with slope in excess of 15% shall be such that the slope may be adequately

maintained, and areas of riparian vegetation shall be retained where feasible. The Benton County Building Official shall determine that the requirements of this chapter have been met.

(Ord. 156, § 6.400, passed 11-19-79; Am. Ord. 192, passed 8-86)

§ 152.083 FENCING.

(A) *Generally.* A fence, hedge, or wall, or any combination of such elements, located in the yards of the various zones are subject to the conditions and requirements of this section. It is intended that these requirements shall provide privacy and protection and reduce or eliminate the adverse impacts of visual or noise pollution at a development site without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles.

(B) *Materials.*

(1) *Fences and walls.* Fences and walls shall be of any materials commonly used in the construction of fences and walls, or otherwise acceptable by the Director. Such fence or wall construction shall be in compliance with other city regulations. Chain link fences with or without slats shall qualify for screening only in conjunction with hedges.

(2) *Hedges.* A hedge or other dense landscaping may satisfy a requirement for a sight-obscuring fence where required. Such hedge or other dense landscaping shall be maintained, and shall be replaced with another hedge, other dense landscaping or an appropriate fence or wall when it ceases to serve the purpose of obscuring views. However, no such hedge shall be grown or maintained at a height greater than that permitted by these regulations for a fence or wall in a vision clearance area.

(C) *Setbacks.*

(1) No fence or wall shall be constructed which exceeds the following setbacks except when given approval by either the Planning Commission or Planning Director, allows that a fence or wall be constructed to a height greater than otherwise permitted by this section in order to mitigate against potential adverse effects.

(2) Fences or walls may not exceed 3 feet in height in a required front yard or 4 feet in an exterior side yard and in all cases must meet vision clearance area requirements. Fences to 6 feet are permitted outright in side yards or rear yards. Fences over 6 feet in height in a side or rear yard are permitted but require a building permit.

(3) In all cases the vision clearance requirements must be met unless the Planning Commission approves alternate standards for a unique situation.

(Ord. 156, § 6.500, passed 11-19-79; Am. Ord. 180, passed 10-3-83)

§ 152.084 RIPARIAN SETBACK.

No structure shall be located within 20 feet of the mean high water line of the Long Tom River and no structure shall be placed within 10 feet of (the mean high water line of) Shafer Creek.

(Ord. 192, passed 8-86)

NON-CONFORMING USES**§ 152.095 INTENT.**

It is the intent of the non-conforming use provisions of this chapter to permit pre-existing uses and structures which do not conform to the use or dimensional standards of this chapter to continue

under conditions specified herein. However, alteration or expansion of these non-conforming uses and structures, thereby creating potentially adverse effects in the immediate neighborhood or in the city as a whole, are not permitted except as outlined in this subchapter. (Ord. 156, § 7.010, passed 11-19-79)

§ 152.096 CONTINUATION OF A NON-CONFORMING USE.

(A) Subject to the provisions of this subchapter, a non-conforming use of a structure or a non-conforming use, may be continued and maintained, but shall not be altered or extended, unless approved by the Planning Commission.

(B) The extension of a non-conforming use to a portion of structure which was arranged or designed for such use at the time of passage of this chapter is not an extension of a non-conforming use.

(Ord. 156, § 7.020, passed 11-19-79)

§ 152.097 NON-CONFORMING STRUCTURE.

A structure conforming as to use but non-conforming as to height, setback, lot coverage or similar dimensional standards, may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this chapter.

(Ord. 156, § 7.030, passed 11-19-79)

§ 152.098 DISCONTINUANCE OF A NON-CONFORMING USE.

(A) If a non-conforming use involving a structure is discontinued from active use for a period of one year, further use of the property shall be for a conforming use.

(B) If a non-conforming use not involving a structure is discontinued from active use for a period of six months, further use of the property shall be for a conforming use.

(Ord. 156, § 7.040, passed 11-19-79)

§ 152.099 CHANGE OF A NON-CONFORMING USE.

If a non-conforming use is changed, it shall be changed to a use conforming to the regulations of the zone in which it is located.

(Ord. 156, § 7.050, passed 11-19-79)

§ 152.100 REPAIRS AND MAINTENANCE.

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

(Ord. 156, § 7.060, passed 11-19-79)

§ 152.101 COMPLETION OF STRUCTURE.

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

(Ord. 156, § 7.070, passed 11-19-79)

VARIANCES

§ 152.115 AUTHORIZATION TO GRANT OR DENY VARIANCES.

The Planning Commission may authorize variances from the requirements of this chapter where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the chapter would cause an undue or unnecessary hardship. No variance shall be created to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this chapter.

(Ord. 156, § 8.010, passed 11-19-79)

§ 152.116 CIRCUMSTANCES FOR GRANTING A VARIANCE.

A variance may be granted only in the event that all of the following circumstances 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, topography or other circumstances over which the owners of property since enactment of this chapter have had no control;

(B) The variance is necessary for the preservation of the same property right as possessed by owners of other property in the same zone and vicinity;

(C) The variance would not be materially detrimental to the purposes of this chapter, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;

(D) The variance requested is the minimum variance which would alleviate the hardship. (Ord. 156, § 8.020, passed 11-19-79)

§ 152.117 PROCEDURE FOR TAKING ACTION ON A VARIANCE APPLICATION.

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

(A) A property owner may initiate a request for a variance by filing an application with the city, using forms prescribed pursuant to § 152.154. A filing fee in accordance with the provisions of § 152.155 shall accompany an application for a variance. The applicant shall submit evidence that the circumstances for granting a variance as outlined in § 152.116 apply to the variance request.

(B) Before the Planning Commission may act on a variance application, it shall hold a public hearing thereon in accordance with the provisions of § 152.156.

(C) Within seven days after a decision has been rendered with reference to a variance application, the Planning Commission Chairman shall provide the applicant with notice of the decision of the Planning Commission. (Ord. 156, § 8.030, passed 11-19-79)

§ 152.118 BUILDING PERMITS FOR AN APPROVED VARIANCE.

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

variance shall not be issued until the appeal period as specified under § 152.153 has passed. (Ord. 156, § 8.040, passed 11-19-79)

§ 152.119 TIME LIMIT ON AN APPROVED VARIANCE APPLICATION.

Authorization of a variance shall be void one year after the date of approval of a variance application, or such lesser time as the authorization may specify, unless a building permit has been issued and substantial construction pursuant thereto has taken place. However, upon written request, the Planning Commission may extend authorization for an additional period not to exceed one year. (Ord. 156, § 8.050, passed 11-19-79)

§ 152.120 TERMINATION OF A VARIANCE.

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

(A) Approval of the variance was obtained by fraud or misrepresentation;

(B) The use for which approval was granted has ceased to exist;

(C) The use does not meet the conditions specifically established for it at the time of approval of the application;

(D) The variance is in violation of any other applicable statute, ordinance or regulation. (Ord. 156, § 8.060, passed 11-19-79)

§ 152.121 LIMITATION.

No request for a variance shall be considered by the Planning Commission within the one-year period

immediately following a denial of such request, except that the Planning Commission may consent to a new hearing, if in the opinion of the Planning Commission, new evidence of a change of circumstances warrants it. (Ord. 156, § 8.070, passed 11-19-79)

AMENDMENTS

§ 152.135 AUTHORIZATION TO INITIATE AMENDMENTS.

An amendment to the text of this chapter or to a zoning map may be initiated by the City Council, the City Planning Commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the City Recorder using forms prescribed pursuant to § 152.154. A filing fee in accordance with the provisions of § 152.155 shall accompany an application by a property owner for an amendment. Any request for revision to the zoning text or map shall be based on the policies and guidelines of the Adopted Comprehensive Plan and State Planning Goals. (Ord. 156, § 9.010, passed 11-19-79)

§ 152.136 PUBLIC HEARINGS ON AMENDMENTS.

All requests for amendment to the text or zoning map of this chapter shall comply with the following public hearing procedure:

(A) The Planning Commission shall conduct a public meeting concerning the proposed amendment;

(B) The Planning Commission shall, within 40 days after the initial meeting date, recommend to the City Council approval, disapproval or modification of the proposed amendment;

(C) After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment;

(D) Within seven days after a decision has been rendered with reference to an amendment, the applicant shall be provided with written notice of the decision. This procedure shall apply to recommendations made by the Planning Commission and to final action made by the City Council.

(Ord. 156, § 9.020, passed 11-19-79)

§ 152.137 RECORD OF AMENDMENTS.

The City Recorder shall maintain records of amendments to the text and zoning map of this chapter. (Ord. 156, § 9.030, passed 11-19-79)

§ 152.138 LIMITATION.

No application of a property owner for an amendment to the text of this chapter or to the zoning map shall be considered by the Planning Commission within the one-year period immediately following a previous denial of such request except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence of a change of circumstances warrants it. (Ord. 156, § 9.040, passed 11-19-79)

ADMINISTRATIVE PROVISIONS

§ 152.150 ADMINISTRATION.

(A) The City Council or its designee shall have the power and duty to enforce the provisions of this chapter.

(B) The city shall take final action on an application for a permit or zone ordinance change, including resolution of all appeals, within 120 days after the application is deemed complete. If an application for a permit or zone change is incomplete, the city shall notify the applicant of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The 120-day period may be extended for a reasonable period of time at the request of the applicant.

(C) If an application involves multiple requests (such as a variance and a conditional use) these requests shall be processed together at one hearing. (Ord. 156, § 10.010, passed 11-19-79; Am. Ord. 192, passed 8-86)

§ 152.151 CERTIFICATE OF OCCUPANCY.

(A) *Certificate of occupancy for buildings.*

(1) A certificate of occupancy shall be issued within five days after written request for the same is made to the Building Official, after the construction or alteration of a building or portion thereof is completed and such building or alteration is approved as the result of the final inspection by the Building Official.

(2) No certificate of occupancy shall be issued by the Building Official for any development unless all requirements of this chapter have been met or until the applicant has provided some written form of assurance acceptable to the City Recorder guaranteeing the completion of all requirements.

(B) *Temporary certificate.* Pending the issuance of a regular certificate a temporary certificate of occupancy may be issued for a period not exceeding six months for a building or portion thereof whose construction or alteration is nearing completion and which building has been inspected by the Building

Official and declared safe for occupancy. Such temporary certificates shall not be construed as in any way altering the requirements of the regulations of this chapter or any other city regulations pertaining to building occupancy.

(C) *Provisions of certificate of occupancy.* The certificate of occupancy shall state that the new building or portion thereof, the altered building, existing building, or the proposed use of a building or land complies with the requirements of this chapter.

(D) *Record of certificates of occupancy.* A record of all certificates shall be kept on file in the office of the Building Official. Copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land affected. No fee shall be charged for the original certificate applied for at the time of application for a building permit, but a charge of \$1 shall be made for copies of any original certificate. (Ord. 156, § 10.020, passed 11-19-79; Am. Ord. 98-228, passed 8-20-98)

§ 152.152 AUTHORIZATION OF SIMILAR USES.

The City Council or its designee may permit in a particular zone a use not listed in this chapter, provided the use is of the same general type as the uses permitted there by this chapter. However, this section does not authorize the inclusion in a zone where it is not listed, of a use specifically listed in another zone or which is of the same general type specifically listed in another zone. The decision of the designee of the City Council may be appealed to the Planning Commission using procedures as spelled out in § 152.153.

(Ord. 156, § 10.030, passed 11-19-79; Am. Ord. 192, passed 8-86)

§ 152.153 APPEALS.

(A) An appeal from a ruling of the designee of the City Council regarding a requirement of this chapter may be made to the City Council. Any action or ruling of the designee of the City Council shall become final 15 days after approval or disapproval is given unless the decision is appealed to the City Council. Written notice of the appeal shall be filed with the designee of the City Council. If the appeal is filed, the City Council shall receive a report and recommendation thereon from the designee of the City Council and shall hold a public hearing on the appeal.

(B) An action or ruling of the Planning Commission pursuant to this chapter may be appealed to the City Council within 15 days after the Planning Commission has rendered its decision. If the appeal is not filed within the 15-day period, the decision of the Planning Commission shall be final. Written notice of the appeal shall be filed with the designee of the City Council. If the appeal is filed, the City Council shall receive a report and recommendation thereon from the Planning Commission and shall hold a public hearing on the appeal.

(Ord. 156, § 10.040, passed 11-19-79; Am. Ord. 192, passed 8-86)

§ 152.154 FORM OF PETITIONS, APPLICATIONS, AND APPEALS.

(A) Petitions, applications and appeals provided for in this chapter shall be made on forms prescribed by the city.

(B) Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of all existing and proposed structures; the intended use of each structure; the number of families, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other

information as it needed to determine conformance with this chapter.

(Ord. 156, § 10.050, passed 11-19-79)

§ 152.155 FILING FEES.

An application for a permit required by this chapter and corresponding fees shall be paid in the amount and manner prescribed as follows:

(A) An application shall be submitted to the City Recorder or other person or agency designated by the Council to assist in the processing of land use request together with a deposit in the amount indicated in the following:

Reference Resolution #2001-199 for current Planning Fees	

(B) An appeal of a decision of the City Planning Commission shall be accompanied by a deposit in the amount equal to the original application fee.

(C) The City Recorder or other person or agency designated to assist in the processing of land use requests shall maintain an accounting of the amount of staff time invested in the processing of a request, including the preparation and mailing of required public notice, preparation of staff reports, presentation of the staff report and conduct of the hearing, and the preparation of the record of the proceeding, together with other incidental charges. The amount of time spent on processing an application by each assigned person request shall be multiplied by the rate agreed

upon by the Council which reflect the prorated cost of wages and benefits. The cost of processing the permit shall be computed and deducted from the amount deposited. Any amount remaining in the deposit shall be returned to the applicant or appellant. If the amount of the deposit is insufficient, the applicant shall not be responsible for any additional fee.

(Ord. 156, § 10.060, passed 11-19-79; Am. Ord. 192, passed 8-86; Am. Ord. 214, passed 11-5-90)

§ 152.156 NOTICE OF PUBLIC HEARING.

(A) Each notice of hearing authorized by this chapter shall be published in a newspaper of general circulation in the city at least ten days prior to the date of the hearing.

(B) A notice of hearing on a conditional use or an amendment to a zoning map shall be mailed to all owners of property located within not less than 500 feet, exclusive of street areas, from the exterior boundaries of the property for which the conditional use or zoning map amendment has been requested.

(C) A notice of hearing on a variance shall be mailed to all owners of property located within not less than 300 feet from the exterior boundaries of the property for which the variance has been requested.

(D) For the purpose of mailing notices of public hearing, the applicant shall provide the list of property owners of record to the city.

(E) The notice of hearing shall be mailed at least ten days prior to the date of hearing.

(F) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

(G) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio.
(Ord. 156, § 10.070, passed 11-19-79)

§ 152.998 VIOLATIONS.

(A) *Investigations.* Use of land in the city not in accordance with the provisions of this chapter constitutes a violation. Upon receiving information concerning a violation of this chapter the City Recorder may conduct or cause to be conducted an investigation determining whether a violation exists. The City Recorder may request the assistance of other city or outside agencies and officers in the conduct of such investigations.

(B) *Request for prosecution.* The City Recorder may prepare and deliver to the City Attorney a request for prosecution indicating the location and nature of the suspected violation applicable code sections and other information staff may have.

(C) *Notice of violation.*

(1) After receiving a report of an alleged violation, the City Recorder shall if he/she determines that probable cause exists, promptly give notice of the alleged violation by certified first class mail return receipt requested, or personal service to the owner of record for tax purposes and to the person in charge of the property. Such a notice shall indicate the following:

(a) Location and nature of the violation;

(b) Provision or provisions of this chapter which allegedly have been violated; and

(c) Whether immediate enforcement will be sought or if 15 days will be allowed to correct or remove the violation. Immediate enforcement will be sought in a situation involving a health hazard or other nuisance that unmistakably exists and from which there is imminent danger to human life or property; and

(d) The date of the notice shall be the date of personal service of the notice, or, if notice is

accomplished by first class mail, three days after mailing if the address to which it was mailed is within this state and seven days after mailing if the address to which it was mailed is outside the state. However, a defect in the notice of violation with respect to such matter shall not prevent enforcement of this chapter.

(D) *City Recorder to pursue enforcement.* As soon as the compliance deadline has expired the City Recorder shall proceed with any legal or equitable action deemed appropriate unless:

(1) It has been demonstrated to the City Recorder that the violation has been corrected, removed, or will not be committed; or

(2) A court of competent jurisdiction has halted enforcement pending the outcome of a proceeding before it concerning the violation.

(E) *Tampering with official notices.*

(a) No person shall remove or tamper with a notice posted on property pursuant to the provisions of this chapter unless authorized by the City Recorder.

(b) A violation of this provision shall be a Class A misdemeanor.
(Ord. 98-228, passed 8-20-98)

§ 152.999 PENALTIES.

(A) *Violation.* A violation of this chapter may be the subject of criminal, civil, or other sanctions authorized under ordinance of the city.

(B) *Criminal penalties.* Unless otherwise specified, every violation of the terms of this chapter is a Class A infraction punishable by a fine of up to \$500. Each day such violation continues shall be considered a separate offense.

(C) *Civil penalties and remedies.* In addition to, or in lieu of, criminal actions, a violation of this

chapter or a permit issued hereunder may be the subject of a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.

(1) The City Recorder is authorized to impose a civil penalty of up to \$1,000 for any violation of this chapter, or up to \$2,500 for repeated or continuous violation of this chapter.

(2) In imposing a penalty amount pursuant to the schedule authorized by this section, the City Recorder shall consider the following factors:

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation;

(b) Any prior violations of statutes, rules, orders and permits pertaining to development regulations;

(c) The economic and financial conditions of the person incurring a penalty;

(d) The gravity and magnitude of the violation;

(e) Whether the violation was repeated or continuous;

(f) Whether the cause of the violation was an unavoidable accident negligence or an intentional act.

(3) Imposition and enforcement of civil penalties is not an exclusive remedy, but shall be in addition to any other procedures or remedies provided by law. Imposition or payment of a civil penalty under this section shall not be a bar to any criminal proceeding authorized under this chapter.

(4) A civil penalty shall be imposed under this section by issuance of a notice of penalty. A civil penalty may be imposed for each 30 days the condition continues. The notice of penalty shall be provided in the manner as described under subsection (5) below.

(5) Any civil penalty imposed under this section shall become due and payable when the notice of penalty is served upon the person incurring the penalty. Service shall be by personal service or by mailing the notice by certified mail return receipt requested, to the last known address of the person incurring the penalty. The notice of penalty shall include:

(a) A reference to the particular provision or law violated;

(b) A statement of the matters asserted or charged;

(c) A statement of the amount of the penalty or penalties imposed;

(d) A statement of the owner's right to appeal the penalty;

(e) A statement that if the penalty is not paid within the time required under subsection (10) below, the penalty and any costs of service and recording fees will be recorded by the City Recorder in the City Lien Docket. The penalty shall become a lien on the property of the person incurring the penalty; and

(f) A financial statement form to be completed at the option of the person incurring the penalty for consideration of a financial hardship-based fine reduction.

(6) If the notice of penalty is returned to the city without service upon the named person, the City Recorder shall post a notice of penalty on the premises

where the violation has occurred. The notice shall be posted so as to be visible from the public right-of-way and shall be delivered to a person, if any, occupying the premises. The posted notice shall be affixed to the premises and shall also indicate that tampering or removal of the notice shall constitute a Class A misdemeanor.

(7) The person to whom the notice of penalty is issued shall have 20 days from the date of service of the notice to appeal the penalty before the municipal judge, after which time the notice of penalty becomes a final order. The appeal shall be as provided in subsections (8) and (9) below.

(8) Any appeal shall be in writing and signed by the person against whom the penalty has been assessed or the attorney for that person. The appeal shall state the grounds of the appeal. The appeal shall be accompanied by a deposit in the amount of the civil penalty assessed and an appeal fee of \$50. The appeal shall be filed with the municipal court and served upon the City Attorney. Failure to comply with these provisions shall result in the dismissal of the appeal.

(9) The municipal judge shall develop any rules or regulations that may be necessary for the proper conduct of the appeal. The only issues to be decided by the municipal judge are determinations of whether or not the condition of the property was as alleged in the notice of penalty and if so, whether that condition violated this chapter. If the judge finds that the alleged condition existed at the time and date specified on the notice of penalty the municipal judge shall issue an order affirming the penalty. The order shall contain a provision for court costs to be paid by the violator in the amount of \$100. If the judge finds that the condition alleged in the notice of penalty did not exist at the time and date specified on the notice, the municipal judge shall void the notice of penalty. The order voiding the notice of penalty shall provide for return of the deposit, including the appeal fee. The judge's order is final and not subject to appeal.

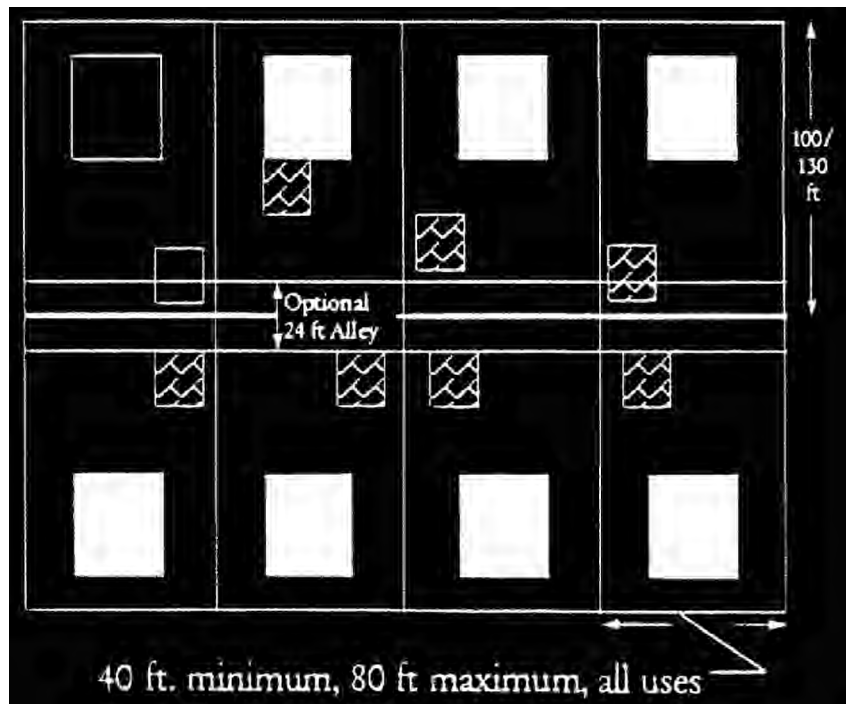
(10) Unless the amount of penalty imposed under this section is paid within ten days after the notice of penalty, the order becomes final by operation of law or after appeal; the order shall constitute a lien on the owner's subject property and shall be recorded in the City Lien Docket. Where the service has been made by certified mail or other means providing a receipt, the returned receipt shall be attached to and made a part of the order recorded. The penalty provided in the order and added costs so recorded become a lien upon the real property. That lien shall have priority over all other liens and encumbrances of any character. The lien shall accrue interest at the rate applicable for municipal assessment liens from the date of docketing until clearance. The lien may be foreclosed on and the property sold as may be necessary to discharge the lien in the manner specified in O.R.S. 223.505 through 223.595.

(11) Any lien for a civil penalty shall be released when the full amount determined to be due has been paid to the city, and the owner or person making such payment shall receive a receipt therefor, stating that the full amount of penalties interest recording fees, and service costs have been paid and that the lien is thereby released and the record of the lien satisfied.
(Ord. 98-228, passed 8-20-98)

APPENDIX A: GENERAL RESIDENTIAL DISTRICT DIAGRAMS

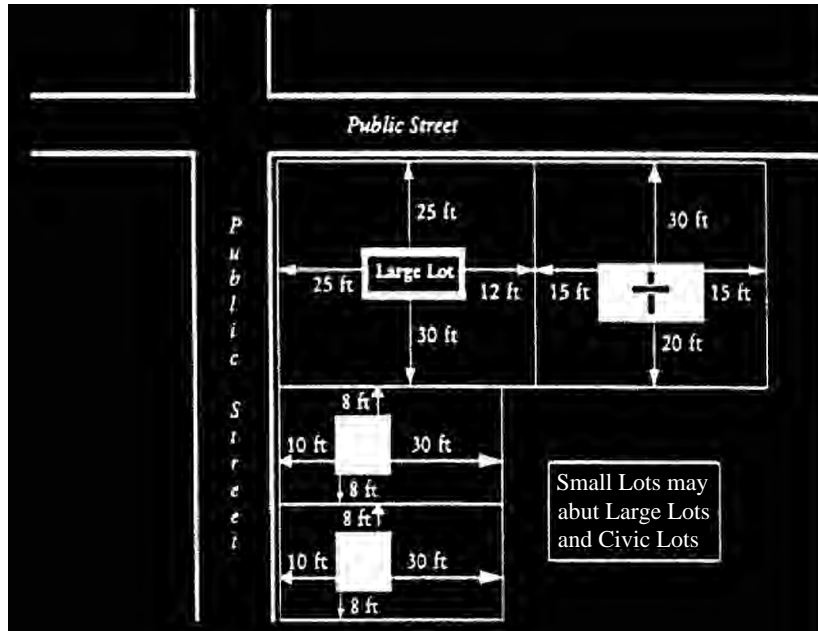
- § 1 Lot width and depth
- § 2 Setbacks
- § 3 Encroachments
- § 4 Building height
- § 5 Accessory structure height
- § 6 Accessory structure setbacks
- § 7 Small lot parking
- § 8 Large lot parking
- § 9 On-street/off-street parking

§ 1. LOT WIDTH AND DEPTH.



(Ord. 98-228, passed 8-20-98)

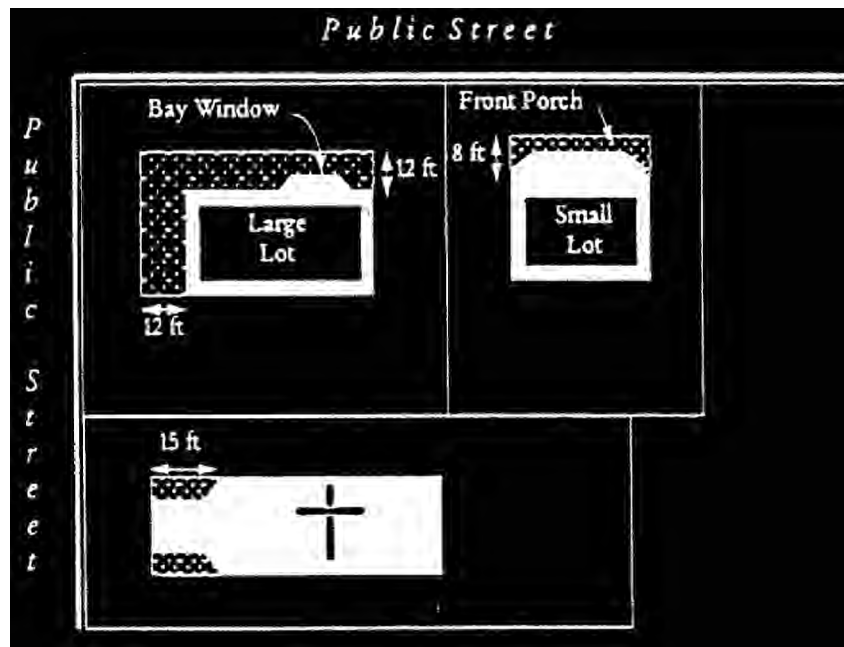
§2. SETBACKS.



(Ord. 98-228,

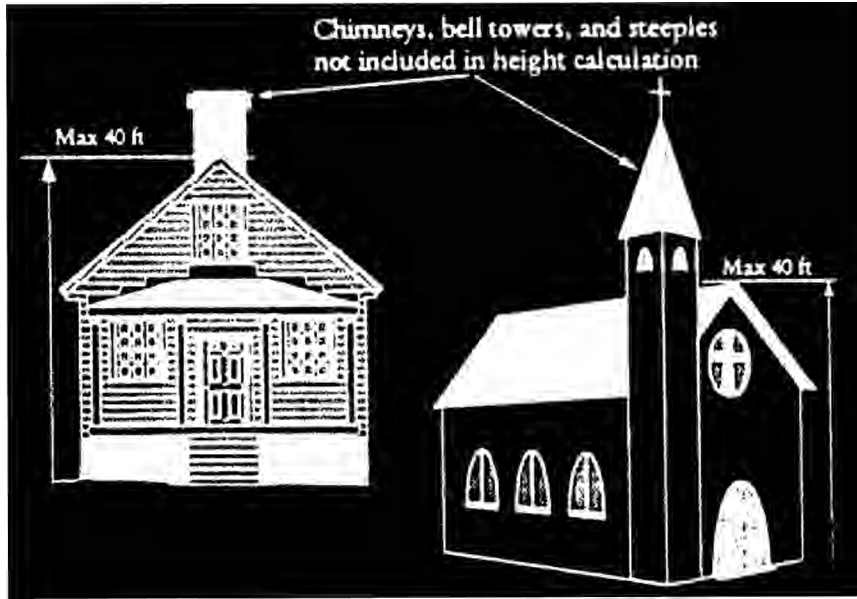
passed 8-20-98)

§3. ENCROACHMENTS.



(Ord. 98-228, passed 8-20-98)

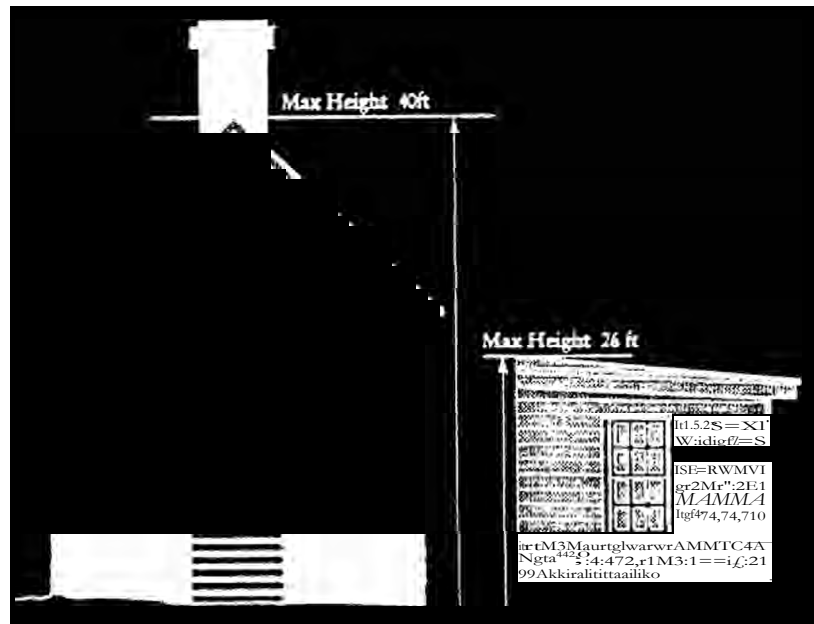
§ 4. BUILDING HEIGHT.



8-20-98)

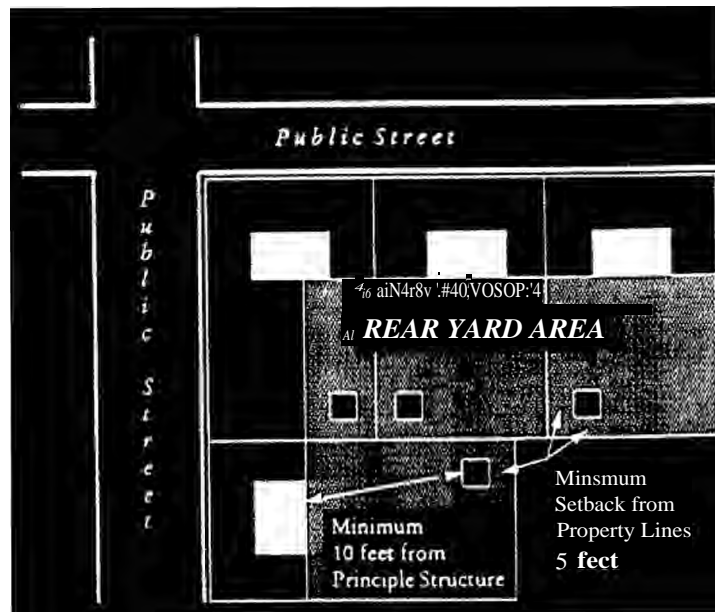
(Ord. 98-228, passed

§ 5. ACCESSORY STRUCTURE HEIGHT.



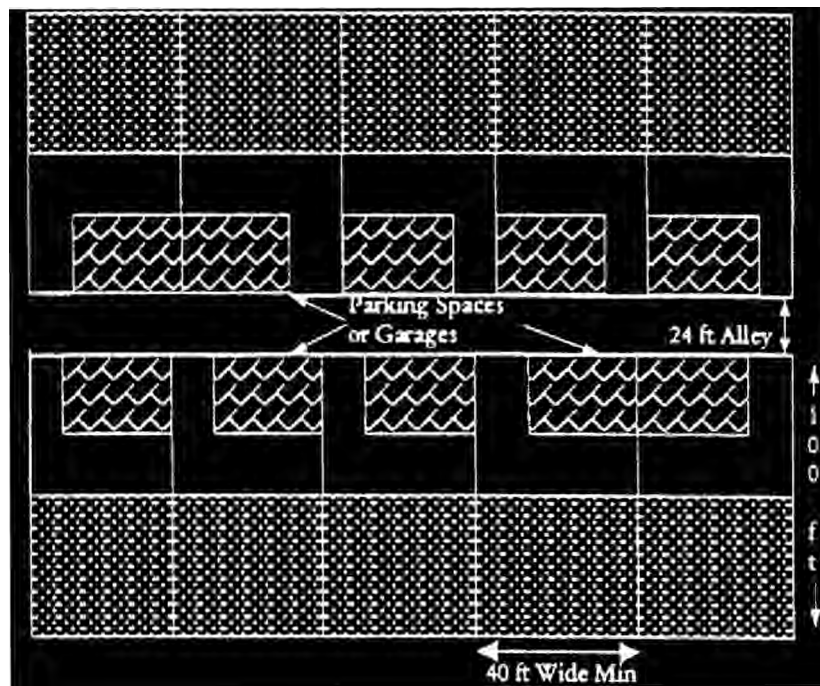
(Ord. 98-228, passed 8-20-98)

§6. ACCESSORY STRUCTURE SETBACKS.



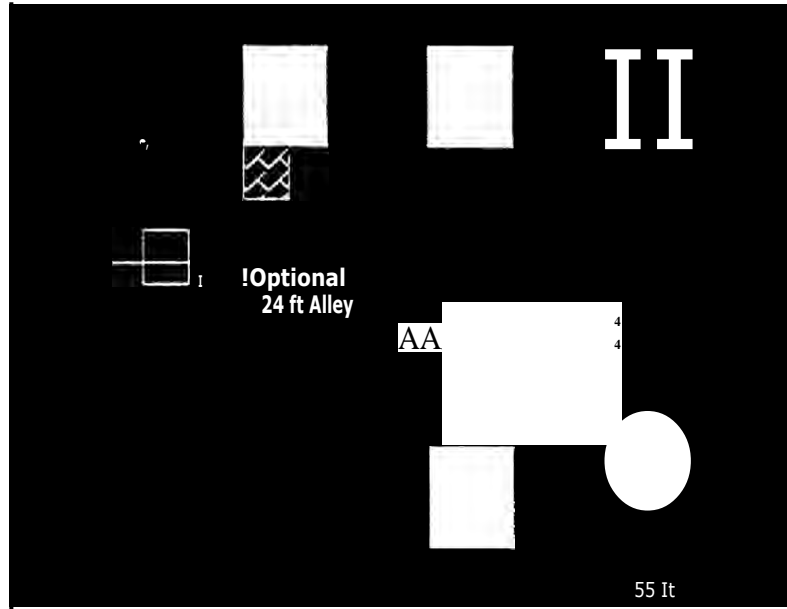
(Ord. 98-228, passed 8-20-98)

§7. SMALL LOT PARKING.



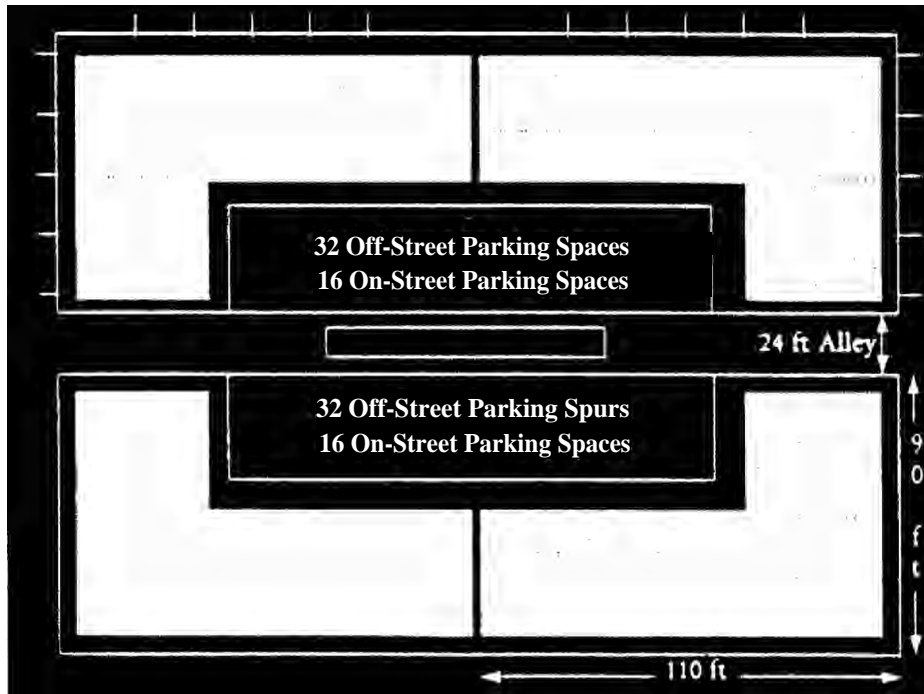
(Ord. 98-228, passed 8-20-98)

§ 8. LARGE LOT PARKING.



(Ord. 98-228, passed 8-20-98)

§ 9. ON-STREET/OFF-STREET PARKING.

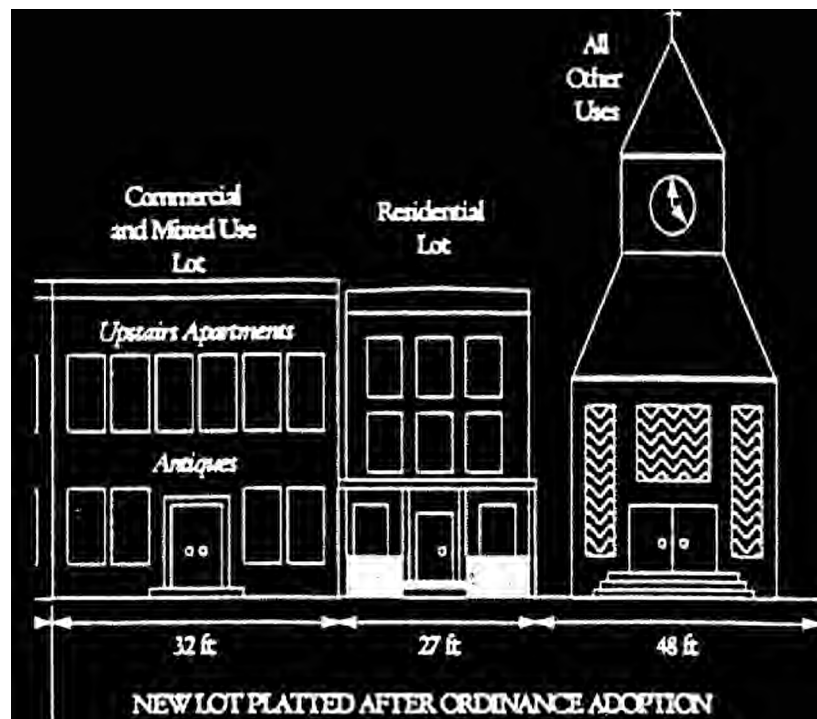


(Ord. 98-228, passed 8-20-98)

APPENDIX B: COMMERCIAL DISTRICT DIAGRAMS

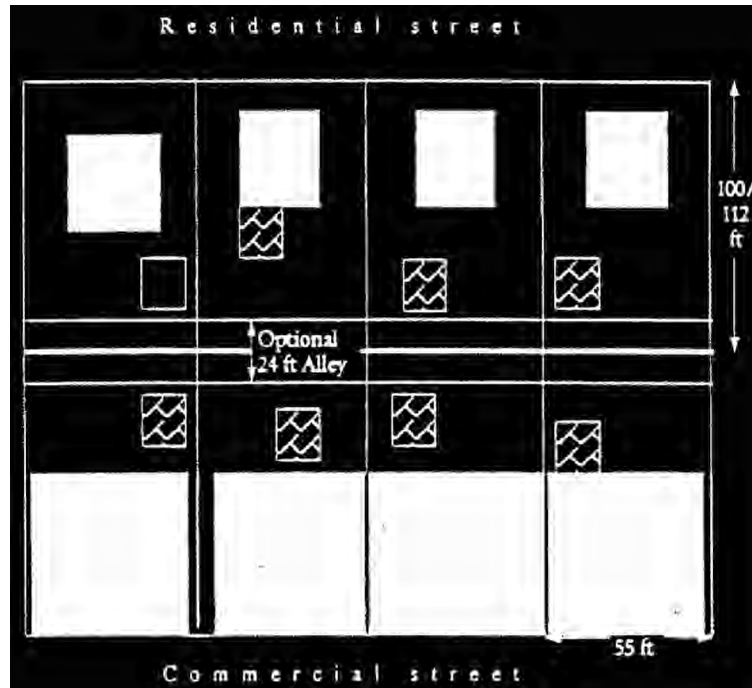
- § 1 Lot provisions
- § 2 Setbacks/encroachments
- § 3 Building height

§ 1. LOT PROVISIONS.



(Ord. 98-228, passed 8-20-98)

§ 2. SETBACKS/ENCROACHMENTS.



(Ord. 98-228, passed 8-20-98)

§ 3. BUILDING HEIGHT.



(Ord. 98-228, passed 8-20-98)