ZONING ORDINANCE

ORDINANCE NO. 1438

ADOPTION DRAFT
November 5, 1979

ORDINANCE NO. 1438

Definitions

AN ORDINANCE WHICH REGULATES THE USE OF LAND AND STRUCTURES, AND ESTABLISHES ZONES FOR THAT PURPOSE.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

SECTION 1. INTRODUCTORY PROVISIONS

Section 1.01. Title. This Ordinance shall be known and may be cited as the Zoning Ordinance of the City of Milwaukie, Oregon.

Section 1.02. Purpose. The purpose of this Ordinance is to provide for the public health, safety and general welfare of the citizens of the City of Milwaukie through orderly community development, with consideration for concentration of population, protection of property and values, recreation, aesthetic and economic development, limitation of dangerous, offensive or unwholesome trades or industries, maintenance of adequate light and air and regulation of traffic.

Section 1.03. Definitions. As used in this Ordinance.

"Access" means the way or means by which pedestrians and vehicles enter and leave property.

"Accessory Structure" or "Accessory Use" means a structure or use incidental and subordinate to the main use of property and located on the same lot as the main use, including any required off-street parking within 200 feet (measured in a straight line) of the building or use it is intended to serve.

"Agriculture" means the tilling of the soil, the raising of crops, drairying or animal husbandry, but not including the keeping or raising of fowl, pigs, or fur-bearing animals unless the keeping of animals is clearly incidental to the principal use of the property for the raising of crops.

"Airport" or Aircraft Landing Facility" means any landing area, runway or other facility designed, used, or intended to be used by aircraft and including all necessary taxi-ways, hangars, and other necessary buildings and open spaces.

"Alley" means a minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

"Alteration" means a change in construction or a change in occupancy. Where the term "alteration" is applied to a change in construction, it is intended to apply to any change, addition, or modification in construction.

When the term is used in connection with a change in occupancy, it is intended to apply to changes in occupancy from one use to another.

"Alteration, Structural" means a change or repair which would tend to prolong the life of the supporting member of a building or structure. A change in the external dimension of the building shall be considered a structural alteration.

"Automobile Service Station" means a retail place of business engaged primarily in the sale of motor fuels, but also supplying goods and services required in the operation and maintenance of automotive vehicles. These may include petroleum products, tires, batteries, automotive assessories and replacement items, washing and lubrication services, the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products, but not major automotive repairs, painting and body and fender work.

"Basement" means a portion of a building, not deemed a story, which has more than one-half of its height (but not more than six feet) measured from finished floor to finished ceiling above the adjoining ground level grade.

"Boarding, Lodging or Rooming House" means a building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily by persons paying consideration for sleeping purposes where meals may or may not be provided.

"Buffer Area", a land area with space, landscaping, and other means sufficient to protect the uses in one zone from being offensive to the uses in another zone.

"Building" means a structure built for the support, shelter, or enclosure of any persons, animals, chattles, or property of any kind excepting uncovered patios or decks not exceeding 18 inches in height above the average grade of the adjoining ground.

"Building Height" means the vertical distance measured from the adjoining street centerline grade as established by the City to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip, or gambrel roof, provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

"Building Line" means a line that coincides with the front side of the main building.

"Commercial Reacreation" means an establishment where people pay for recreation including such types as health center, places with court games, dance halls, places with machine games, and so forth.

"Cellar" means a room or a group of rooms, usually under a building, which has more than one-half of its height measured from finished floor to finished ceiling below the average grade of the adjoining ground.

"City" means the City of Milwaukie, Oregon.

"Day Care Center" means any facility, institution, establishment or place not a part of a school as defined in 1.03 that provides day care to eight (8) or more children not of common parentage under the age of fifteen (15) years, including day nurseries, nursery schools, pre-schools, day care facilities or similar units operating under any name for a period not exceeding twelve (12) hours per day for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward.

"Day Care Home" means a private residence in which are commonly received one time seven (7) or less children, not related by parentage to the provider of the day care service fifteen (15) years of age or under, for a period not exceeding (12) hours per day for the purpose of being given board care or training apart from their parents or guardians for compensation or reward.

"Dormitory" means a room which is rented for sleeping purposes for more than four persons.

"Drinking Establishment" means a place of business which requires a permit and/or license from Oregon Liquor Control Commission for the dispensing of liquor for consumption upon the premises.

"Dwelling Unit" means one or more rooms designed for occupancy by one family for living purposes.

"Dwelling, Single family detached" means a house normally occupied by one family with no structural connection to adjacent units. The unit may be situated at a specified distance from lot lines, or with one wall on a side property line. The dwelling and lot are usually under single ownership.

"Dwelling, Single family attached" means two or three houses, each occupied by one family, sharing common structural walls. Each dwelling and lot are under single ownership.

"Dwelling, Townhouse" means four or more houses, usually two story and each normally occupied by one family, sharing common structural walls. Each dwelling and lot are under single ownership or lots are under joint ownership.

"Dwelling, Multifamily Condominium" means a single structure containing four or more individually owned dwelling units, with all other common elements jointly owned on a specified basis.

"Dwelling, Multifamily Apartment" means a single structure containing four or more dwelling units, usually for rent.

"Dwelling, interior single family attached, interior townhouse, interior multifamily condominimum" means that dwellwing unit or units that are interior to the whole residential structure and does not include the dwelling units that are on the ends of the structure facing lot lines.

"Eating Establishment" means a place of business which serves food but does not require a permit and/or license from Oregon Liquor Control Commission.

"Family" means one person or two or more persons related by blood, marriage, legal adoption, or guardianship; or a group of not more than five persons (excluding servants) all or part of whom are not related by blood, marriage, legal adoption, or guardianship living together as a single housekeeping unit in a dwelling unit.

"Fence, Sight Obscuring" means a fence consisting of wood metal masonry or similar materials, or an evergreen hedge or other evergreen planting, arranged in such a way as to obscure vision at least 80 per cent.

"Floodway" means the channel of a stream and adjacent land areas which are required to carry and discharge flood waters or flood flows of a 100 Year Flood, as defined by the Corps of Engineers.

"Floodway Fringe" means that land area which is outside of the stream floodway but is subject to periodic inundation by a 100 Year Flood, as defined by the Corps of Engineers.

"Floor Area" means the sum of the gross horizontal area of the general floor of a building, measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings, but not including:

a. Attic space providing headroom of less than seven feet;
b. Basement or cellar;
c. Uncovered steps or fire escapes;
d. Private garages, carports or porches;
e. Accessory water towers or cooling towers;
f. Accessory off-street parking or loading spaces.

"Foster Home" means any home maintained by a person licensed by the State of Oregon to provide care, food and lodging in such home for not more than ten (10) children, including his or her own children, under the age of eighteen (18) years and unaccompanied by a parent or guardian.

"Frontage" means property abutting on a street.

"Grade, Ground Level" means the average of the finished ground level at the center of all walls of a building. Where the walls are parallel to and within five feet of a public sidewalk, the ground level shall be measured at the average sidewalk elevation.

"Home Occupation" means an occupation normally carried on at a dwelling as an accessory use to the dwelling, with the activity conducted in such a manner as to give no appearance of a business, and with no infringement upon the right of neighboring residences to enjoy the peaceful occupancy of their homes.

"Horticulture" means the cultivation of plants, garden crops, trees, or nursery stock.

"Hotel" means a building or portion thereof designed or used for occupancy of transient individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

"Institution, Higher Educational" means a college or university, accredited by the State of Oregon.

"Junkyard" means any establishment or place of business that is maintained, operated or used for storing, keeping, buying or selling old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, devris, waste or junked, dismantled, wrecked, scrapped or ruined motor vehicles, or motor vehicle parts, iron, steel or other scrap or old ferrous or nonferrous material, metal or nonmetal materials, and the term includes automobile graveyards, garbage dumps and scrap metal processing facilities.

"Kennel" means any lot or premises on which four or more dogs, more than four months of age, are kept.

"Kitchen Facility" means an area in which something is built, installed or established to prepare food for eating by a heating process.

"Landscaping" means vegetation and materials including but not limited to shrubs, grass, trees, planting beds, and bark dust.

"Livestock" means domestic animals, such as cattle, horses, sheep, hogs, or goats, raised for home use or for profit.

"Loading Space" means an off-street space or berth on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley or other appropriate means of access and egress.

"Lot" means a plot, parcel, or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

"Lot, Corner" means a lot abutting on two or more streets, other than an alley, at their intersection.

"Lot Coverage" means the area covered by a building or buildings on a lot, pressed as a percentage of the total lot area.

"Lot, Depth" means the average horizontal distance between the front lot line rear lot line.

"Lot, Interior" means a lot other than a corner lot.

"Lot Line" means the property line bounding a lot.

a. Lot Line, front. In the case of an interior lot, the lot line separating the lot from the street other than an alley; and in the case of a corner lot, a line separating the lot from the street on which the developer or contemplated development will face.

b. Lot line, rear. A lot line which is opposite and most distant from the front lot line; and in the case of an irregular, triangular or other shaped lot, a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line.

c. Lot line, side. Any lot line not a front or rear lot line.

"Lot, Through" means an interior lot having frontage on two streets.

"Lot Width" means the horizontal distance between side lot line measured at the building line.

"Major arterial street" means a street that carries both local and through traffic to destinations outside the local community. The Major Arterial provides access to other communities as well as access through Milwaukie. Public transit to other communities generally use major arterial. The major arterial is McLoughlin Boulevard as illustrated in the Comprehensive Plan.

"Minor arterial street" means a street that carries local traffic between neighborhood areas or to regional facilities. The Minor Arterial provides access from neighborhood collector streets to community services and to other neighborhoods within, or immediately adjacent to, the city. Local public transit may use Minor Arterial streets.

(The minor arterials are illustrated in the Comprehensive Plan. These include all or portions of Harrison, King, Monroe, Lake, Railroad, Harmony, Johnson Creek, Linwood, Oatfield, 17th, River Road, and 42nd.)

"Mobile home" means a shelter designed for occupancy by a family that is easily moveable and is constructed in a factory. A mobile home is similar to a structure except that in its original construction it does not have a fixed connection to the ground.

"Mobile home park" means a lot upon which two or more mobile homes are located.

"Motel or Tourist Court" means one or more buildings designed or used as temporary living quarters for transients.

"Nonconforming Structure or Use" means a lawful existing structure or use, at the time this Ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

"Open Space" means any parcel of land or portion of a parcel without a structure, except as used and defined in the Planned Development zone.

"Owner" includes an authorized agent of the owner.

"Parking space" means an area available for the parking of a standard American automobile or compact size.

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

"Poultry" means domestic fowl, such as chickens, turkeys, ducks or geese, raised for flesh or eggs.

"Railroad Facilities" means railroad switching yards, terminal structure, railroad tracks, or any other facilities connected with railroads which generate substantial noise or nuisance.

"School, Commercial" means a place where instruction is given to pupils in arts, crafts, trades, or other occupational skills, and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation.

"School, Primary, Elementary, Junior High, or High" includes public, private or parochial but not nursery school, kindergarten or day nursery, except when operated in conjunction with a school.

"Senior, retirement, and Handicapped housing" means a multi-unit dwelling where persons who are of retirement age or who are handicapped, reside. Activity levels including traffic generation and parking of cars, is generally lower than for other types of housing. Common facilities for eating and activities may be provided; nursing care and medical supplies. and personal services may be provided on a limited basis.One person may own the entire complex or each dwelling unit may be owned separately as in a condominium. The dwelling units shall not have more than one bedroom per unit and shall not have more than 800 square feet per dwelling unit.

"Story, Half" means a story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

"Street" means the entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms "road", "highway", "lane", "place", "avenuue", "alley", and other similar designations.

"Structure" means something constructed or built and having a fixed base or,or fixed connection to, the ground or another structure.

"Transition area" means an area where new townhouse and multi-family projects in R-3, R-2, and R-1 zones that are adjacent to areas designated for lower densities have required transition measures.

"Use" means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

"Vegetation" means plantings or natural growth of trees, grass, shrubs, etc. which would permit normal percolation.

"Vehicle" means a device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

"Yard" means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance.

"Yard, Front" means a yard between side lot lines and measured horizontally at right angles to the front lot line from the lot line to the nearest point of the building.

"Yard, Rear" means a yard between side lot lines or between a street side yard and opposite side lot line and measured horizontally at right to the rear lot line from the rear lot line to the nearest point of a main building.

"Yard, Side" means a yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the building.

"Yard, Street Side" means a yard adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot to the nearest point of the building.

SECTION 2. BASIC PROVISIONS

Section 2.01. Compliance with Ordinance Provisions. A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this Ordinance permits.

Section 2.02. Classification of Zones. For the purposes of the Ordinance the following zones are hereby established in the City:

Zone Description	Abbreviated Designation
Residential	R-10
Residential	R-7
Residential	R-5
Residential	R-3
Residential	R-2
Residential-Business Office	R-1-B
Residential	R-1
Residential-Office Commercial	ROC
Commercial, Neighborhood	C-N
Commercial, Limited	C-L
Commercial, General	C-G
Manufacturing-Industrial, Limited	M-L
Manufacturing-Industrial, General	M-G
Aircraft Landing Facility	LF
Design	D
Flood Hazard	FH
Planned Development	PD
Willamette Greenway	WG

Section 2.03. Location of Zones. The boundaries for the zones established in this Ordinance are indicated on a map entitled "Zoning Map of Milwaukie, Oregon", which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

Section 2.04. Boundaries of Zones. If a zone boundary as shown on the map divides a lot between two zones, the entire lot shall be deemed to be in the zone in which the greater area of the lot lies, provided that this adjustment involves a distance not to exceed 20 feet from the mapped zone boundary.

Section 2.05. Zoning Maps. A zoning map or zoning map amendments adopted by Section 2.03 of this Ordinance, or by an amendment, shall be prepared by authority of the City Planning Commission or be a modification by the City Council of a map or map amendment. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment.

A certified print of the adopted map or map amendment shall be maintained without change in the office of the City Recorder as long as this Ordinance remains in effect.

Section 2.06. Zoning of Annexed Areas. Area annexed to the City shall be included within the boundaries of zones established in this Ordinance. The Planning Commission shall recommend to the City Council which shall adopt by ordinance appropriate zoning as follows:

1. Area not zoned before annexation shall be in the R-10, Single Family Residential zone, or the zone indicated by the adopted Comprehensive Plan of the City.

2. Area already zoned before annexation shall be in the City zone most closely approximating the zoning in effect prior to annexation or the zone indicated by the adopted Comprehensive Plan of the City.

SECTION 3. USE ZONES

Section 3.01. Residential Zone R-10. In an R-10 zone the following regulations shall apply:

1. Outright Uses Permitted. In an R-10 zone the following uses and their accessory uses are permitted outright:

   a. Single family detached dwelling.

   b. Agricultural or horticultural use, provided that:
      (1) A retail or wholesale business sales office is not maintained on the premises; and
      (2) Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.

   c. Public park, playground, and any other similar publicly owned recreational use.

   d. Any other use similar to the above and not listed elsewhere.

2. Conditional Uses Permitted. In an R-10 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 6:

   a. Church and other religious structures.

   b. Primary, elementary, junior high or high school, kindergarten or day nursery, or a higher educational institution (college or university).

   c. Community meeting building.

   d. Golf course, except a commercial driving range or miniature course.

   e. Temporary real estate office in a subdivision.

   f. Cemetery.

   g. Utility substation.

   h. Commercial radio or television studio, transmitter or antenna support structure.

   i. Passenger terminal.

   j. Government or municipal structure or use.

   k. Single family attached dwelling.

l. Senior retirement and handicapped housing.

m. Day care center.

n. Hospital, sanitarium resthome, or nursing home.

o. Any other use similar to the above and not listed elsewhere.

3. Standards. In an R-10 zone the following standards shall apply:

a. Lot Size: Lot area shall be at least 10,000 square feet, and the lot area shall be not less than an average of 7,000 square feet for dwelling of a single family attached complex. Lot width shall be at least 70 feet. Lot width shall be at least 30 feet for an interior single family attached unit. Average lot depth shall be at least 100 feet.

b. Front Yard: A front yard shall be at least 20 feet.

c. Side Yard: A side yard shall be at least 10 feet, except on corner lots a side yard shall be at least 20 feet on the side abutting the street. For interior single family attached units, side yards are not required.

d. Rear Yard: A rear yard shall be at least 20 feet.

e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.10 shall be established in accordinace with the standard set forth therein.

f. Off-Street Parking and Loading: As specified in Section 5.

g. Height Restriction: Maximum height of a structure shall be 2-1/2 stories or 35 feet, whichever is less.

h. Lot Coverage: Maximum area that may be covered by one dwelling structure and accessory buildings shall not exceed 30 per cent of the total area of the lot.

i. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc. will be 35 percent of the total area of the lot.

j. Access Requirement: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision ordinance. The lot for an interior single family attached unit shall abut a public street for at least 20 feet.

Section 3.02. Residential Zone R-7. In an R-7 zone the following regulations shall apply:

1. Outright Uses Permitted: In an R-7 zone the following uses and their accessory uses are permitted outright:

   a. Single family detached dwelling.

   b. Agricultural or horticultural use, provided that:
      (1) A retail or wholesale business sales office is not maintained on the premises; and
      (2) Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.

   c. Public park, playground, and any other similar publicly owned recreational use.

   d. Any other use similar to the above and not listed elsewhere.

2. Conditional Uses Permitted. In an R-7 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 6:

   a. Church and other religious structures.

   b. Primary, elementary, junior high or high school, kindergarten or day nursery, or a higher educational institution (college or university).

   c. Community meeting building.

   d. Golf course, except a commercial driving range or miniature course.

   e. Temporary real estate office in a subdivision.

   f. Cemetery.

   g. Utility substation.

   h. Commercial radio or television studio, transmitter or antenna support structure.

   i. Passenger terminal.

   j. Government or municipal structure or use.

   k. Single family attached dwelling.

   l. Senior retirement and handicapped housing.

m. Day care center.

n. Hospital, sanitarium rest home, or nursing home.

o. Any other use similar to the above and not listed elsewhere.

3. Standards. In an R-7 zone the following standards shall apply:

a. Lot Size: Lot area shall be at least 7,000 square feet. For a single family attached complex the lot area shall be an average of at least 7,000 square feet per unit. Lot width shall be at least 60 feet. The minimum lot width shall be 30 feet for interior single family attached units. Average lot depth shall be at least 80 feet.

b. Front Yard: A front yard shall be at least 20 feet.

c. Side Yard: A side yard shall be at least 5 feet and one side yard shall be at least 10 feet except on corner lots a side yard shall be at least 20 feet on the side abutting the street. For interior single family attached units, side yards are not required.

d. Rear Yard: A rear yard shall be at least 20 feet.

e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.10 shall be established in accordance with the standard set forth therein.

f. Off-Street Parking and Loading: As specified in Section 5.

g. Height Restriction: Maximum height of a structure shall be 2-1/2 stories or 35 feet, whichever is less.

h. Lot Coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 30 per cent of the total area of the lot.

i Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc. will be 30 percent of the total area of the lot.

j. Access Requirement: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the subdivision ordinance. The lot for an interior single family attached unit shall abut a public street for at least 20 feet.

R-5

Section 3.03. Residential Zone R-5. In an R-5 zone the following regulations shall apply:

1. Outright Uses Permitted. In an R-5 zone the following uses and their accessory uses are permitted outright:

   a. Single family detached dwelling.

   b. Agricultural or horticultural use, provided that:

      (1) A retail or wholesale business sales office is not maintained on the premises; and
      (2) Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 feet per head of livestock.

   c. Public park, playground, and any other similar publicly owned recreational use.

   d. Any other use similar to the above and not listed elsewhere.

2. Conditional Uses Permitted. In an R-5 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 6.

   a. Church and other religious structures.

   b. Primary, elementary, junior high or high school, kindergarten or day nursery, or a higher educational institution (college or university).

   c. Community meeting building.

   d. Golf course, except a commercial driving range or miniature course.

   e. Temporary real estate office in a subdivision.

   f. Cemetery.

   g. Utility substation.

   h. Commercial radio or television studio, trasmitter or antenna support structure.

   i. Passenger terminal.

   j. Government or municipal structure or use.

   l. Townhouse dwelling.

m. Senior retirement and handicapped housing.

n. Day care center.

o. Hospital, sanitarium, rest home, or nursing home.

p. Fraternal meeting building.

q. Any other use similar to the above and not listed elsewhere.

3. Standards. In an R-5 zone the following standards shall apply:

a. Lot size: Lot area shall be at least 5,000 square feet. For single family attached and town house complexes the lot area shall be an average of at least 5,000 square feet per dwelling unit. Lot width shall be at least 50 feet. For interior single family attached and town house units the lot width shall be at least 30 feet. Average lot depth shall be at least 80 feet.

b. Front Yard: A front yard shall be at least 20 feet.

c. Side Yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over 2 stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single family attached and interior townhouse units, side yards are not required.

d. Rear Yard: A rear yard shall be at least 20 feet.

e. Yard abutting a Major Street: A yard abutting a major street listed in Section 4.10 shall be established in accordance with the standard set forth therein.

f. Off-Street Parking and Loading: As specified in Section 5.

g. Height Restriction: Maximum height of a structure shall be 2½ stories or 35 feet, whichever is less.

h. Lot Coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 35 per cent of the total area of the lot.

i. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc. will be 25 percent of the total area of the lot.

j. Transition area: A transition area shall be maintained according to Section 4.13.

k. Access Requirement: Every lot shall abut a public street other than an alley for at least 35 feet, except as provided in the Subdivision Ordinance. The lots for interior single family attached units and town house units shall abut a public street for at least 20 feet.

Section 3.04. Residential Zone R-3. In an R-3 zone the following regulations shall apply:

1. Outright Uses Permitted, In an R-3 zone the following uses and their accessory uses are permitted outright:

   a. Single family, detached dwelling.

   b. Agricultural or horticultural use, provided that:
      (1) A retail or wholesale business sales office is not maintained on the premises; and
      (2) Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of levestock.

   c. Public park, playground, and any other similar publicly owned recreational use.

   d. Single family attached dwelling.

   e. Townhouse dwelling.

   f. Multifamily condominium or apartment dwelling.

   g. Any other use similar to the above and not listed elsewhere.

2. Conditional Uses Permitted. In a R-3 zone the following conditional uses and their accessory uses are permitted subject to provisions of Section 6.

   a. Church and other religous structures.

   b. Primary, elementary, junior high or high school, kindergarten or day nursery, or a higher educational institution (college or university).

   c. Community meeting building.

   d. Golf course, except a commercial driving range or miniature course.

   e. Temporary real estate office in a subdivision.

   f. Cemetery.

   g. Utility substation.

   h. Commercial radio or television studio, transmitter or antenna support structure.

   i. Passenger terminal.

j. Government or municipal structure or use.

k. Day care center.

l. Hospital, sanitarium, rest home, or nursing home.

m. Fraternal meeting building.

n. Boarding, lodging or rooming house.

o. Senior retirement and handicapped housing.

p. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of professional nature whose activities generate a minimal amount of traffic.

q. Any other use similar to the above and not listed elsewhere.

3. Standards. In a R-3 zone the following standards shall apply:

a. Lot Size: Lot area shall be at least 5,000 square feet and shall not be less than an average of 3,000 square feet per dwelling unit. Lot width shall be at least 50 feet. For interior single family attached and town house units the lot width shall be at least 30 feet. Average lot depth shall be at least 80 feet.

b. Front Yard: A front yard shall be at least 15 feet.

c. Side Yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single family attached, townhouse and condominimum units, side yards are not required.

d. Rear Yard: A rear yard shall be at least 15 feet.

e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.10 shall be established in accordance with the standard set forth therein.

f. Off-Street Parking and Loading: As specified in Section 5.

g. Height Restriction: Maximum height of a structure shall be 2-1/2 stories or 35 feet, whichever is less.

h. Lot Coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 40 per cent of the total area of the lot.

i. Minimum vegetation and open space: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, or left as open space or used as recreational area, etc. will be 35 percent of the total area of the lot. At least half of this area will be of the same general character as the area with dwelling units.

j. Access Requirements: Every lot shall abut a public street other than an alley for at least 35 feet, except as provided in the Subdivision Ordinance. Lots for interior single family attached and townhouse units will abut a public street for at least 20 feet.

k. Transition area: A transition area shall be maintained according to Section 4.13.

Section 3.05. Residential Zone R-2. In an R-2 zone the following regulations shall apply:

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

   a. Single family detached dwelling.

   b. Agricultural or horticultural use, provided that:
      (1) A retail or wholesale business sales office is not maintained on the premises; and
      (2) Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.

   c. Public park, playground, and any other similar publicly owned recreational use.

   d. Single family attached, townhouse, multifamily condominiums, multifamily apartment dwelling.

   e. Any other use similar to the above and not listed elsewhere.

2. Conditional Uses Permitted. In a R-2 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 6:

   a. Church and other religious structures.

   b. Primary, elementary, junior high or high school, kindergarten or day nursery, or a higher educational institution (college or university).

   c. Community meeting building.

   d. Golf course, except a commercial driving range or miniature course.

   e. Temporary real estate office in a subdivision.

   f. Cemetery

   g. Utility substation.

   h. Commercial radio or television studio, transmitter or antenna support structure.

   i. Passenger terminal.

j. Government or municipal structure or use.

k. Day care center.

l. Hospital, sanitarium, rest home, or nursing home.

m. Fraternal meeting building.

n. Boarding, lodging or rooming house.

o. Senior retirement and handicapped housing.

p. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of professional nature whose activities generate a minimal amount of traffic, except in transitional area.

q. Hotel or motel.

r. Mobile home park.

s. Marina.

t. Any other use similar to the above and not listed elsewhere.

3. Standards. In a R-2 zone the following standards shall apply:

a. Lot Size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and there shall be not less than an average of 2,500 square feet fro each dwelling unit over one. Lot width shall be at least 50 feet. For interior single family attached, townhouse and condominium units lot width shall at least 30 feet. Average lot depth shall be at least 80 feet.Single family attached, townhouse, multi-family condominium, and multifamily apartment dwellings are permitted with less than 3,000 square feet per unit provided that traffic does not move through adjacent lower density areas.

b. Front Yard: A front yard shall be at least 15 feet.

c. Side Yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single family attached, townhouse and condominium units, side yards are not required.

d. Rear Yard: A rear yard shall be at least 15 feet.

e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.10 shall be established in accordance with the standard set forth therein.

f. Off-Street Parking and Loading: As specified in Section 5.

g. Height Restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less, but higher structures may be permitted under provisions of Section 7.07.

h. Lot Coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 45 per cent of the total area of the lot.

i. Minimum vegetation and open space: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, or left as open space or used as recreational area, etc. will be 35 percent of the total area of the lot. At least half of this area will be of the same general character as the area with dwelling units.

j. Access Requirement: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for interior single family attached, townhouse and condominium units shall abut a public street for at least 20 feet.

k. Transition area: A transition area shall be maintained according to Section 4.13.

Section 3.06 Residential-Business Office-Commercial In a R-1-B zone the following regulations shall apply:

1. Outright Uses Permitted. In a R-1-B zone the following uses and their accessory uses are permitted outright:

   a. Single family detached dwelling.

   b. Agricultural or horticultural use, provided that:
      (1) A retail or wholesale business sales office is not maintained on the premises; and
      (2) Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.

   c. Public park, playground, and any other similar publicly owned recreational use.

   d. Singlefamily attached.

   e. Townhouse, condominium, multi-family condominium and multi-family apartment dwellings.

   f. Senior retirement and handicapped housing.

   g. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others whose activities generate a minimal amount of traffic.

   h. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific of statistical organizations whose activities generate a minimal amount of traffic.

   i. Any other use similar to the above and not listed elsewhere.

2. Conditional Uses Permited. In a R-1-B zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 6.

   a. Church and other religious structures.

   b. Primary, elementary, junior high or high school, kindergarten or day nursery, or a higher educational institution (college or university).

   c. Community meeting building.

d. Golf course, except a commercial driving range or miniature course.

e. Temporary real estate office in a subdivision.

f. Cemetery

g. Utility substation.

h. Commercial radio or television studio, transmitter or antenna support structure.

i. Passenger terminal.

j. Government or municipal structure or use.

k. Day care center.

l. Hospital, sanitarium, rest home, or nursing home.

m. Fraternal meeting building.

n. Boarding, lodging or rooming house.

o. Hotel or motel.

p. Mobile home park.

q. Marina.

r. Any other use similar to the above and not listed elsewhere.

3. Standards. In R-1-B zone the following standards shall apply:

a. Lot Size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and for each dwelling unit over one there shall be not less than an average of 1,400 square feet. Lot width shall be at least 50 feet. For interior single family attached townhouse and condominium units this lot width shall be at least 30 feet. The residential density may be increased 15 percent over the above limits in exchange for exceptional design quality or special project amenity according to the provisions of Section 7.08.

b. Front Yard: A front yard shall be at least 15 feet.

c. Side Yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street.

d. Rear Yard: A rear yard shall be at least 15 feet.

e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.10 shall be established in accordance with the standard set forth therein.

f. Off-Street Parking and Loading: As specified in Section 5.

g. Height Restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less, but higher structures may be permitted under provisions of Section 7.07.

h. Lot Coverage: Maximum area that may be covered by the principal structure and accessory buildings shall not exceed 50 per cent of the total area of the lot.

i. Minimum Vegetation: Minimum area that must be left or planted in trees, grass, shrubs, etc. shall be 15 per cent of the total area of the lot.

j. Access Requirement: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for interior single family attached, townhouse and condominium units shall abut a public street for at least 20 feet.

k. Transition Area: A transition area shall be maintained according to Section 4.13.

Section 3.07. Residential Zone R-1 In a R-1 zone the following regulations shall apply:

1. Outright Uses Permitted. In a R-1 zone the following uses and accessory uses are permitted outright.

   a. Single family detached dwelling.

   b. Agricultural or horticultural use, provided that:
      (1) A retail or wholesale business sales office is not maintained on the premises; and
      (2) Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.

   c. Public park, playground, and any other similar publicly owned recreational use.

   d. Single family attached, townhouse, multifamily condominium, multifamily apartment dwelling.

      The above type dwellings are permitted with less than 3,000 square feet per unit provided that traffic does not move through adjacent lower density areas.

   e. Senior retirement and handicapped housing.

   f. Any other use similar to the above and not listed elsewhere.

2. Conditional Uses Permitted. In a R-1 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 6:

   a. Church and other religious structures.

   b. Primary, elementary, junior or high school, kindergarten or day nursery, or a higher educational institution(college or university).

   c. Community meeting building.

   d. Golf course, except a commercial driving range or miniature course.

   e. Temporary real estate office in a subdivision.

   f. Cemetery.

   g. Utility substation.

   h. Commercial radio or television studio, transmitter or antenna support structure.

i. Passenger terminal.

j. Government or municipal structure or use.

k. Day care center.

l. Hospital, sanitarium, rest home, or nursing home.

m. Fraternal meeting building.

n. Boarding, lodging or rooming house.

o. Offices, studios, or clinics of accountants, architects, artists, attorney, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of professional nature whose activities generate a minimal amount of traffic, except in transitional area.

p. Hotel or motel.

q. Mobile home park.

r. Marina.

s. Any other use similar to the above and not listed elsewhere.

3. Standards. In a R-1 zone the following standards shall apply:

a. Lot Size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and there shall be not less than 1,400 square feet for each dwelling unit over one. Lot width shall be at least 50 feet. Lot width for single family attached, townhouse and condominium units shall be at least 30 feet. Average lot depth shall be at least 80 feet. Single family attached, townhouse, multi-family condominium, multi-family apartment dwellings are permitted with less than 3,000 square feet per unit provided that traffic does not move through adjacent lower density areas.

b. Front Yard: A front yard shall be at least 15 feet.

c. Side Yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single family attached, townhouse and condominium units. side yards are not required.

d. Rear Yard: A rear yard shall be at least 15 feet.

e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.10 shall be established in accordance with the standard set forth therein.

f. Off-Street Parking and Loading: As specified in Section 5.

g. Height Restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less, but higher structures may be permitted under provisions of Section 7.07.

h. Lot Coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 45 percent of the total area of the lot.

i. Minimum vegetation and open space: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, or left as open space or used as recreational area, etc. will be 35 percent of the total area of the lot. At least half of this area will be of the same general character as the area with dwelling units.

j. Access Requirement: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for interior single family attached, townhouse and condominium units shall abut a public street for at least 20 feet.

k. Transition area: A transition area shall be maintained according to Section 4.13.

l. Use restrictions: Commercial uses are permitted on the ground floor only. Office uses are permitted on the ground level and first floor. At least fifty (50) percent of the floor area within a project shall be used for residential purposes.

Section 3.08. Residential-Office-Commercial Zone ROC. In a ROC zone, the following regulations shall apply:

1. Outright Uses Permitted, In a ROC zone the following uses and their accessory uses are permitted outright:

   a. Single family attached dwelling.

   b. Single family attached and townhouse dwelling.

   c. Multifamily condominium dwelling.

   d. Multifamily apartment dwelling.

   e. Senior retirement and handicapped housing.

   f. Offices.

   g. Retail trade establishment such as a food store, drug store, gift shop, hardware store, selling primarily from a shelf goods inventory.

   h. Personal service business such as a barber shop, tailor shop or laundry and drycleaning pickup station.

   i. Funeral home.

   j. Commercial recreation and motion picture theater.

   k. Eating establishment.

   l. Hotel or motel.

   m. Parking facility.

   n. Passenger terminal.

   o. Repair, maintenance or service of the type of goods to be found in any permitted retail trade establishment.

   p. Financial institution.

   q. Trade or commercial school.

   r. Department of furniture store.

   s. Public park, playground, and any other similar publicly owned recreational use.

t. Any other use similar to the above and not listed elsewhere.

2. Conditional Uses Permitted. In a ROC zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 6.

a. Church and other religious structures.

b. Primary, elementary, junior high or high school, kindergarten or day nursery, or a higher educational institution (college or university).

c. Community meeting building.

d. Utility substation.

e. Commercial radio or television studio, transmitter or antenna support structure.

f. Passenger terminal.

g. Government or municipal structure or use.

h. Day care center.

i. Hospital, sanitarium, rest home, or nursing home.

j. Fraternal meeting building.

k. Boarding, lodging or rooming house.

l. Mobile home park.

m. Any other use similar to the above and not listed elsewhere.

3. Standards. In a ROC zone the following standards shall apply:

a. Lot Size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and for dwelling units over one there shall be not less than an average of 1,400 square feet. Lot width shall be at least 50 feet. Lot width for interior single family attached, townhouse and condominium units shall be at least 30 feet. Average lot depth shall be at least 80 feet. The residential density may be increased 15 percent over the above limit in exchange for exceptional design quality or special project amenity as determined by the Planning Commission according to provisions of Section 7.08.

b. Front Yard: A front yard shall be at least 15 feet.

c. Side Yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single family attached, townhouse and condominium units, side yards are not required.

d. Rear Yard: A rear yard shall be at least 15 feet.

e. Yard Abutting a Major Street: A yard abutting a major street listed listed in Section 4.10 shall be established in accordance with the standard set forth therein.

f. Off-Street Parking and Loading: As specified in Section 5.

g. Height Restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less, but higher structures may be permitted under provisions of Section 7.07.

h. Use Restrictions: Commercial uses are permitted on the ground floor only. Office uses are permitted on the ground level and first floor. At least fifth (50) percent of the floor area within a project shall be used for residential purposes.

i. Lot Coverage: Maximum area that may be covered by the principal structure and accessory buildings shall not exceed 50 percent of the total area of the lot.

j. Minimum Vegetation: Minimum area that must be left or planted in trees, grass, shrubs, bark dust for planting beds, etc., shall be 15 percent of the total area of the lot.

k. Access Requiremment: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinace. Lots for interior single family attached, townhouse and condominium units shall abut a public street for at least 20 feet.

l. Transition Area: A transition area shall be maintained according to Section 4.13.

Section 3.09. Neighborhood Commercial Zone C-N. In a C-N zone the following regulations shall apply:

1. Outright Uses Permitted, In a C-N zone the following uses and their accessory uses are permitted outright:

   a. No uses permitted outright.

2. Conditional Uses Permitted. In a C-N zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 6.

   a. A food store not exceeding 2,500 square feet of floor area.

   b. A store providing convenience goods and services for a local area.

   c. Laundry.

   d. Eating establishment.

   e. Any other use similar to the above and not listed elsewhere.

3. Standards. In a C-N zone the following standards shall apply:

   a. Lot Size: Lot area shall be at least 5,000 square feet but not greater than 25,000 square feet. Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.

   b. Front Yard: A front yard shall be at least 15 feet.

   c. Side Yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street.

   d. Rear Yard: A rear yard shall be at least 10 feet.

   e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.10 shall be established in accordance with the standard set forth therein.

   f. Off-Street Parking and Loading: As specified in Section 5.

   g. Height Restriction: Maximum height of a structure shall be 2½ stories or 35 feet, whichever is less.

   h. Lot Coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 40 per cent of the total area of the lot.

i. Minimum Vegetation: Minimum area that must be left or planted in trees, grass, shrubs, etc. shall be 20 percent of the total area of the lot.

j. Screening: Neighborhood commercial uses must be screened from adjacent residential uses.

k. Access Requirement: Every lot shall abut a public street other than an alley for at least 35 feet.

Section 3.10. Limited Commercial Zone C-L. In a C-L zone the following regulations shall apply:

1. Outright Uses Permitted: In a C-L zone the following uses and their accessory uses are permitted outright:

   a. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists and others of a professional nature.

   b. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations.

   c. Retail trade establishment such as a food store, drug store, gift shop, hardware store, selling primarily from a shelf goods inventory.

   d. Personal service business such as a barber shop, tailor shop or laundry and drycleaning pickup station.

   e. Any other use similar to the above and not listed elsewhere.

2. Conditional Uses Permitted. In a C-L zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 6:

   a. A use permitted outright in this zone with drive-in service facilities including an automobile service station.

   b. Church and other religious structures.

   c. Funeral home.

   d. Commercial recreation and motion picture theater, not including a drive-in theater.

   e. Community meeting building; fraternal or other social organization.

   f. Eating or drinking establishment.

   g. Hotel or motel.

   h. Marina and boat sales.

   i. Parking facility.

   j. Passenger terminal.

   k. Repair, maintenance or service of the type of goods to be found in any permitted retail trade establisment.

l. Financial institution.

m. Trade or commercial school.

n. Governmental use.

o. Day care center.

p. Single family detached dwelling.

q. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.

r. Public park, playground and any other similar publicly owned recreational use.

s. Single family attached dwelling, townhouse dwelling, multifamily apartment, and condominium dwelling.

t. Senior retirement and handicapped housing.

u. Any other use similar to the above and not listed elsewhere.

3. Standards. In a C-L zone the following standards shall apply:

a. Lot Size: None, except as follows for dwelling: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and for dwelling units over one there shall be not less than an average of 1,000 square feet. Lot width shall be at least 50 feet. Lot width for interior single family attached, town-house and condominium units shall be at least 30 feet. Average lot depth shall be at least 80 feet.

b. Front Yard: None, except as provided in "e" and "f" below.

c. Side Yard: None, except as provided in "e" and "f" below.

d. Rear Yard: None, except as provided in "e" and "f" below.

e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.10 shall be established in accordance with the standards set forth therein.

f. Transition Area: A transition area shall be maintained according to Section 4.13.

g. Access: Entrances from a public street to properties in this zone shall be located to minimize traffic congestion and avoid direction traffic onto residential streets. Every lot shall abut a public street other than an alley for at least 35 feet except as permitted unter the Subdivision Ordinance. Lots for interior single family attached, town house and condominium units shall abut a public street for at least 20 feet.

h. Off-street Parking and Loading: As specified in Article 5.

i. Height Restriction: Maximum height of any structure shall be three stories or 45 feet, whichever is less, but higher structures may be permitted under provisions of Section 7.07.

j. Open Use: A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, shall be screened with a sight-obscuring fence not less than 6 feet high.

k. Minimum Vegetation: Minimum area that must be left or planted in trees, grass, shrubs, bark dust for planting beds, etc., shall be 15 percent of the total area of the lot.

Section 3.11 General Commercial Zone C-C. In a C-C zone the following regulations shall apply:

1. Outright Uses Permitted. In a C-C zone the following uses and their accessory uses are permitted outright:

   a. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of professional nature.

   b. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations.

   c. Retail trade establishment such as a food store, drug store, gift shop, hardware store, selling primarily from a shelf goods inventory.

   d. Personal service business such as a barber shop, tailor shop or laundry and drycleaning pickup station.

   e. Department or furniture store.

   f. Repair, maintenance or service of the types of goods to be found in any permitted retail trade establishment.

   g. Eating establishment.

   h. Financial institution.

   i. Motion picture theater, not including a drive-in.

   j. Radio or TV studio.

   k. Any other use similar to the above and not listed elsewhere.

2. Conditional Uses Permitted. In a C-C zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:

   a. A use permitted outright in this zone with drive-in service facilities, but not including a drive-in theater.

   b. Church and other religious structures.

   c. Commercial recreation.

   d. Parking facility.

   e. Passenger terminal.

f. Motel or hotel.

g. Trade or commercial school.

h. Community meeting building; fraternal or social organization.

i. Utility substation.

j. Government structure or use.

k. Automobile service stations and automobile and motor vehicle repair (excluding body and fender repair and painting) when in conjunction with an automobile service station and conducted within a completely enclosed building.

l. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.

m. Public park, playground, and any other similar publicly owned recreational use.

n. Drinking establishment.

o. Any other use similar to the above and not listed elsewhere.

3. Standards. In a C-C zone the following standards shall apply:

a. Lot Size: None. Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.

b. Front Yard: None, except as provided in "e" and "f" below.

c. Side Yard: None, except as provided in "e" and "f" below.

d. Rear Yard: None, except as provided in "e" and "f" below.

e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.10 shall be established in accordance with the standards set forth therein.

f. Transition Area: A transition area shall be maintained according to Section 4.13.

g. Access: Entrances from a public street to properties in this zone shall be located to minimize traffic congestion and avoid directing traffic onto residential streets. Every lot shall abut a public street other than an alley for at least 35 feet.

h. Off-Street Parking and Loading: As specified in Article 5.

i. Height Restriction: Maximum height of a structure shall be four stories or 60 feet, whichever is less, but higher structures may be permitted under provisions of Section 7.07.

j. Lot Coverage: Maximum area that may be covered by buildings and structures shall not exceed 85 percent of the total area of the lot.

k. Open Use: A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone or which would be visible from a public street shall be screened with a sight-obscuring fence not less than 6 feet high.

l. Minimum Vegetation: Minimum area that must be left or planted in trees, grass, shrubs, bark dust for planting beds, etc., shall be 15 percent of the total area of the lot.

Section 5.11. General Commercial Zone C-G. In a C-G zone the following regulations shall apply:

1. Outright Uses Permitted. In a C-G zone the following uses and their accessory uses are permitted outright:

   a. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists and others of professional nature.

   b. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations.

   c. Retail trade establishment such as a food store, drug store, gift shop, hardware store, selling primarily from a shelf goods inventory.

   d. Personal service business such as a barber shop, tailor shop or laundry and drycleaning pickup station.

   e. A use permitted outright in this zone with drive-in service facilities.

   f. Funeral home.

   g. Commercial recreation and motion picture theater.

   h. Eating establishment.

   i. Hotel or motel.

   j. Marina.

   k. Parking facility.

   l. Passenger terminal.

   m. Repair, maintenance or service of the type of goods to be found in any permitted retail trade establishment.

   n. Financial institution.

   o. Trade or commercial school.

   p. Department of furniture store.

   q. Radio or TV studio.

   r. Utility substation.

s. [illegible] and service.

t. Car wash.

u. Carpenter or cabinet shop.

v. Drive-in theater.

w. Furniture upholstering.

x. Building materials supply.

y. Plumbing, heating, ventilation or electrical shop.

z. Printing plant.

aa. Repair garage.

bb. Automobile service station.

cc. Sign painting shop.

dd. Tire shop.

ee. Any other use similar to the above and not listed elsewhere.

2. Conditional Uses Permitted. In a C-G zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:

a. Animal hospital or boarding kennel.

b. Auditorium or stadium.

c. Contractor's storage yard.

d. Sheet metal shop.

e. Day care center.

f. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.

g. Public park, playground and any other similar publicly owned recreational use.

h. Church or other religious structures.

i. Community meeting building; fraternal or other social organization.

j. Governmental use or structure.

k. Utility substation.

l. Drinking establishment.

m. Any other use similar to the above and not listed elsewhere.

3. Standards: In a C-G zone the following standards shall apply:

a. Lot Size: None. Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.

b. Front Yard: None, except as provided in "e' and "f" below.

c. Side Yard: None, except as provided in "e" and "f" below.

d. Rear Yard: None, except as provided in "e" and "f" below.

e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.10 shall be established in accordance with the standards set forth therein.

f. Transition Area: A transition area shall be maintained according to Section 4.13.

g. Access: Entrances from a public street to properties in this zone shall be located to minimize traffic congestion and avoid directing traffic onto residential streets. Every lot shall abut a public street other than an alley for at least 35 feet.

h. Off-Street Parking and Loading: As specific in Article 5.

i. Height Restriction: Maximum height of any structure shall be three stories or 45 feet, whichever is less, but higher structures may be permitted under provisions of Section 7.07.

j. Lot Coverage: Maximum area that may be covered by buildings and structures shall not exceed 85 percent of the total area of the lot.

k. Open Use: A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone or which would be visible from a public street shall be screened with a sight-obscuring fence not less than 6 feet high.

Except for open stroage, the following uses shall be conducted within an enclosed building:

(1) Carpenter or cabinet shop.
(2) Furniture upholstering.
(3) Plumbing shop.
(4) Repair garage.

(5) Sign painting shop.
(6) Tire shop.
(7) Heating or ventilation shop.

1. Minimum Vegetation: Minimum area that must be left or planted in trees, grass, shrubs, bark dust for planting beds, etc., shall be 15 percent of the total area of the lot.

Section 3.13. Limited Manufacturing-Industrial Zone M-L. In an M-L zone the following regulations shall apply:

1. Outright Uses Permitted. In an M-L zone the following uses and their accessory uses are permitted outright:

   a. Assembling, fabricating, storage, or repair of such products as electrical appliances, heating and ventilating equipment, musical instruments, signs, or toys.

   b. Manufacturing, compounding, processing, packaging, or storage of such products as cosmetics, drugs, or foods and beverages.

   c. Manufacturing, assembling, treating, storage, or repair of articles made from previously prepared materials such as bone, cellophane, clay, cork, fabric, fur, glass, hair, leather, paper, plastics, precious or semi-precious stone or metal, shell, wire or wood.

   d. Blacksmith, electroplating, machine, or welding shop.

   e. Commercial or industrial laundry.

   f. Distributing, wholesaling, and warehousing.

   g. Experimental, film, or testing laboratory.

   h. Foundry casting light-weight non-ferrous metals.

   i. Ice or cold storage plant.

   j. Stone monument works.

   k. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.

   l. Public park, playground, and any other similar publicly owned recreational use.

   m. Utility substation.

   n. Automobile, boat, trailer, or other vehicle or equipment sales and service.

   o. Car wash.

   p. Drive-in theater.

   q. Plumbing, heating, ventilation or electrical shop.

r. Printing plant.

s. Repair garage.

t. Automobile service station.

u. Sign painting shop.

v. Tire shop.

w. Animal hospital or boarding kennel.

x. Auditorium or stadium.

y. Contractor's storage yard.

z. Sheet metal shop.

aa. Any other use similar to the above and not listed elsewhere.

2. Conditional Uses Permitted. In an M-L zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:

a. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature.

b. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations.

c. Retail trade establishment such as a food store, drug store, gift shop, hardware store, selling primarily from a shelf goods inventory.

d. Personal service business such as a barber shop, tailor shop or laundry and drycleaning pickup station.

e. A use permitted outright in this zone with drive-in service facilities.

f. Church and other religious structures.

g. Funeral home.

h. Commercial recreation and motion picture theater.

i. Community meeting building, fraternal or other social organization.

j. Eating or drinking establishment.

k. Hotel or motel.

l. Marina.

m. Parking facility.

n. Passenger terminal.

o. Financial institution.

p. Trade or commercial school.

q. Governmental use or structure.

r. Day care center.

s. Department or furniture store.

t. Radio or TV studio.

u. A use permitted outright processing such products as fish, meat, sauerkraut, vinegar, pickles, or fats and oils.

v. A use permitted outright employing a punch or other press exceeding a rated capacity of 20 tons.

w. A use permitted outright constituting a potential hazard or nuisance in terms of fire, explosion, pollution or excessive noise.

x. Freighting terminal.

y. Surface mining.

z. Junk or wrecking yard.

aa. Railroad facilities.

bb. Any other use similar to the above and not listed elsewhere.

3. Standards. In an M-L zone the following standards shall apply:

a. Lot Size: None. Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.

b. Front Yard: None, except as provided in "e" and "f" below.

c. Side Yard: None, except as provided in "e" and "f" below.

d. Rear Yard: None, except as provided in "e" and "f" below.

e. Yard Abutting a Major Street: A yard abutting a major street listed in section 4.10 shall be established in accordance with the standards set forth therein.

f. Transition area: A transition area shall be maintained according to Section 4.13.

g. Access: Entrances from a public street to properties in this zone shall be located to minimize traffic congestion and avoid directing traffic onto residential streets. Every lot shall abut a public street other than an alley for at least 35 feet.

h. Off-Street Parking and Loading: As specified in Article 5.

i. Height Restriction: Maximum height of any structure shall be three stories or 45 feet, whichever is less, but higher structures may be permitted under provisions of Section 7.07.

j. Lot Coverage: Maximum area that may be covered by buildings and structures shall not exceed 85 percent of the total area of the lot.

k. Open Use: A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, or which would be visible from a public street shall be screened with a sight-obscuring fence not less than 6 feet high.

Except for open storage, the following uses shall be conducted within an enclosed building:

(1) Carpenter or cabinet shop.
(2) Furniture upholstering.
(3) Plumbing shop.
(4) Repair garage.
(5) Sign painting shop.
(6) Tire shop.
(7) Heating or ventilation shop.

l. Storage: Materials shall be stored and grounds maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard, or be unsightly.

m. Minimum Vegetation: Minimum area that must be left or planted in trees, grass, shrubs, bark dust for planting beds, etc., shalll be 15 percent of the total area of the lot.

Section 3.14. General Manufacturing-Industrial Zone M-G. In an M-G zone the following regulations shall apply:

1. Outright Uses Permitted. In an M-G zone the following uses and their accessory uses are permitted outright:

   a. Any manufacturing-industrial use including assembling, fabricating, compounding, processing, packaging, repair and storage, except railroad facilities or a use constituting a potential hazard or nuisance in terms of fire, explosion, pollution or excessive noise.

   b. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.

   c. Public park, playground, and any other similar publicly owned recreational use.

   d. Utility substation.

   e. Automobile, boat, trailer, or other vehicle or equipment sales and service.

   f. Car wash.

   g. Drive-in theater.

   h. Plumbing, heating, ventilation or electrical shop.

   i. Printing plant.

   j. Repair garage.

   k. Automobile service station.

   l. Sign painting shop.

   m. Tire shop.

   n. Animal hospital or boarding kennel.

   o. Auditorium or stadium.

   p. Contractor's storage yard.

   q. Sheet metal shop.

   r. Any other use similar to the above and not listed elsewhere.

2. Conditional Uses Permitted. In an M-G zone the following uses and their accessory uses are permitted subject to the provisions of Article 6:

a. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature.

b. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations.

c. Retail trade establishment such as a food store, drug store, gift shop, hardware store, selling primarily from a shelf goods inventory.

d. Personal service business such as a barber shop, tailor shop or laundry and drycleaning pickup station.

e. A use permitted outright in this zone with drive-in service facilities.

f. Church and other religious structures.

g. Funeral home.

h. Commercial recreation and motion picture theater.

i. Commercial meeting building; fraternal or other social organization.

j. Eating or drinking establishment.

k. Hotel or motel.

l. Marina.

m. Parking facility.

n. Passenger terminal.

o. Financial institution.

p. Trade or commercial school.

q. Governmental use or structure.

r. Day care center.

s. Department of furniture store.

t. Radio or TV studio.

u. A use permitted outright constituting a potential hazard or nuisance in terms of fire, explosion, pollution, or excessive noise.

v. Railroad facilities

w. Any other use similar to the above and not listed elsewhere.

3. Standards: In an M-G zone the following standards shall apply:

a. Lot Size: None. Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.

b. Front Yard: None, except as provided in "e" and "f" below.

c. Side Yard: None, except as provided in "e" and "f" below.

d. Rear Yard: None, except as provided in "e" and "f" below.

e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.10 shall be established in accordance with the standards set forth therein.

f. Transition Area: A transition area shall be maintained according to Section 4.13.

g. Access: Entrances from a public street to properties in this zone shall be located to minimize traffic congestion and avoid directing traffic onto residential streets. Every lot shall abut a public street other than an alley for at least 35 feet.

h. Off-Street Parking and Loading: As specified in Article 5.

i. Height Restriction: Maximum height of any structure shall be three stories or 45 feet, whichever is less, but higher structures may be permitted under provisions of Section 7.07.

j. Lot Coverage: Maximum area that may be covered by buildings and structures shall not exceed 85 percent of the total area of the lot.

k. Open Use. A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone or which would be visible from a public street shall be screened with a sight-obscuring fence not less than 6 feet high.

Except for open storage, the following uses permitted shall be conducted within an enclosed building:

(1) Carpenter or cabinet shop.
(2) Furniture upholstering.
(3) Plumbing shop.
(4) Repair garage.
(5) Sign painting shop.
(6) Tire shop.
(7) Heating or ventilation shop.

l. Storage: Materials shall be stored and grounds maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard, or be unsightly.

m. Surface Mining Setback: Open pit or sand and gravel excavating or processing shall not be permitted nearer than 50 feet to the boundary of an adjoining property line, unless written consent of the owner of such property is first obtained. Excavating or processing shall not be permitted nearer than 30 feet to the right-of-way line of an existing or platted street or an existing public utility right-of-way.

n. Surface Mining Slope: Production from an open pit or the removal of sand and gravel shall not leave a slope exceeding one foot horizontal for one foot vertical.

o. Surface Mining Fencing: An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.

p. Surface Mining Equipment: A rock crusher, washer, or sorter shall not be located nearer than 500 feet to a residential or commercial zone. Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which are injurious or substantially annoying to persons living in the vicinity.

q. Junk or Wrecking Yard Fencing: A junk or wrecking yard shall be enclosed by a sight-obscuring fence not less than 6 feet high.

Section 3.15 Aircraft Landing Facility Zone L-F In an L-F zone the following regulations shall apply:

1. Purpose: The purpose of the L-F zone is to minimize hazards related to aircraft landing facilities. Special height limitations or other restrictions in addition to those already embodied in this Ordinance may be necessary in order to prevent the establishment of obstructions to the air space required by aircraft in landing and taking off from airports, helicopter pads or other landing fields. Furthermore, establishment of any new aircraft landing facility should be undertaken only after an evaluation has been made of its effects on the safety, welfare, and property values of owners or occupants of nearby property. The L-F zone is a superimposed zone applied in combination with existing regular zones.

2. Limitations on Use. In an L-F zone an airport, helicopter, or other aircraft landing facility and a use or conditional use permitted in accordance with the provisions of the pre-established regular zone shall be permitted only as provided below:

   a. The height of any structure or part of a structure, such as chimney, tower, antenna, etc., shall be limited according to requirements established by the Planning Commission or by other appropriate authorities.

   b. In approach zones to airports or other aircraft landing facilities, as designated by the Planning Commission or other appropriate authorities, no meeting place which is designed to accommodate more than 25 persons at one time shall be permitted.

   c. The size of the property upon which the airport or landing facility is proposed shall be sufficient to permit the safe operation of aircraft, to allow adequate space for all associated facilities and to protect adjacent property from the impact of aircraft operation and associated activity.

   d. Prior to a decision on the establishment of an L-F zone the Planning Commission shall request a report and recommendation from the Oregon State Board of Aeronautics as to the suitability of the particular property for airport purposes and as to other conditions which might be necessary to safeguard the safety and general welfare of the public.

3. Procedures. The following procedures shall govern the application of L-F zones.

   a. An L-F zone may be established by enactment of this Ordinance or may be established, altered, or abolished as amendments subject to the provisions of Article 9.

   b. An L-F zone may be established in combination with other regular zones, an area approved as an L-F zone shall be identified on the zoning map or map amendments with the letters "L-F" in addition to the abbreviated designation of the existing zoning.

Section 3.16. Design Zone D. In a D zone the following regulations shall apply:

1. Purpose: The purpose of a D zone is to assist in conserving and enhancing the appearance of the City of Milwaukie in areas of existing or potential scenic, historic, architectural, or other design significance. The use of these provisions is intended to help property owners and occupants maintain the appearance or character of the City's unique localities or neighborhoods. The D zone is a superimposed zone applied in combination with the existing regular zones.

2. Limitations on Use. In a D zone a use or conditional use permitted in accordance with the provisions of the pre-established regular zone shall be permitted only as provided below:

   a. No building permit or other permit for construction, alteration, or demolition of any building, structure or use shall be issued until architectural plans including elevations have been reviewed and approved by the Planning Commission.

   b. The Planning Commission may prepare and adopt suitable evaluation or acceptability guidelines for each separate area included in a D zone. The assistance of appropriate committees, consultants, or other individuals may be utilized.

   c. To carry out the purpose of the D zone, the Planning Commission may require changes in the appearance of a proposed building, structure, alteration or use in accordance with its adopted guidelines. Other conditions may also be required relating to such factors as building materials, landscaping, relationship to adjoining structures, or protection of existing trees or landmarks.

3. Procedures. The following procedures shall govern the application of D zones:

   a. A "D" zone may be established by enactment of this Ordinance or may be established, altered or abolished as amendments subject to the provisions of Article 9.

   b. A "D" zone shall be established in combination with other regular zones, and an area approved as a D zone shall be identified on the zoning map or map amendments with the letter "D" in addition to the abbreviated designation of the existing zoning.

   c. Consideration shall be given by the Design Review Board.

   d. The Neighborhood Council Design Review Guide shall be considered (when it is completed).

Section 3.17. Flood Hazard Zone F-H. In an FH zone the following regulations shall apply:

1. Purpose. The FH zone is a superimposed zone applied in combination with existing regular zones for the purpose of promoting the public health, safety and general welfare, and to minimize flood losses by provisions designed to:

   a. Restrict or prohibit uses which are dangerous to health, safety and property in times of flood or cause increased flood heights or velocities.

   b. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.

   c. Protect individuals, as much as possible, from buying lands which are unsuited for intended purposes, because of flood hazard.

2. Classification. Within the Flood Hazard district section of the Zoning Ordinance two (2) sub-classifications are established as delineated by the U.S. Army Corps of Engineers: Floodway (FW) and Floodway Fringe (FF). Each of these two sub-classifications are as hereinafter described as to their workings and function.

3. Limitations of Use. In an FH zone, an outright use or a conditional use permitted in accordance with the provisions of the underlying zone shall be permitted only as provided in the Floodway (FW) and Floodway Fringe (FF) sub-classifications according to Parts 4, 5 and 6 below. All regulatory and dimensional standards of the underlying zoning classification shall also apply to all uses allowed in these two sub-classifications.

4. Standards. The following standards shall apply to all developments in the Floodway or Floodway Fringe.

   a. Construction and development shall be in such a manner that flow of water will not be restricted and flood elevations will not be increased. The capacity of the floodplain shall not be reduced by development activities.

   b. Materials which may be inundated shall be of such strength and quality that they will not deteriorate.

   c. The finished floor elevations of buildings and streets shall be a minimum of 1.0 feet above the 100 year flood elevation.

5. Floodway (FW) sub-classification permitted uses:

   a. Any use permitted outright in the underlying zoning district provided that no structure, fill, excavation, or storage of materials or equipment are proposed.

b. Conditional uses permitted in the underlying zoning districts limited to the following:

(1) Marinas, docks, piers, etc., provided any structure or building shall be designed and constructed to withstand the waters of a regional flood without significant damage or obstruction of flow.

(2) A roadway, bridge or utility structure that will not significantly impede the waters of a regional flood.

(3) Storage of material or equipment that either is not subject to damage by a flood or is mobile and readily removable from the area within the limited time available after flood warning. If not subject to damage by a flood, the material or equipment shall be anchored to prevent flotation. Material or equipment stored shall be only items which will not create a hazard to the health or safety of persons, property, animals, or plant life should the storage area be inundated.

(4) Extraction of sand, gravel and other materials.

(5) Fill or excavation.

6. Floodway Fringe (FF) sub-classification permitted uses:

a. All uses permitted in 5. above.

b. Structures or uses specified in the underlying zoning district provided that no building permit or other permit for construction or alteration of any structure or use shall be issued until plans have been reviewed and approved by the Planning Commission in accordance with Section 7.09.

(1) In considering an application for a use or conditional use, permitted in accordance with the provisions of the pre-established regular zone within an area designated FH, the Planning Commission shall consider the following:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(b) The danger that materials may be swept on to other lands or downstream to the injury of others.

(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(d) The susceptability of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(e) The importance of the services provided by the proposed facility to the community.

(f) The requirements of the facility for a waterfront location.

(g) The availability of alternative locations not subject to flooding for the proposed use.

(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(i) The relationship of the proposed use to the Comprehensive Plan and flood plain management program for the area.

(j) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

(l) Such other factors which are relevant to the purposes of this Ordinance.

(2) Upon consideration of the factors listed above and the purposes of this Ordinance, the Planning Commission may attach such conditions to the granting of a special exception permit as it deems necessary to further the purposes of this Ordinance. Among such conditions without limitation because of specific enumeration may be included:

(a) Modification of waste disposal and water supply facilities.

(b) Limitations on periods of use and operation.

(c) Imposition of operational controls, sureties, and deed restrictions.

(d) Requirements for construction of channel modifications, dikes, levees, and other protective measures.

(e) Flood proofing measures.

Flood proofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Planning Commission may require that the applicant submit a plan or document certified by a

civil, structural, or naval architecture and marine engineering registered professional engineer that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. The following flood proofing measures may be required without limitation because of specific enumeration.

1. Anchorage to resist flotation and lateral movement.

2. Installation of watertight doors, bulkheads, and shutters.

3. Reinforcement of walls to resist water pressures.

4. Use of paints, membranes, or mortars to reduce seepage of water through walls.

5. Addition of mass or weight to structures to resist flotation.

6. Installation of pumps to lower water levels in structures.

7. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.

7. Procedures. The following procedures shall govern the application of FH zones:

a. An FH zone may be established by enactment of this Ordinance or may be established, altered, or revoked as amendments subject to the provisions of Article 9.

b. An FH zone shall be established in combination with other regular zones, and an area approved as an FH zone shall be identified on the zoning map or map amendments with the letters "FH" in addition to the abbreviated designation of the existing zoning.

c. Review of plans required in Section 3.17 shall follow the procedures of Section 7.09

Section 3.18 Planned Development Zone PD. In a Planned Development zone the following regulations shall apply:

1. Purpose. The purpose of a PD Planned Development zone is:

   a. To provide a more desirable environment that is possible through the strict application of Zoning Ordinance requirements;

   b. To encourage greater flexibility of design and the application of new techniques in land development;

   c. To provide a more efficient, aesthetic and desirable use of public and private common open space; and,

   d. To promote variety in the physical development pattern of the City.

   e. To encourage a mix of housing types and to allow a mix of residential and other land uses.

2. Use. A planned development approved by the City Council and based on a Final Development Plan and Program shall consititute the Planned Development zone. The PD zone is a superimposed zone applied in combination with regular existing zones. A PD zone shall be comprised of such combinations of types of dwellings and other structures and uses as shall be authorized by the Council, but the Council shall authorize only those types of dwellings and other structures and uses as will:

   a. Conform to the City's Comprehensive Plan.

   b. Form a compatible and harmonious group.

   c. Be suited to the capacity of existing and proposed community utilities and facilities.

   d. Be cohesively designed and consistent with the protection of public health, safety and welfare in general.

   e. Afford reasonable protection to the permissible uses of properties surrounding the site. In addition to residences and their accessory uses, the Council may authorize commercial and non-residential uses which it finds to be:

      (1) Designed to serve primarily the residents of the planned development.

      (2) Limited to those nonresidential uses which do not exist in the vicinty.

      (3) Fully compatible with and incorporated into the design of the planned development.

3. Development Standards. All standards and requirements of this Ordinance and other City ordinances shall apply in a PD zone

unless the Planning Commission grants a variance from said standards in its approval of the PD zone or accompanying subdivision plat.

a. Minimum Size of PD Zone. A PD zone may be established only on land which is suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes of this zone. A PD zone shall not be established on less than two acres of contiguous land unless the Planning Commission finds that a smaller site is suitable because of unique character, topography, landscaping features, or constitutes an isolated problem area.

b. Special Improvements. In its approval of the final plan or subdivision plat within a PD zone, the City may require the developer to provide special or oversize sewer lines, water lines, roads and streets or other service facilities. Such approval shall not obligate the City to expend funds for additional construction equipment or for special road, sewer, lighting, water, fire or police service.

c. Density Increase and Control. The Council may permit residential densities which exceed those of the underlying zone, if it determines that the planned development is outstanding in planned land use and design, and provides exceptional advantages in living conditions and amenities not found in similar developments constructed under regular zoning. In no case shall such density increase be more than 20 percent greater than the density range prescribed for the primary land use designation indicated in the Comprehensive Plan.

d. Peripheral Yards. Along the periphery of any PD zone, additional yard depth, buffering or screening may be required. Peripheral yards shall be at least as deep as that required by the front yard regulations of underlying zones. Open space may serve as peripheral yard and/or buffer strips to separate one planned area from another, if such dual use of the land is deemed to comply with this section.

e. Open Space. Open space means the land area to be set aside and used for scenic, landscaping, or open recreational purposes within the development. Open space may also include areas which, because of topographic or other conditions, are deemed by the Council to be suitable for leaving in a natural condition. Open space shall be adequate for the recreational and leisure needs of the occupants of the development, and shall include the preservation of areas designated by the City for open space or scenic preservation in the Comprehensive Plan or other plans adopted by the City. The development plan and program shall provide for the landscaping and/or preservation of the natural features of the land. To ensure that open space will be permanent, deeds or dedication of easements or development rights to the City of Milwaukie may be required. Instruments and documents guaranteeing the maintenance of open space shall be approved as to form by the

City Attorney. Failure to maintain open space or any other property in a manner specified in the development plan and program shall empower the City to enter said property in order to bring it up to specified standards. In order to recover such maintenance costs, the City may, at its option, assess the real property and improvements within the planned development.

All Planned Unit Developments will have at least one third of the gross area devoted to open space and/or outdoor recreational areas. At least half of the required open space and/or recreational areas will be of the same general character as the area containing dwelling units. Open space and/or recreational areas do not include public or private streets.

4. Any development within a PD zone shall be subject to the provisions of design review as outlined in a separate ordinance.

5. Preliminary Development Plan and Program.

   a. Applicant. For the purpose of this section, "owner" or "owner-applicant" shall mean and include any individual(s), partnership(s), corporation(s), public body(s), legal entity(s), or holder(s) of a written option to purchase said property. An owner of land located outside, but contiguous to, the City may submit a preliminary development plan for consideration by the City providing that an application for annexation to the City of Milwaukie has been filed.
   b. A preliminary development plan and program shall be submitted by the applicant with information as required by resolution of the Planning Commission.

6. Planning Commission Review of Preliminary Development Plan and Program.

   a. Conditional Approval by Planning Commission. Following the meeting, or any continuance thereof, the Planning Commission shall notify the applicant whether, in its opinion, the provisions of this Ordinance have been satisfied, or advise of any deficiencies.

   b. Upon approval in principle of the preliminary development plan and program by the Planning Commission, with or without modifications, the owner-applicant shall, within six months, file with the City a final development plan and program and an application for a change of zone classification.

7. Final Development Plan and Program. The final development plan and program shall contain information as required by resolution of the Planning Commission.

8. Subdivision Plat. If the planned development will involve the subdivision of land as defined in City subdivision regulations, the owner-applicant shall prepare and submit a preliminary subdivision plat along with information required by said ordinance to be considered at the same time as the final development plan and program.

The final subdivision plat shall be submitted within one year subsequent to approval of the Planned Development zone by Council.

9. Application for Zone Change. Together with submission of the final plan and development program the owner-applicant shall submit an application for a zone change to apply the PD zone to the subject property.

10. Planning Commission Action on Final Development Plan and Program.

    a. Upon receipt of the final development plan and program, zone change application, and preliminary subdivision plat, where applicable, the Planning Commission shall hold a public hearing on these matters in accordance with Article 9. If the final development plan and program is found to be in compliance with previous approval and with the inte and requirements of this Ordinance, it shall recommend the same, together with appropriate documents and conditions, t the City Council for adoption.

    b. It shall at the same time recommend the change to PD zone in accordance with the provisions of Article 9. The approved final development plan and program shall be the basis upon which the change in zone is made. It shall at the same time approve the preliminary subdivision plat in accordance with the Milwaukie subdivision regulations.

    c. If the land upon which the change to PD zone is sought is not within the boundaries of the City, the Planning Commission may approve the zone change and recommend it to the City Council to become effective when the land becomes annexed to the City; or continue the public hearing for the purpose of suitably amending the proposal; or disapprove the proposed developments and abandon hearings and proceedings thereon.

11. Council Action on Final Development Plan and Program.

    a. Upon receipt of Planning Commission recommendations as set forth above, the final development plan and program and zone change application shall be considered by the City Council.

    b. Following the consideration, the Council may adopt an ordinance applying the PD zone to the subject property and, in so doing, shall adopt the approved final development plan and program as the standards and requirements for said zone. Council, by said ordinance, shall also accept or reject all or part of the dedications of public facilities, land and open space.

    c. If the proposed PD zone is contiguous to, but not within, the City boundaries, the City Council shall delay final action until the land is officially annexed to the City.

    d. The Council may also continue consideration and refer the matter back to the Planning Commission with recommendations

for amendment thereof, or reject the proposals and abandon further hearings and proceedings thereon.

12. Filing of Approved Final Plan and Program. Following action to amend the Zoning Ordinance and prior to its effective date, the owner-applicant shall file with the City of Milwaukie a conformed and approved final development plan and program, together with all pertinent documents approved as to form by the City Attorney.

13. Recording of Notice of Final Development Plan. Each owner of property so rezoned shall execute a notice prepared by the City which acknowledges that the final development plan and program approved by the City Council constitutes zoning for the property. Such notice shall contain a legal description of the property and reference to the certified copy of the final development plan and program filed in the office of the City Recorder. Said notices shall be recorded in the office of the County Recorder of Clackamas County.

14. Development Improvement Prohibited Pending Compliance. No excavation, grading, construction, improvement or building shall begin, and no permits therefor shall be issued, within the PD zone until all provisions of this article including execution and filing of required documents, all requirements of the City Subdivision Ordinance and Building Code, and all requirements of the final development plan and program have been complied with, unless approved by the Planning Commission.

15. Variations from Final Development Plan and Program.

    a. Proposed changes which do not meet these criteria shall be processed in the same manner as for a new planned development.

    b. The development may vary from the approved final plan and program so long as it is consistent with any subsequent subdivision plat approved by the Planning Commission, and does not alter total density, ratio of dwelling unit types, boundaries of the planned development or location or area of public spaces.

    c. Where changes in a subidivision plat are not required, an application for approval of variations to the recorded final plan and program may be submitted in writing. Such variations may be approved by the City staff provided they do not alter dwelling unit densities, alter dwelling unit type ratios, increase or change the type or location of commercial or residential structures, change the boundaries of the planned development, or change the location and area of public open spaces and recreational areas.

16. Expiration of Planned Development Zone. If, within six months of its effective date, substantial construction or development in the PD zone has not occurred in compliance with the approved final development plan and program and schedule for stage completion, the

Planning Commission may initiate a review of the PD zone and hold a public hearing to determine whether its continuation in whole or in part is in the public interest. If found not to be, the Planning Commission shall recommend to the City Council that the PD zone be removed by appropriate amendment to the Zoning Ordinance and property changed back to original zoning.

Section 3.19 Willamette Greenway Zone WG. In a WG zone, the following regulations shall apply.

1. Purpose. The purpose of the Willamette Greenway Zone is to protect, conserve, enhance and maintain the natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River and major courses flowing into the Willamette River.

2. Area Defined. The Willamette Greenway Zone is that area within the Willamette Greenway Plan Boundary identified on the Zoning Map. The WG zone is in combination with the underlying zone.

3. Limitations on Use. All uses and any change or intensification of use, or development permitted in the underlying zone, except single family detached structures, are conditional uses, subject to the provisions of Article 6.

4. Procedures. The following procedures shall govern the application of WG zones.

   a. In the WG zone all uses and their accessory uses are permitted subject to the provisions of Article 6.

5. Criteria. The following shall be taken into account in the consideration of a conditional use:

   a. Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan.

   b. Compatibility with the scenic, natural and recreational character of the River.

   c. Protection of views.

   d. Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the River, to the maximum extent practicable.

   e. Public access to and along the River, to the greatest possible degree, by appropriate legal means.

   f. Emphasis on water-oriented and recreational uses.

   g. Maintenance and increase of views between the Willamette River and downtown.

   h. Protection of the natural environment according to regulations in the Environmental Protection Ordinance.

   i. Advice and recommendations of the Design Review Committee, as appropriate.

6. Greenway Design Plan. The WG Zone is intended to be temporary and will be replaced by the Willamette Greenway Design Plan when it is completed. The Willamette Greenway Design Plan is identified in the Comprehensive Plan of the City.

SECTION 4. SUPPLEMENTARY REGULATIONS

Section 4.01. Accessory Uses, General Provisions. Accessory uses shall comply with all requirements for the principal use except where specifically modified by this Ordinance and shall comply with the following limitations:

1. Fences, walls and plantings may be constructed or maintained in yards with the following limitations:

   Fences, Walls, or plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fences, walls, and plantings on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained so as to ensure light and air and maintain aesthetic freedom for adjacent properties. A fence, wall or planting over the height of six (6) feet shall be presumed to be confining and detrimental to adjacent properties.

2. A greenhouse or hothouse may be maintained accessory to a dwelling provided nothing grown is sold on the premises.

3. A guest house without kitchen facilities may be maintained accessory to a dwelling.

4. Regardless of the yard requirements of the zone, a side or rear yard may be reduced to 3 feet for an accessory structure erected more than 60 feet from a street other than an alley provided the structure is detached from other buildings by 6 feet or more and does not exceed a height of one story nor an area of 480 square feet.

5. A home occupation shall: Not occupy more than one quarter of the ground floor area of the dwelling; Maintain the residential character of the building; Not have the outward appearance of a business; Not detract from the residential character of the neighborhood; Not involve outside display or storage of merchandise, materials, or equipment on the premises; Not cause noise, odor, smoke, gases, fallout, vibration, heat, or glare to be detectable beyond the limits of the property; Not involve the use of detached garage; Not have more than five enrollees for instruction as a home occupation.

6. Keeping of livestock or poultry shall be in buildings that fully comply with building and sanitary codes. The keeping of chickens or other domestic or domesticated fowl shall not exceed 50 in number and shall require the written consent of all owners of real property (or a part thereof) within 100 feet of any point on the boundary of the property on which the chickens or domesticated fowl are proposed to be kept.

7. Keeping of colonies of bees shall be prohibited except that the Planning Commission may approve an application to keep not more than two colonies of bees whenever such application is accompanied by the written consent of all the owners of real property (or a part thereof) within 100 feet of any point on the boundary of the property on which the bees are proposed to be kept.

8. Regardless of the yard requirements of the zone, a side, rear, or front yard may be reduced to three feet for an uncovered patio or deck or swimming pool not exceeding 18 inches in height above the average grade of the adjoining ground (finished elevation).

9. Amateur and CB radio equipment and operations shall be considered an accessory use. Radio and television structures or towers outside of dwellings shall be subject to building regulations. Such structures and towers shall conform to height, yard and other standards of the zoning ordinance. Any deviation from these standards will require a variance by the Planning Commission. Operational characteristics and limitations of such equipment shall be as established and administered by the FCC.

Section 4.02. Storage in Front Yard. Vehicles that are partially dismantled or do not have a valid State license shall not be stored more than ten days in a required front yard or street side yard. All vehicles, licensed or unlicensed, shall be stored in driveway areas only. Vehicles used for commercial purposes (such as trucks) shall be screened or stored from view of the street.

Section 4.03. Clear Vision Areas. A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad according to the provisions of the Clear Vision Ordinance

Section 4.04. Maintenance of Minimum Ordinance Requirements. No lot area, yard, other open space, or off-street parking or loading area shall be reduced by conveyance or otherwise below the minimum requirements of this Ordinance, except by dedication or conveyance for a public use.

Section 4.05. Dual Use of Required Open Space. No lot area, yard, or other open space or off-street parking or loading area which is required by this Ordinance for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in Section 5.03.3.

Section 4.06. Buildings on the Same Lot. A minimum distance of 6 feet shall be maintained between a building designed for dwelling purposes and other buildings on the same lot. In R-10, R-7, R-5, and R-3 zones only one building designed for dwelling purposes shall be permitted per lot.

Section 4.07. Distance from Property Line. 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 3 feet from the property line.

Section 4.08. Projections from Buildings. Architectural features such as cornices, eaves, canopies, sunshades, gutters, steps, unroofed landings, and flues may project up to 24 inches into a required side yard or 36 inches into a required front or rear yard.

Section 4.09. Lot Size Requirements, General Exceptions. If a lot or the aggregate of contiguous lots or parcels platted prior to effective date of this Ordinance has an area or dimension which does not meet the requirements of this Ordinance, the lot or aggregate holdings may be put to a use permitted outright subject to the other requirements of the zone in which the property is located except that a residential use shall be limited to a single family dwelling or to the number of dwelling units consistent with the density requirements of the zone. However, no dwelling shall be built on a lot with less area that 3,000 square feet, or with no frontage on a public street.

Section 4.10 Yard Requirements, General Exceptions. The following exceptions to the yard requirements are established for a lot in any one:

1. The required front yard need not exceed the average depth of the two abutting front yards within 100 feet of the proposed structure.
2. The required front yard need not exceed the average depth of the abutting front yard within 100 feet of the proposed structure and the required front yard depth.
3. To ensure better light, air, and vision on more heavily traveled streets, any yard abutting a major street listed in the following Table 1 shall be established so that the minimum distance from the centerline of the street to the face of any structure shall be as specified.

Section 4.11. Building Height Limitations, General Exceptions. Projections such as chimneys, spires, domes, elevator shaft housings, flagpoles and other similar objects not used for human occupancy are not subject to the building height limitations of this Ordinance, except as provided in an L-F zone.

Section 4.12. Additional Building Height. One additional story may be permitted in excess of the required maximum standard. An additional 10 percent of site area that is retained in vegetation beyond the minimum is required for each additional story. This provision does not apply to the R-10, R-7, or R-5 zones.

Section 4.13 Transition Area. In zones where townhouse, multifamily, commercial or industrial projects are proposed that are within 100 feet of areas designated for lower density, transition measures shall be made in order to minimize the impact on lower density uses. These measures shall be subject to Planning Commission approval according to Section 7.09 and shall include one or a combinations of the following:

1. Roadways separating projects.
2. Open areas (developed or undeveloped) separating new structures from adjacent parcels. A minimum distance equal to the required front yard of adjacent parcels will be established and maintained as open area.

Table 1
Section 4.10.3

Major Street	Distance from Centerline (plus yard requirements in zone)
Harmony Road	40 feet
Harrison Street (Milwaukie Expressway to 44th)	40 feet
Harrison Street (Milwaukie Expressway to McLoughlin)	30 feet
Harvey Street (32nd to 42nd)	30 feet
Home Avenue	30 feet
Johnson Creek Boulevard	30 feet
King Road	40 feet
Linwood Avenue	40 feet
Lake Road	30 feet
Logus Road	25 feet
McLoughlin Boulevard	50 feet
Monroe Street (52nd to Linwood)	30 feet
Oak Street	30 feet
Oatfield Road	30 feet
Ochoco Street	30 feet
Railroad Avenue	30 feet
River Road (Ochoco to McLoughlin)	40 feet
River Road (south of 6th Street)	30 feet
Roswell Avenue	25 feet
Washington Street (west of Railroad)	30 feet
7th Avenue	30 feet
21st Street	30 feet
32nd Street (north of Harrison)	30 feet
40th Street (Harvey to Railroad)	40 feet
42nd Street (north of Harvey)	30 feet
43rd Street (south of Covell)	30 feet

Natural vegetation, landscaping or fencing will be provided to the six foot level to screen living rooms from direct view across open areas.

3. Gradual density changes. A new project may not have a density greater than 25 percent of the allowable density on lower density residential parcels abutting the project. If abutting parcels have a variety of allowable residential densities, parcels with similar allowable densities abutting the highest percentage of the project perimeter will govern.

Section 4.14. Minimum Vegetation. In the vegetation area a maximum of area shall be for planting and a minimum for bark dust. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard.

Section 4.15. Density and Dedication of Park Land. In exchange for the dedication of park land, residential density may be increased (and lot sizes decreased) so that overall parcel density remains the same.

Section 4.16. Density and Housing Cost. For any housing development proposed, an additional housing unit will be allowed for each unit priced for sale at twenty-five (25) percent below the average new single family housing cost. The cost shall be that established in the most recent edition of "Real Estate Trends", published semi-annually by the Metropolitan Portland Real Estate Research Committee, Inc. Overall project density may not exceed the allowable density plus ten (10) percent. The Planned Unit Development density increase specified in Section 3.18 and this density increase are additive.

SECTION 5. OFF-STREET PARKING AND LOADING

Section 5.01. Off-Street Parking Requirements. At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed within any zone in the City, off-street parking spaces shall be provided in accordance with the requirements of Section 5.01 and Section 5.03 unless greater requirements are other wise established. The provisions of Article 5 do not apply to the C-C zone, except for portions of buildings over four stories. If the use of an existing structure or parcel is changed to a use with greater parking requirements, the requirements of this Section and Section 5.03 shall apply. If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if it would result in less than is required by this Section. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of property, but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall becounted as a whole space.

Uses	Parking Spaces Required
1. Residential	
a. Single-family attached Single-family detached For approved flag lots	Two spaces per dwelling unit, one of which must be covered. One additional off-street parking space per dwelling unit shall be provided, which shall not be located within any access strip or required paved turn around area.
b. 4 - 11 Dwelling Units Townhouse Multi-family condominimums Multi-family apartment	Two spaces per unit. Over 12 dwelling units: 1.5 spaces - one bedroom 1.75 spaces - two bedrooms 2 spaces - three bedrooms 1 space - 10 feet by 25 feet for every 12 dwelling units for recreational vehicles, boats, etc.
c. Rooming or boarding house fraternity, motel, or tourist court	One space per guest room or suite, plus one additional space per two employees.
d. Hotel	One space per two guest rooms or suites, plus one space per two employees.
e. Trailer court	Two spaces per trailer or mobile home.
f. Convalescent, nursing and other health homes and institutions, homes for the aged, children's homes and welfare or correctional institutions	One space per three beds for patient plus one additional space per two employees

g.	Senior retirement and handicapped housing	One space per dwelling unit.

2. Public and Semi-Public Buildings and Uses

a.	Auditorium or meeting room (other than church or school)	One space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each 4 seats or 8 feet of bench length.
b.	Church	One space per 80 square feet of floor area in the main assembly area or, where seating is fixed to the floor, one space per 4 seats or 8 feet of bench length.
c.	Club, lodge or association	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
d.	Hospital	One and one-half spaces per bed.
e.	Library	One space per 400 square feet of reading room plus one space per two employees.
f.	Day care center, kindergarten, equivalent private or parochial school	Two spaces per teacher or staff member.
g.	Elementary, junior high, or equivalent private or parochial school	One space per employee or one space per 4 seats or 8 feet of bench in the auditorium or assembly room, whichever is greater.
h.	Senior high school, or equivalent private or parochial school	One space per employee or one space per 4 seats or 8 feet of bench length in the auditorium or assembly room, whichever is greater.
i.	College, universities, institutions of higher learning and equivalent private or parochial schools	One space per three seats in classrooms.
j.	Passenger terminal	One space for each 500 square feet of floor area.
k.	Post office	One space for each 50 square feet of patron service floor area plus one space per employee.

3.	Commercial	
	a. Retail store, except as provided in subsection "b" below.	One space for each 175 square feet of gross floor area.
	b. Service or repair shop or retail store handling bulky merchandise such as automobiles or furniture	One space for each 550 square feet of gross floor area.
	c. Bank or office except medical or dental	One space for each 350 square feet of gross floor area.
	d. Medical or dental offices or clinics	One space per 275 square feet of gross floor area.
	e. Eating or drinking establishment	One space per 175 square feet of gross floor area.
	f. Mortuary	One space per four chapel seats or 8 feet of bench length.
4.	Commercial Recreation	
	a. Amusement park	One space for each 1,000 square feet of patron serving area.
	b. Billiard or pool hall	One space per table plus one space per employee.
	c. Bowling alley	Five spaces for each alley plus one space per employee.
	d. Dance hall, skating rink or gymnasium	One space per 50 square feet of patron area plus one space per employee.
	e. Go-kart track	One space per kart plus one space per employee.
	f. Golf driving range	One space per 10 linear feet of driving line.
	g. Indoor arena or theater	One space per 4 seats or 8 feet of bench length.
	h. Miniature golf course	One space per 2 holes plus one space per employee.
	i. Race track or stadium	One space per 4 seats or 8 feet of bench length.

j.	Shooting gallery	One space per 500 square feet of floor area plus one space per employee.
k.	Swimming pool	One space per 50 square feet of pool plus one space per employee.
l.	Tennis court	One space per court.

5. Industrial

a.	Manufacturing use	One space per employee.
b.	Storage or wholesale use	One space per employee plus one space per 700 square feet of patron serving area.

Section 5.02. Off-Street Loading Requirements. At the time a structure is erected or enlarged, or the use of a structure or parcel of land changed, within any zone in the City, off-street loading spaces shall be provided in accordance with the requirements of this Section and Section 5.03 unless greater requirements are otherwise established.

1. Merchandise, Materials, or Supplies. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths, in accordance with standards detailed below. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

2.

Use	Square Feet of Floor or Land Area	Minimum Loading Spaces Required
a. Commercial	Under 5,000 square feet	0
	5,000 to 24,999	1
	25,000 59,999	2
	60,000 99,999	3
	100,000 159,999	4
	160,000 249,999	5
	250,000 369,999	6
	370,000 579,999	7
	580,000 899,999	8
	900,000 2,999,999	9
	OVER 3,000,000	10

Use	Square Feet of Floor or Land Area	Minimum Loading Spaces Required
b. Hotel	-0- to 29,999	1
	30,000 to 69,999	2
	70,000 to 129,999	3
	130,000 to 219,999	4
	220,000 to 379,999	5
	380,000 to 699,999	6
	700,000 to 1,499,999	7
	OVER 1,500,000	8
c. Manufacturing Wholesale Storage or Hospital	Under 5,000 square feet	0
	5,000 to 39,999	1
	40,000 to 99,999	2
	100,000 to 159,999	3
	160,000 to 239,999	4
	240,000 to 319,999	5
	320,000 to 399,999	6
	400,000 to 489,999	7
	490,000 to 579,999	8
	580,000 to 669,999	9
	670,000 to 759,999	10
	760,000 to 849,999	11
	850,000 to 939,999	12
	940,000 to 1,029,999	13
	OVER 1,030,000	14
d. Townhouse and Multi-family Residential		One loading space for each 50 dwelling units.
e. Commercial Recreation		Same as commercial excluding motion picture theaters.
f. Motion Picture Theaters		One loading space
g. Office or Bank		Same as commercial
h. Public or Semi-Public		One loading space

3. Loading Space Area

Townhouse and Multi-family: Each required space shall be at least 12 feet in width and 25 feet in length.

Commercial: Each required space shall be at least 12 feet in width and 35 feet in length.

Industrial: Each required space shall be at least 12 feet in width and 60 feet in length.

4. Clearance. The height of each required loading space shall provide a minimum vertical clearance of 13 feet.

5. Surfacing. Any area used for off-street loading or unloading of vehicles shall be paved so as to provide a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.

6. Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school or other public meeting place which is designed to accommodate more than 25 persons at one time.

Section 5.03. Off-Street Parking and Loading, General Provisions. The following general provisions shall govern the application of off-street parking and loading requirements:

1. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission based upon the requirements of comparable uses listed.

2. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the requirements of comparable uses computed separately.

3. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the City in the form of deeds, leases or contracts to establish the joint use.

4. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Required off-street parking spaces other than for dwellings shall be located not farther than 200 feet from the building or use that they are required to serve, measured in a straight line from the building.

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

6. Required parking and loading spaces shall not be located in a required front or street side yard except for required off-street parking for one or two family dwellings.

7. A plan drawn to scale and dimensioned, indicating how the off-street parking and loading requirements are to be met, shall accompany an application for a building permit.

8. Design requirements for parking spaces and loading areas shall be as follows:

   a. Any area used for parking, standing, or maneuvering of vehicles shall have paved surfaces drained so as to avoid water standing or flowing onto adjacent properties.

   b. Ten percent of the area of the site designated for parking shall be landscaped. The landscaping shall be designed to enhance the appearance of the parking area while maintaining clear vision for traffic safety.

   c. Except for parking to serve one or two family residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than 5 nor more than 6 feet in height except where vision clearance is required.

   d. Parking spaces along the outer boundaries of a lot shall be contained by a curb at least 4 inches high and set back a minimum of 4½ feet from the property line. A parking space may extend up to 2½ feet beyond a curb which serves as the boundary of the paved area, and also serves as a wheel stop, providing the following conditions exist:

      (1) The "overhang" distance does not occupy space for required 4½ foot setback between a parking space and a property line.

      (2) The "overhang" does not encroach into a pedestrian sidewalk of adequate width.

      (3) The "overhang" does not prevent or interfere with the provision of appropriate landscaping, where this is called for.

   e. Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.

   f. Access shall be provided as follows:

      (1) Where a parking or loading area does not abut directly on a public street there shall be provided an unobstructed drive not less than twelve (12) feet in width for one (1) way traffic, and not less than twenty (20) feet in width for two (2) way traffic, leading to a public street, and traffic directions shall be plainly marked.

(2) Parking and loading spaces in streets or alleys shall not be counted in the fulfilling of any part of these parking and loading requirements.

g. Parking spaces shall have the following sizes:

(1) At least 50 percent of the required parking spaces shall be at least nine feet in width and 19 feet in length for standard sized cars. Not more than 50 percent may be eight in width and 18 feet in length and marked for compact cars. Spaces shall be measured at right angles to the axis of the vehicle and shall be exclusive of access drives, aisles, ramps or columns. Such space shall have a vertical clearance of at least six feet, six inches (6'6").

(2) Parking spaces for more than twenty (20) employees of industrial uses operating on a regular shift basis may be eight feet in width and 19 feet in length.

(3) For parallel parking the length of the parking space shall be 22 feet.

h. Aisles for parking shall be arranged as follows:

(1) Aisle widths shall be no less than:

22' for 90° parking
18' for 2-way traffic 60° parking
17' for 1-way traffic 60° parking
18' for 2-way traffic 45° parking
13' for 1-way traffic 45° parking
18' for 2-way traffic parallel parking
12' for 1-way traffic parallel parking

(2) Widths for other angles shall be proportional to the above.

(3) Angle measurements shall be between the center line of the parking space and the center line of the aisle.

i. Surfacing. Large parking fields for intermittent uses such as amusement parks, race tracks, stadiums, and the like may be surfaced with gravel or grass and spaces may be unmarked if parking is supervised.

j. Lighting. Artificial lighting which may be provided shall be deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street.

k. Groups of five or more parking spaces, in close proximity, shall be served by a driveway so that no backing movements or other maneuvering within a street other than an alley will be required.

l. On parking lots having five or more parking spaces, such spaces shall be clearly marked in a permanent manner.

m. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, and provide maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives.

n. Service drives shall have a minimum clear vision area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points 20 feet from their intersection.

SECTION 6. CONDITIONAL USES

Section 6.01. Authorization to Grant or Deny Conditional Uses. Conditional uses in this Ordinance may be permitted, enlarged, or otherwise altered upon authorization by the Planning Commission in accordance with the standards and procedures set forth in Section 6.01. through 6.03. In permitting a conditional use or the modification of a conditional use, the Planning Commission may impose, in addition to standards and requirements expressly specified by the Ordinance, any additional conditions which it considers necessary to protect the welfare of the surrounding property and the City as a whole. These requirements may include increasing the required lot size or yard dimensions, limiting the height of buildings, controlling the location and number of off-street parking and loading spaces, limiting the number, size and location of signs, and requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property. In the case of a use existing prior to the effective date of this Ordinance and classified in this Ordinance as a conditional use, any change in use or in lot area or an alteration of structure shall conform with the requirements dealing with conditional uses.

Section 6.02. Standards Governing Conditional Uses. A conditional use shall comply with the standards of the zone in which it is located, except as these standards have been modified in authorizing the conditional use and as otherwise modified as follows:

1. Yards. In a residential zone, yard width shall be equal two at least two-thirds the height of the principal structure. In any zone, additional yard requirements may be imposed.

2. Height Exception. A church or public building may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet, except as provided in an L-F zone, if the total floor area of the building does not exceed one and one-half times the area of the site and if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.

3. Access to Property and Building Openings. The City may limit or prohibit vehicle access from a conditional use to a residential street, and it may limit or prohibit building openings within 50 feet of residential property in a residential zone if the openings will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.

4. Church. The Planning Commission may authorize a church as a conditional use if in its judgment the size of the site is adequate for the intended use, but not less than 10,000 square feet in area, access to the site is adequate, and the surrounding property will not otherwise be adversely affected.

5. Public Utility or Communication Facility. In considering a conditional use application for such facilities as a utility substation, water storage tank, radio or television transmitter, etc., the

Planning Commission shall determine that the site is located as to best serve the intended area with a minimum effect on surrounding property. As far as possible, towers, tanks, poles, overhead wires, pumping stations, and similar gear shall be located, designed, and installed with suitable regard for aesthetic values.

6. School. In considering a conditional use application for school facilities, the Planning Commission shall determine that the site is located as to best serve the intended area, access to the site is adequate, and the surrounding property will not otherwise be adversely affected.

7. Mobile Home Park. The Planning Commission may authorize a mobile home park as a conditional use providing it meets requirements of the Oregon State Board of Health. In addition, the following minimum requirements shall apply:

   a. The minimum area for a mobile home park shall be three acres.

   b. The average area of a mobile home site within the mobile home park shall not be less than 2,500 square feet excluding roadways, recreation areas, and other accessory facilities. No mobile home site shall have an area less than 2,000 square feet.

   c. A sight-obscuring fence not less than 6 feet shall enclose a mobile home park except at points of ingress and egress.

8. Surface Mining. In considering a conditional use application for surface mining, the following minimum requirements shall apply:

   a. Open pit and gravel excavating or processing shall not be permitted nearer than 50 feet to the boundary of an adjoining property line, unless written consent of the owner of such property is first obtained. Excavating or processing shall not be permitted closer than 30 feet to the right-of-way line of an existing or platted street or an existing public utility right-of-way.

   b. Production from an open pit or the removal of sand and gravel shall not leave a slope exceeding one foot horizontal for one foot vertical.

   c. An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.

   d. A rock crusher, washer, or sorter, shall not be located nearer than 500 feet to a residential or commercial zone. Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which is injurious or substantially annoying to persons living in the vicinity.

9. Junk or Wrecking Yard. In considering a conditional use application for a junk or wrecking yard, the Planning Commission shall require that it be enclosed by a sight-obscuring fence not less than six feet high.

10. Day Care Center. The Planning Commission may authorize a day care center provided it meets the requirements of all State and County statutes or ordinances regulating such uses. In addition, the following minimum requirements shall apply:

    a. The minimum lot size shall be 10,000 square feet.

    b. The minimum outside play area shall be 100 square feet per child, must be fenced and may be partially covered.

11. Hospital, Sanitarium, Rest Home or Nursing Home. In considering a conditional use application for the above, the following minimum requirements shall apply:

    a. The minimum lot size shall be 15,000 square feet plus one thousand (1,000) square feet per bed for each bed over fifteen (15).

12. Drinking Establishment. In considering a conditional use application for a drinking establishment, the Planning Commission shall consider the following:

    a. Nearness to dwellings, churches, or other uses which require a quiet environment.

    b. Building entrances, lighting, and other features which could generate or be conducive to noise or other disturbance for adjoining uses.

    c. Vehicle access, parking, and circulation which could contribute to noise or hazards, or attract habitual assembly of unruly persons.

    d. In addition to consideration of the above with respect to building and site design, the Planning Commission may attach conditions or standards of performance and impact, and methods for monitoring and evaluating these to ensure that such establishments do not become unduly or unnecessarily disruptive.

13. Single-family Attached and Townhouse Dwellings. In considering a conditional use application for single-family attached or townhouse dwellings, the Planning Commission shall consider the following:

    a. Whether a structure of a similar type is within 200 feet.

    b. Relationship to neighboring uses.

c. Street Access.

d. Terrain of the site.

14. Senior, retirement, and Handicapped Housing. In considering a conditional use application for senior, retirement and/or handicapped housing the Planning Commission shall consider the following:

a. Pedestrian access to transit.

b. Pedestrian access to convenience facilities such as grocery store, pharmacy, laundromat, park and open space, and senior activity center.

c. Pedestrian access to banking, churches, hospital, and restaurants.

d. Quality of project as a living environment for residents.

e. Minimizing impact on the surrounding area.

An applicant is required to submit materials and the Planning Commission shall attach conditions, which will insure that the special nature of the housing, and groups to be served, are clearly defined and maintained in perpetuity. Also, a project is required to meet the definition for this type of housing defined in Section 1.03.

Section 6.03. Conditional Use Procedure. The following procedures shall be followed in applying for and acting on a conditional use:

1. A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application with the City Manager, using forms prescribed pursuant to Section 10.03. The Planning Commission may require other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties.

2. Before the Planning Commission may act on a request for a conditional use, it shall hold a public hearing.

3. Within five days after a decision has been rendered with reference to a request for a conditional use, the City Manager shall provide the applicant with written notice of the decision of the Planning Commission

SECTION 7.

Section 7.01. Variances, Exceptions, Special Variances, and Plan Review. The Planning Commission or Planning Director may authorize variances from the standards and requirements of this Ordinance within the limitations prescribed in Section 7.02. In granting a variance, the Planning Commission or Planning Director may, in addition to the time limitations of Section 10.07, attach conditions which it finds necessary to lessen the impact of the variance on nearby property, protect the general welfare of the City, and achieve the purposes of this Ordinance.

Section 7.02. Circumstances for Granting Variances. A variance may be granted only when the Planning Commission or Planning Director finds that practical difficulty, or unnecessary hardship, which is inconsistent with the spirit and intent of the Comprehensive Plan and of this Ordinance for the applicable zone, would be created by a strict and literal interpretation of its provisions with respect to the property in question. The Planning Commission shall consider and make findings with respect to each of the following:

1. Whether the property in question has unique, exceptional or extraordinary conditions which do not apply generally to other properties in the vicinity. Such conditions shall relate to the land or physical characteristics of the development as distinct from uses allowed in the zone, or from the personal conditions or economic circumstances of the applicant.

2. Whether the requested variance is the minimum necessary to permit the applicant to enjoy the use of his property in a manner substantially the same as others in the same zone, so that the applicant will not be granted a special privilege.

3. Whether there are feasible alternatives which would obviate the need for the variance, or overcome the difficulty with less adverse effects upon other properties.

4. Whether the variance would have benefits to the applicant which would outweigh its adverse effects upon other properties or the public welfare.

Section 7.03. Administrative Variance. A variance of up to ten percent of the standard required may be reviewed and approved or denied by the Planning Director.

Findings as specified in Section 7.02 must be made. Notice may be given to owners of property immediately adjoining property.

Section 7.04. Variance Procedure. The following procedures shall be followed in applying for and acting on a variance:

1. A property owner may initiate a request for a variance by filing an application with the City Manager, using forms prescribed pursuant to Section 10.03. The application shall be accompanied by a site plan drawn to scale showing the condition to be varied and the dimensions and arrangement of the proposed development. The Planning

Commission may request other drawings or material essential to an understanding of the variance request.

2. Within five days after a decision has been rendered with reference to a request for a variance, the Planning Director shall provide the applicant with notice of the decision of the Planning Commission or himself.

3. The Planning Commission may hold a hearing on an application for variance upon giving notice to property owners as provided in Section 10.05 of this Ordinance.

Section 7.05. Authorization to Grant or Deny Exceptions. The Planning Commission may authorize exception to uses established by this Ordinance upon a determination that the following circumstances exist:

1. Exceptional circumstances apply to the property which do not apply generally to other properties in the same zone, resulting from circumstances over which the applicant has no control.

2. The proposed use would not be substantially detrimental to the interests of neighboring, but not necessarily adjacent, owners.

3. That substantial justice to all owners would be afforded thereby within the purposes of this Ordinance.

4. There exists no other practical use of the property under the provisions of this Ordinance.

5. Economic hardship shall not be a primary basis for allowance of an exception nor shall circumstances of which applicant had prior knowledge be considered upon application.

Section 7.06. Exception Procedures. The procedures in applying for and acting upon an exception shall be the same as those of Section 7.04.

Section 7.07. Height Variance. A variance to allow construction above the regular height restrictions of the R-2, R-1-B, R-1, R-O-C, C-L, C-C, C-G, M-L and M-G zones, may be permitted by the Planning Commission. In considering a request for a height variance, the Planning Commission shall consider:

1. Effect on adjoining property including shadows, natural light and views;

2. Relationship of site design to surrounding area;

3. Open space provided beyond that required; and

4. Design of the proposed structure.

In granting a special variance, the Planning Commission may attach conditions provided in Section 7.01.

Section 7.08 Density Variance. A variance to allow an increase in the density of residential projects in the R-O-C and R-1-B zones may be permitted by the Planning Commission. In granting a density variance the Planning Commission shall find that the project has exceptional design quality, project amenities, or other qualities and characteristics which justify a greater density than is usually permitted within the zone.

Such increased density shall not permit more than 15 percent additional dwelling units than allowed under standards of the zone. In granting a Special Variance, the Planning Commission may attach conditions as provided in Section 7.01.

Section 7.09. Plan Review. When required by Section 3.17.6b Flood Hazard Zone, Section 4.13 Transition Area, or Section 8.01 Non Conforming Use, the Planning Commmission shall conduct a review of proposed development plans.

Based upon the criteria and standards prescribed for these actions and relevant facts and testimony, the Planning Commission may approve such plans and may apply conditions to such approval as will meet the objectives of Section 3.17 and Section 8.01.

SECTION 8. NONCONFORMING USES

Section 8.01. Continuation of a Nonconforming Structure or Use. Subject to the provisions of this article, a nonconforming structure or use may be continued and maintained in a reasonable repair, but shall not be altered or extended unless such alteration or extension is approved by the Planning Commission after a public hearing in accordances with Section 7.09 as provided in Section 10.05.1.b, upon a determination that the proposed modifications would result in no more of a detriment to surrounding properties than the existing structure or use

Section 8.02. Discontinuance of Nonconforming Use.

1. If a nonconforming use involving a structure is discontinued for a period of six months, further use of the property shall conform to this Ordinance.

2. If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall conform to this Ordinance.

Section 8.03. Improvement of Certain Nonconforming Uses. A use which is nonconforming with respect to provision for screening shall provide screening within a period of five years from the effective date of this Ordinance.

Section 8.04. Change of Nonconforming Structure. Except for signs, a structure conforming as to use but nonconforming as to height, yard requirements, or lot coverage may be altered or extended provided the alteration or extension does not exceed the height, yard requirements or lot coverage requirements of this Ordinance.

Section 8.05. Change of Nonconforming Use.

1. If a nonconforming use not involving a structure is replaced by another use, the new use shall conform to this Ordinance.

2. If a nonconforming use involving a structure is replaced by another use, the new use shall conform to this Ordinance unless the Planning Commission, after a public hearing as provided in Section 10.05.1.b., determines that such structure is suitable only for another nonconforming use no more detrimental to surrounding properties than the one to be replaced.

Section 8.06. Destruction of Nonconforming Structure or Use. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 50 percent of its fair market value as indicated by the records of the County Assessor or is not returned to use within six months from the date of destruction, a future structure or use on the site shall conform to this Ordinance.

Section 8.07. Completion of Structure. Nothing contained in this Ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been

issued and construction work has commenced prior to effective date of this Ordinance, provided the building, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the building permit is issued.

SECTION 9. AMENDMENTS

Section 9.01. Authorization to Initiate Amendments. An amendment to the text of this Ordinance or to a zoning map may be initiated by the City Council, by the Planning Commission or by the application of a property owner. However, application to initiate a "D" zone amendment by property owners requires 50 percent of the ownership within the "D" zone proposed to be established or changed.

Section 9.02. Amendment Procedure. The following procedures shall be followed in applying for and acting on all amendments:

1. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed.

2. Denial of the proposed amendment shall be final unless it is appealed to the City Council as provided under Section 10.02 of this Ordinance.

3. Upon approval of the proposed amendment by the Planning Commission, the Commission shall, within 40 days after the hearing, provide a report recommending approval to the City Council.

4. The City Recorder shall maintain records of amendments to the text and map of this Ordinance in a form convenient for use by the public.

SECTION 10. ADMINISTRATIVE PROVISIONS

Section 10.01 Enforcement. The Planning Director shall have the power and duty to enforce the provisions of this Ordinance. An appeal from a ruling by him regarding a requirement of the Ordinance may be made only to the Planning Commission.

Section 10.02. Appeal from Ruling of Planning Commission. Any action or ruling of the Planning Commission pursuant to this Ordinance may be appealed to the City Council within 15 days after the Planning Commission has rendered its decision. Written notice of the appeal shall be filed with the City Recorder. If the appeal is not filed within the 15-day period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation on it from the Planning Commission, and shall hold a public hearing on the appeal.

Section 10.03. Form of Petitions, Applications and Appeals. All petitions, applications and appeals provided for in this Ordinance shall be made on forms prescribed by the City. 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 the buildings and other structures, existing and proposed, the existing and intended use of each building, structure or part thereof, the number of families, if any, to be accommodated thereon, and such other information as is needed to determine conformance with this Ordinance.

Section 10.04. Filing Fees. A fee as established by Resolution of the City Council shall be paid to the City of Milwaukie upon the filing of an application. Such fees shall not be refundable.

Section 10.05. Notice of Public Hearing.

1. When either the Planning Commission or City Council elects or is required to hold a public hearing, notice thereof shall be given as follows:

   a. Notice of a hearing on amendment of this Ordinance or of a change of zone, or modification of the zoning map or amendments thereto, shall be published once each week for two consecutive weeks in a newspaper of general circulation in the City of Milwaukie of which the second publication shall be not less than five days prior to the date of hearing. In addition, should it be deemed practical, notice of hearing may be given as provided in Paragraph "b" of this Section.

   b. Notice of hearing on a request for a zone change conditional use, a variance (where required), or exception, or alteration, extension or change of nonconforming use, or of an appeal from a ruling of the Planning Commission thereon, shall be mailed to the owners of all property within five lots or 500 feet whichever is less, of the exterior boundaries of the property affected not less than 10 days prior to the date of hearing.

For this purpose the names and addresses of the owners as shown on the records of the County Assessor or City Recorder may be used. In addition, a sign shall be posted on the subject property that is legible from the closest street not less than 10 days prior to the hearing. The owners of property beyond the area of required notice may be given notice according to the significance of the request.

c. Notice of hearing on a conditional use in the WG zone shall follow the procedures in paragraph "b" above. Also, interested groups and the Oregon Department of Transportation (DOT) shall be notified of a public hearing. DOT shall be notified by "certified mail, return receipt requested."

d. When a hearing is not required, but the request is determined by the Planning Director to be of significance for surrounding residents, notice of the request may be given to owners of property affected by the request.

Section 10.06. Recess of Hearing. The Planning Commission or City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to resume shall be announced.

Section 10.07. Time Limit on a Permit for a Conditional Use of Variance. Authorization of actions covered by Section 6, 7, and 8 shall be void after six months unless substantial construction pursuant thereto has taken place. However, the Planning Commission may at its discretion extend authorization for an additional six months upon request.

SECTION 11. MISCELLAENOUS PROVISIONS

Section 11.01. Interpretation. Where the conditions imposed by any provisions of this Ordinance are less restrictive than comparable conditions imposed by any other provisions of this Ordinance or of any other ordinance, resolution, or regulation, the provisions which are most restrictive shall govern.

Section 11.02. Severability. The provisions of this Ordinance are severable. If any section, sentence, clause or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.

Section 11.03. Repeal. Ordinance No. 1316 and all amendments thereto are hereby repealed, with the provision that violations of that ordinance and all amendments thereto shall remain violations to the extent that the matters in violation do not conform to the provisions of this Ordinance.

SECTION 12. REMEDIES

Section 12.01. Penalty. A person violating a provision of this Ordinance shall, upon conviction, be punished by imprisonment for not more than thirty (30) days or by a fine of not more than $150.00 or both. A violation of this Ordinance shall be considered a separate offense for each day the violation continues.

Section 12.02. Alternative Remedy. In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used in violation of this Ordinance, the building or land in violation shall constitute a nuisance, and the City may, as an alternative to other remedies that are legally available for enforcing this Ordinance, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use.

Milwaukie Ordinances

Read the first time this 5th day of November, 1979, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council this 5th day of November, 1979.

Signed by the Mayor this 5th day of November, 1979.

Allen Manuel, Mayor

ATTEST:

Dorothy E. Farrell, Recorder

APPROVED AS TO FORM:

John H. Hammond, Acting City Attorney

10-11

ZONING MAP OF MILWAUKIE, OREGON
ORDINANCE 1438, ADOPTED 11/5/79
MAY BE VIEWED IN THE OFFICE OF
THE CITY RECORDER.

Record copy
in vault.
ORD 1438

BACKGROUND CORRESPONDENCE AVAILABLE IN FILE

Greg

PLANNING DEPARTMENT
CITY OF MILWAUKIE
OREGON

City of Milwaukie

ZONING ORDINACE

1438

JULY 26, 1984