LAND USE AND DEVELOPMENT ORDINANCE

ORDINANCE NO.3459
ADOPTED: JULY 1, 2016

ORIGINALLY ADOPTED:
JUNE 28, 1982: ORD. NO. 2363

TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION

INTRODUCTORY AND GENERAL PROVISIONS..... ARTICLE 1
1.1.010 Authority.....1.1-1
1.1.020 Title.....1.1-1
1.1.030 Purpose.....1.1-1
1.1.040 Scope and Compliance.....1.1-2
1.1.050 Use of a Development.....1.1-2
1.1.060 Compliance Required.....1.1-2
1.1.070 Effect on Agreement between Parties.....1.1-3
1.1.080 Interpretation.....1.1-3
1.1.090 Restrictiveness.....1.1-4
1.1.100 Severability.....1.1-4
1.1.110 Definitions.....1.1-4

CHAPTER 2: ZONING REGULATIONS

INTRODUCTORY PROVISIONS.....ARTICLE 1
2.1.010 Purpose.....2.1-1
2.1.020 Location of Zones.....2.1-1
2.1.030 Zoning Map.....2.1-1
2.1.040 Amendment of Map.....2.1-1
2.1.050 Zoning Districts.....2.1-2
2.1.060 Interpretation of Zone Boundaries.....2.1-3
2.1.070 Overlay Districts.....2.1-3

PUBLIC RESERVE AND OPEN SPACE DISTRICTS.....ARTICLE 2
2.2.010 Districts.....2.2-1
2.2.020 Allowed Uses and Standards.....2.2-1

RESIDENTIAL DISTRICTS.....ARTICLE 3
2.3.010 Districts.....2.3-1
2.3.020 Allowed Uses and Standards.....2.3-1
2.3.030 Accessory Residential Units.....2.3-4
2.3.040 Screening.....2.3-5
2.3.050 Townhouses.....2.3-5
2.3.060 Multiple-Family Dwellings.....2.3-10

COMMERCIAL DISTRICTS..... ARTICLE 4
2.4.010 Districts.....2.4-1
2.4.020 Allowed Uses and Standards.....2.4-2
2.4.030 Screening.....2.4-5

CENTRAL BUSINESS DISTRICT (CBD) ..... **ARTICLE 5**
2.5.010 District 2.5-1
2.5.020 Allowed Uses and Standards 2.5-1
2.5.030 Additional Development Standards 2.5-4
2.5.040 Professional Offices 2.5-5

AIRPORT DISTRICT (AP) ..... **ARTICLE 6**
2.6.010 District 2.6-1
2.6.020 Allowed Uses and Standards 2.6-1

INDUSTRIAL DISTRICTS ..... **ARTICLE 7**
2.7.010 Districts 2.7-1
2.7.020 Allowed Uses and Standards 2.7-1
2.7.030 Screening 2.7-6

AIRPORT IMPACT OVERLAY ..... **ARTICLE 8**
2.8.010 Purpose 2.8-1
2.8.020 Allowed Uses and Standards 2.8-2

FLOODPLAIN OVERLAY ..... **ARTICLE 9**
2.9.010 Statutory Authorization 2.9-1
2.9.020 Findings of Fact 2.9-1
2.9.030 Statement of Purpose 2.9-1
2.9.040 Methods of Reducing Flood Loses 2.9-2
2.9.050 Definitions 2.9-2
2.9.060 Lands to which this Ordinance Applies 2.9-6
2.9.070 Basis for Establishing Areas of Special Flood Hazard 2.9-6
2.9.080 Penalties for Noncompliance 2.9-6
2.9.090 Abrogation and Greater Restrictions 2.9-7
2.9.100 Interpretation 2.9-7
2.9.110 Warning and Disclaimer of Liability 2.9-7
2.9.120 Site Plan Review 2.9-7
2.9.130 Duties and Responsibilities of the Director 2.9-8
2.9.140 Use of Other Base Flood Data 2.9-8
2.9.150 Information to be Obtained and Maintained 2.9-9
2.9.160 Alteration of Watercourses 2.9-9
2.9.170 Interpretation of FIRM Boundaries 2.9-9
2.9.180 Variance Procedure 2.9-9
2.9.190 Conditions for Variances 2.9-11
2.9.200 General Standards 2.9-12
2.9.210 Anchoring 2.9-12
2.9.220 Construction Materials and Methods 2.9-12
2.9.230 Utilities 2.9-13
2.9.240 Subdivision and Partitioning Proposals 2.9-13
2.9.250 Specific Standards 2.9-14
2.9.260 Residential Construction 2.9-14
2.9.270 Non-Residential Construction 2.9-14

2.9.280 Manufactured Homes 2.9-15
2.9.290 Recreational Vehicles 2.9-15
2.9.300 Below-Grade Crawlspaces 2.9-15
2.9.310 Floodways..... 2.9-18
2.9.320 Before Regulatory Flood Designation 2.9-18
2.9.330 Critical Facility..... 2.9-19
2.9.340 Federally Funded Projects……...……2.9-19

HILLSIDE DEVELOPMENT OVERLAY…….…. ARTICLE 10
2.10.010 Purpose and Intent 2.10-1
2.10.020 Definitions 2.10-1
2.10.030 Applicability..... 2.10-4
2.10.040 Development Criteria and Standards..... 2.10-6
2.10.050 General Requirements..... 2.10-12
2.10.060 Vegetation Requirements 2.10-16
2.10.070 Fire Protection 2.10-17
2.10.080 Blasting 2.10-18
2.10.090 Enforcement 2.10-19

HISTORIC DISTRICTS OVERLAY……..... ARTICLE 11
2.11.010 Site Review for Registered Historic Resources……2.11-1
2.11.020 Historic Resources..... 2.11-1
2.11.030 Exterior Remodeling/Alteration Procedure..... 2.11-3
2.11.040 Additions to Historic Resources 2.11-3
2.11.050 New Construction on Inventoried Property 2.11-4
2.11.060 Demolition of Historic Resources..... 2.11-5
2.11.070 Exterior Alterations/Additions to Historic Resources..... 2.11-6
2.11.080 New Construction/Additions to Non-Historic Resources 2.11-7
2.11.090 Minor Project Review and Approval by the Director..... 2.11-9

WEST AVENUE RESIDENTIAL OVERLAY……..... ARTICLE 12
2.12.010 Purpose 2.12-1

RIPARIAN HABITAT PROTECTION OVERLAY……..... ARTICLE 13
2.13.010 Purpose 2.13-1
2.13.020 Applicability..... 2.13-1
2.13.030 Exceptions 2.13-1

CHAPTER 3: SITE DEVELOPMENT

SITE PLAN REVIEW…….. ARTICLE 1
3.1.010 Purpose 3.1-1
3.1.020 Site Plan Review Required 3.1-1
3.1.030 Authority..... 3.1-1
3.1.040 Criteria and Standards..... 3.1-2
3.1.050 Dedications and Improvement Petitions 3.1-3
3.1.060 Documentation of Approved Plans 3.1-4

3.1.070 Limits of Approval 3.1-4
3.1.080 Modifications 3.1-4
3.1.090 Compliance 3.1-4

PUBLIC IMPROVEMENT REQUIREMENTS ..... ARTICLE 2
3.2.010 Access, Parking and Loading 3.1-1
3.2.020 Access Permission 3.1-2
3.2.030 Traffic Impact Study 3.2-2
3.2.040 Intersections 3.2-3
3.2.050 Sidewalks, Curbs, Gutters, Storm Drainage 3.2-4

SITE IMPROVEMENT REQUIREMENTS ..... ARTICLE 3
3.3.010 Purpose 3.3-1
3.3.020 Site Development – Excavation and Fill Placement 3.3-1
3.3.030 Surface Water Drainage 3.3-3
3.3.040 Underground Utilities 3.3-3
3.3.050 Lighting 3.3-4
3.3.060 Screening 3.3-5
3.3.070 Garbage Container Areas 3.3-5
3.3.080 Off-Street Parking 3.3-6
3.3.090 Bicycle Parking Standards 3.3-10
3.3.100 Accessible (ADA) Parking Standards 3.3-11
3.3.110 Parking Stall Standards 3.3-14
3.3.120 Parking Reduction 3.3-15
3.3.130 Central Business District Parking Standards 3.3-17
3.3.140 Off-Street Loading and Drive-Up Uses 3.3-19
3.3.150 General Provisions – Off-Street Parking and Loading 3.3-20
3.3.160 Parking Area Location 3.3-20
3.3.170 Parking Area and Driveway Design 3.3-20
3.3.180 Common Parking Facilities (Shared Parking) 3.3-23
3.3.190 Parking Area Improvements 3.3-24
3.3.200 Landscaping and Buffering 3.3-25
3.3.210 Central Business District (CBD) Parking 3.3-31
3.3.220 Variance for Parking/Landscaping Standards 3.3-32
3.3.230 Internal Walkways 3.3-32

CHAPTER 4: SUPPLEMENTAL REGULATIONS

NONCONFORMING USES ..... ARTICLE 1
4.1.010 Nonconforming Uses 4.1-1
4.1.020 Changes in Nonconforming Uses 4.1-1
4.1.030 Increase of Nonconforming Use 4.1-1
4.1.040 Vested Right 4.1-1
4.1.050 Discontinuance of Nonconforming Use 4.1-1
4.1.060 Unlawful Use Not a Nonconforming Use 4.1-1
4.1.070 Restoration of Nonconforming Building or Structure 4.1-2
4.1.080 Conveyance of Nonconforming Use 4.1-2

4.1.090 Restoration of Conforming Use on Nonconforming Lot 4.1-2
4.1.100 Special Status of Dwelling Units..... ..... 4.1-2
4.1.110 Application for Alterations or Repairs..... 4.1-3
4.1.120 Conditions of Approval..... 4.1-3
4.1.130 General Exceptions to Lot Size Requirements 4.1-3
4.1.140 General Exception for Approved Subdivision..... 4.1-3

SIGN CODE..... **ARTICLE 2**
4.2.010 Purpose and Intent 4.2-1
4.2.020 Definitions..... 4.2-1
4.2.030 Exempt Signs..... 4.2-2
4.2.040 Prohibited Signs..... 4.2-4
4.2.050 Permit Procedures 4.2-4
4.2.060 Standards and Criteria..... 4.2-5
4.2.070 Nonconforming Signs 4.2-10
4.2.080 Construction and Maintenance 4.2-10

TELECOMMUNICATION FACILITIES..... **ARTICLE 3**
4.3.010 Purpose and Intent 4.3-1
4.3.020 Definitions..... 4.3-1
4.3.030 Permit Procedures 4.3-3
4.3.040 Standards and Criteria..... 4.3-5

SUPPLEMENTARY PROVISIONS..... **ARTICLE 4**
4.4.010 Similar Uses..... 4.4-1
4.4.020 Maintenance of Minimum Requirements..... 4.4-1
4.4.030 General Exception to Yard Requirements..... ... 4.4-1
4.4.040 General Exception to Building Height Requirements..... 4.4-1
4.4.050 Projections from Buildings..... 4.4-1
4.4.060 Clear Vision Areas..... . 4.4-1
4.4.070 Fences..... . 4.4-3
4.4.080 Swimming Pools – Fences or Walls..... 4.4-4
4.4.090 Conditionally Permitted Sidewalk Cafés 4.4-5
4.4.100 Home Occupation..... 4.4-7
4.4.110 Bed and Breakfast Facility..... .. 4.4-9
4.4.120 Transitional Uses..... ...4.4-10

SURFACE MINING OPERATIONS AND RECLAMATION..... **ARTICLE 5**
4.5.010 Compliance Standards..... 4.5-1
4.5.020 Annual Validation of Mining Operations..... ... 4.5-1
4.5.030 Validation Procedure..... . 4.5-1
4.5.040 Inactive Surface Mining Permit..... 4.5-2
4.5.050 Background Data in Surface Mining Site Investigation..... 4.5-2
4.5.060 Investigation Report Analysis..... 4.5-3
4.5.070 Reclamation Plan..... . 4.5-4
4.5.080 Sloping and Grading..... 4.5-4
4.5.090 Drainage..... . 4.5-5

4.5.100 Topsoil and Cover Planting…….. . 4.5-5
4.5.110 Screen Landscape…….. . 4.5-6
4.5.120 Safety Fencing…….. . 4.5-6
4.5.130 Road Condition……..…….... 4.5-6
4.5.140 Stream Operations……... 4.5-7
4.5.150 Cleanup and Removal of Structures……..... 4.5-7
4.5.160 Noise…….. 4.5-8

CHAPTER 5: PROCEDURES

DEVELOPMENT APPROVAL PROCEDURES……...ARTICLE 1
5.1.010 Purpose 5.1-1
5.1.020 Review Process 5.1-1
5.1.030 Coordination of Development Approval 5.1-1
5.1.040 Who May Apply..... 5.1-1
5.1.050 Pre-Application Conference 5.1-2
5.1.060 Application 5.1-2
5.1.070 General Provisions Regarding Notice 5.1-2
5.1.080 Establishment of Party Status..... 5.1-3
5.1.090 Limited Land Use Decisions by the Director 5.1-4
5.1.100 Ministerial Decisions by the Director..... 5.1-4
5.1.110 Comprehensive Plan Standards and Limited Land Use Decisions 5.1-4
5.1.120 Other Administrative Actions..... 5.1-5
5.1.130 Notice of Administrative Action 5.1-6
5.1.140 Administrative Action Procedure..... 5.1-7
5.1.150 Decision of the Director..... 5.1-7
5.1.160 Notice of a Decision by the Director..... 5.1-8
5.1.170 Appeal from Decision of the Director 5.1-8
5.1.180 Land Use Decisions of the Commission 5.1-9
5.1.190 Notice of Commission Hearings..... 5.1-9
5.1.200 Hearing Procedure..... 5.1-11
5.1.210 Quasi-Judicial Hearings - Challenges to Impartiality…… 5.1-14
5.1.220 Official Notice..... 5.1-16
5.1.230 Record of Proceeding 5.1-16
5.1.240 Review of Decisions of Commission..... 5.1-16
5.1.250 Review by the Governing Body..... 5.1-17

LEGISLATIVE ACTIONS PROCEDURES…… ARTICLE 2
5.2.010 Purpose 5.2-1
5.2.020 Determination of Applicable Process 5.2-1
5.2.030 Who May Initiate 5.2-1
5.2.040 Notice and Hearing by Commission..... 5.2-1
5.2.050 Hearing Procedure..... 5.2-1
5.2.060 Recommendation by Commission 5.2-2
5.2.070 Consideration by Governing Body 5.2-2
5.2.080 Conflicts of Interest 5.2-3

5.2.090 Zoning Text Amendments 5.2-3

QUASI-JUDICIAL PLAN AMENDMENT ..... ARTICLE 3
5.3.010 Purpose 5.3-1
5.3.020 Initiation of Amendment 5.3-1
5.3.030 Application and Hearing Dates 5.3-1
5.3.040 Application Form and Content and Amendment Standards 5.3-1
5.3.050 Notice 5.3-2
5.3.060 Notification of County Planning Commission 5.3-2
5.3.070 Hearing by Planning Commission 5.3-3
5.3.080 Public Hearing by City Council 5.3-3
5.3.090 Decision of City Council 5.3-3
5.3.100 Resolution of Conflict 5.3-3
5.3.110 Limitation 5.3-3
5.3.120 Appeal 5.3-4

ZONE CHANGE ..... ARTICLE 4
5.4.010 Purpose 5.4-1
5.4.020 Notice Requirements for Mobile Home Parks 5.4-1
5.4.030 Criteria for Zone Change 5.4-1
5.4.040 Zone Change – Conditions of Approval 5.4-1
5.4.050 Grant of Authority for Zone Change 5.4-2
5.4.060 Zoning of Annexed Areas 5.4-2

VARIANCES ..... ARTICLE 5
5.5.010 Purpose 5.5-1
5.5.020 Criteria for Decision 5.5-1
5.5.030 Invalidation of Variance 5.5-1
5.5.040 Granting of Extensions 5.5-2

ADMINISTRATIVE VARIANCE ..... ARTICLE 6
5.6.010 Building Setback Variance 5.6-1
5.6.020 Fence Height Variance 5.6-1
5.6.030 Off-Street Parking Variance 5.6-1
5.6.040 Criteria for Administrative Variance 5.6-1
5.6.050 Criteria for Administrative Parking Variance 5.6-2
5.6.060 Invalidation of Administrative Variance 5.6-3
5.6.070 Granting of Extensions 5.6-3

OCCUPANCY PERMITS ..... ARTICLE 7
5.7.010 General 5.7-1
5.7.020 Exceptions 5.7-1
5.7.030 Application 5.7-1
5.7.040 Issuance 5.7-1
5.7.050 Records 5.7-1

CONDITIONAL USE PERMITS ..... ARTICLE 8

5.8.010 Description and Purpose 5.8-1
5.8.020 Application Procedure 5.8-1
5.8.030 Appeal Procedure 5.8-1
5.8.040 Review by Governing Body 5.8-1
5.8.050 Plan Requirements 5.8-2
5.8.060 Criteria 5.8-2
5.8.070 Conditions 5.8-3
5.8.080 Limitations on Conditional Approval 5.8-4
5.8.090 Invalidation of Conditional Use Permit 5.8-4

TEMPORARY USE PERMITS ..... ARTICLE 9
5.9.010 Purpose 5.9-1
5.9.020 Permitted Temporary Uses 5.9-1
5.9.030 Criteria for Decision 5.9-1
5.9.040 Temporary Use Permits – Conditions of Approval 5.9-1
5.9.050 Issuance of Permits 5.9-2

FAMILY HARDSHIP PERMITS ..... ARTICLE 10
5.10.010 Purpose 5.10-1
5.10.020 Application 5.10-1
5.10.030 Expiration and Reapplication 5.10-1
5.10.040 Standards and Conditions 5.10-2
5.10.050 Permit to be a Deed Restriction 5.10-3

MOBILE HOME SUBDIVISIONS – GENERAL PROVISIONS ..... ARTICLE 11
5.11.010 Purpose 5.11-1
5.11.020 Where Permitted 5.11-1
5.11.030 Development Standards – General 5.11-1
5.11.040 Development Standards – Special 5.11-1
5.11.050 Conformance to Zoning District 5.11-2

MOBILE HOME PARKS ..... ARTICLE 12
5.12.010 Administrative Review 5.12-1
5.12.020 Preliminary Site Plan Submission Requirements 5.12-1
5.12.030 Final Site Plan Submission Requirements 5.12-2
5.12.040 General Standards for Mobile Home Park Development 5.12-2

ADMINISTRATION AND ENFORCEMENT ..... ARTICLE 13
5.13.010 Administration 5.13-1
5.13.020 Building Permits 5.13-1
5.13.030 Authority 5.13-1
5.13.040 Violation of Ordinance as a Nuisance 5.13-1
5.13.050 Revocation for False Statement 5.13-1
5.13.060 Revocation for Nonconformance 5.13-1
5.13.070 Revocation Hearing 5.13-1
5.13.080 Who May Request Revocation Hearing 5.13-2
5.13.090 Limitations on Re-Filing 5.13-2

5.13.100 Penalties for Violation of this Ordinance 5.13-2
5.13.110 Enforcement 5.13-2

CHAPTER 6: LAND DIVISIONS

PARTITIONS AND SUBDIVISIONS..... ARTICLE 1
6.1.010 Land Divisions.....6.1-1
6.1.020 Purpose..... 6.1-1
6.1.030 Definitions.....6.1-1
6.1.040 Hillside Developments.....6.1-1
6.1.050 Requirements and Standards for Preliminary Plans.....6.1-2
6.1.060 Platting and Mapping Standards – Streets and Roads.....6.1-4
6.1.070 Platting and Mapping Standards – Alleys.....6.1-9
6.1.080 Grading Plan.....6.1-9
6.1.090 Walkways and Public Accessways..... 6.1-9
6.1.100 Off-Site Improvements Required..... 6.1-10
6.1.110 Easements.....6.1-11
6.1.120 Platting and Mapping Standards – Blocks.....6.1-12
6.1.130 Platting and Mapping Standards – Lots and Parcels.....6.1-12
6.1.140 Platting and Mapping Standards – Railroads..... 6.1-14
6.1.150 Platting and Mapping Standards – Master Development Plans..6.1-14
6.1.160 Improvement Procedures.....6.1-15
6.1.170 Improvement Requirements.....6.1-16
6.1.180 Preliminary Subdivision Plan Approval.....6.1-19
6.1.190 Final Subdivision Plat Approval..... 6.1-23
6.1.200 Land Partitioning Approval.....6.1-31
6.1.210 Common Boundary Line Adjustments..... 6.1-37
6.1.220 Amendments to Preliminary Plans and Final Plats or Maps.....6.1-39
6.1.230 Prohibition on Sale..... 6.1-39

PLANNING UNIT DEVELOPMENTS (PUD)..... ARTICLE 2
6.2.010 Purpose..... 6.2-1
6.2.020 Types of PUD's and General Process of Consideration..... 6.2-1
6.2.030 Definitions..... 6.2-3
6.2.040 PUD Preliminary Development Plan Approval.....6.2-4
6.2.050 PUD Standards and Criteria in Non-Residential Districts.....6.2-6
6.2.060 PUD Standards and Criteria in Residential Development.....6.2-6
6.2.070 Development Phasing.....6.2-11
6.2.080 Duration of PUD Preliminary Development Plan Approval.....6.2-11
6.2.090 Extensions of PUD Preliminary Development Plan Approval.....6.2-12
6.2.100 Improvement Procedures.....6.2-12
6.2.110 PUD Final Development Plan Approval.....6.2-12
6.2.120 Amendments to Approved Preliminary and Final Plans.....6.2-14

TABLES AND FIGURES

LIST OF TABLES

Table 2-1: Zoning Districts…….……...…… 2.1-2
Table 2-2: RO and PO – Allowed Uses……..... 2.2-2
Table 2-3: RO and PO Parcel and Building Standards…….....2.2-3
Table 2-4: Residential – Allowed Uses…….....2.3-2
Table 2-5: Residential Building and Parcel Standards……..... 2.3-4
Table 2-6: Townhouse Parcel Standards…….....2.3-5
Table 2-7: Business and Commercial – Allowed Uses……..2.4-2
Table 2-8: Business and Commercial Parcel and Building Standards……2.4-5
Table 2-9: CBD – Allowed Uses…… 2.5-2
Table 2-10: CBD Parcel and Building Standards…….2.5-3
Table 2-11: AP – Allowed Uses……2.6-2
Table 2-12: AP Parcel and Building Standards……2.6-2
Table 2-13: Industrial – Allowed Uses……2.7-2
Table 2-14: Industrial Parcel and Building Standards……..... 2.7-6
Table 2-15: Riparian Habitat Setbacks…….…….. 2.13-1
Table 3-1: Minimum Driveway Spacing…… 3.2-1
Table 3-2: For Future Use
Table 3-3: Minimum Parking Spaces Required……..……..3.3-7
Table 3-4: Ratio of Accessible Parking Spaces……..3.3-11
Table 3-5: Required Stall and Aisle Dimensions……3.3-14
Table 3-6: Percent of Permitted Compact Spaces……3.3-15
Table 3-7: Alternative Joint-Use Parking Standards……..……3.3-18
Table 3-8: Prohibited Street Trees……..……..3.3-27
Table 3-9: For Future Use
Table 6-1: Standard Street Widths……..……6.1-6

LIST OF FIGURES

Figure 2-1: Townhouse Parking Standards…….....2.3-6
Figure 2-2: Townhouse Garages…… 2.3-7
Figure 2-3: Townhouse Driveway Spacing……2.3-7
Figure 2-4: Townhouse Entryways……2.3-8
Figure 2-5: CBD Boundaries……2.5-6
Figure 2-6: Preferred Crawlspace Construction…… 2.9-1
Figure 2-7: Below-Grade Crawlspace Construction……..2.9-18
Figure 2-8: Requirements of Below-Grade Crawlspace Construction……2.9-19
Figure 2-9: Percent/Slope Calculation……2.10-3
Figure 2-10: Building Height Measurement Procedure…….. 2.10-8
Figure 2-11: Hillside Street Alternatives……..2.10-11
Figure 2-12: For Future Use
Figure 2-13: Benching Details…….. 2.10-13
Figure 2-14: Drainage Dimensions…….. 2.10-14
Figure 2-15: For Future Use
Figure 2-16: Historic Districts Overlay……2.11-2
Figure 3-1: Accessible Parking Spaces……3.2-7

Figure 3-2: Parking Design Key…….3.3-14
Figure 3-3: Driveway Access Grade…….3.3-22
Figure 4-1: I-5 Exit 124 (Harvard)…….4.2-11
Figure 4-2: I-5 Exit 125 (Garden Valley)……. 4.2-12
Figure 4-3: I-5 Exit 127 (Edenbower)…….. 4.2-13
Figure 4-4: Clear Vision Area for Intersections……..... 4.4-2
Figure 4-5: Clear Vision Area at a Driveway or Alley…….. 4.4-3
Figure 6-1: Pathways……. 6.1-10

CHAPTER 1:
INTRODUCTION

ARTICLE 1:

INTRODUCTORY AND GENERAL PROVISIONS

SECTION 1.1.010 AUTHORITY

This Ordinance is enacted pursuant to the provisions of The Roseburg City Charter and Oregon Revised Statues (ORS) Chapters 92, 197, and 227.

SECTION 1.1.020 TITLE

This Ordinance shall be known as the Roseburg Urban Area Land Use and Development Ordinance.

SECTION 1.1.030 PURPOSE

This Ordinance is designed to provide and coordinate regulations in the Roseburg Urban Area governing the development and use of lands, and to implement the Roseburg Urban Area Comprehensive Plan. To these ends, it is the purpose of this Ordinance to:

1) Ensure that the development of property within the Roseburg urban area is commensurate with the character and physical limitations of the land, and, in general, to promote and protect the public health, safety, convenience, and welfare.

2) Protect the economy of the Roseburg urban area.

3) Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth.

4) Encourage the provision of affordable housing in quantities adequate enough to allow all citizens some reasonable choice in the selection of a place to live.

5) Conserve all forms of energy through sound economical use of land and land uses developed on the land.

6) Provide for the orderly and efficient transition from rural to urban land use.

7) Guarantee the ultimate development and arrangement of efficient public services and facilities within the Roseburg urban area.

8) Provide for and encourage a safe, convenient, and economic transportation system within the Roseburg urban area.

9) Protect the quality of the air and water resources of the Roseburg urban area.

10) Protect life and property in areas subject to floods, landslides, and other natural disasters and hazards.

11) Provide for the recreational needs of the residents of the Roseburg urban area and visitors to the area.

12) Provide for adequate open space and protect historic, cultural, natural, and scenic resources.

SECTION 1.1.040 SCOPE AND COMPLIANCE

1) A parcel of land may be used or developed, by land division or otherwise, and a structure may be used or developed, by construction, reconstruction, alteration, occupancy, or otherwise only as this Ordinance permits.

2) In addition to complying with the criteria and other provisions within this Ordinance, each development shall comply with the applicable standards published by the Director of Public Works.

3) The requirements of this Ordinance apply to the person undertaking a development, or the user of a development, and to the person's or user's successors in interest.

SECTION 1.1.050 USE OF A DEVELOPMENT

A development may be used only for a lawful use. A lawful use is a use that is not prohibited by law, and for which the development is designed and arranged, as permitted or approved, or which is nonconforming, pursuant to this Ordinance.

SECTION 1.1.060 COMPLIANCE REQUIRED

1) No person shall engage in, or cause to occur, a development which does not comply with these regulations.

2) Neither the Building Official nor any other State or local official shall issue a permit for a use or the construction, reconstruction, or alteration of a structure or a part of a structure which has not been approved.

3) A development shall be approved by the Director or other approving authority according to the provisions of this Ordinance. The Director shall not approve a development or use of land that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the applicant created the violation, unless the violation can be rectified as part of a development proposal.

4) Unless appealed, a decision on any application shall be final upon expiration of the period provided for filing an appeal, or, if appealed, upon rendering of the decision by the reviewing body.

SECTION 1.1.070 EFFECT ON AGREEMENTS BETWEEN PARTIES

This Ordinance shall not interfere with or abrogate or annul any easement, covenant, or other agreement between parties, provided that where this Ordinance imposes a greater restriction than that imposed by the agreement, the provisions of this Ordinance shall control.

SECTION 1.1.080 INTERPRETATION

1) When in the administration of this Ordinance there is doubt regarding the intent of the Ordinance or the suitability of uses not specified, the Director may request an interpretation of the provision by the Commission. The Commission shall issue an interpretation to resolve the doubt, but such interpretation shall not have the effect of amending the provisions of this Ordinance. Any interpretation of the Ordinance by the Commission shall be deemed an administrative action, shall be subject to review by the Governing Body pursuant to Sections 5.1.240 and 5.1.250, and shall be based on the following considerations:

   a) The Roseburg Urban Area Comprehensive Plan;

   b) The purpose and intent of the Ordinance as applied to the particular Section in question; and

   c) The opinion of the appointed legal counsel of the approving authority.

2) Meanings and Intent. Words and terms expressly defined in this Ordinance have the specific meanings assigned, unless the context expressly indicates another meaning. Where words are not expressly defined in this Ordinance, the following sources shall be consulted: State statute, and any dictionary of common usage, all of which shall be interpreted by context. Words used in the present tense include the future; the singular includes the plural; and the word “shall” is mandatory and not discretionary. Whenever the term “this Ordinance” is used herewith, it shall be deemed to include all amendments hereto as may hereafter from time to time be adopted.

3) Headings and Illustrations. Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this Ordinance. In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure, or illustration, the text controls.

4) Delegation of Authority. Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation

of authority is not allowed when the provisions of this Ordinance expressly prohibit such a delegation.

SECTION 1.1.090 RESTRICTIVENESS

Where the conditions imposed by a provision of this Ordinance are less restrictive than comparable conditions imposed by other provisions of this Ordinance, the provisions which are more restrictive shall govern.

SECTION 1.1.100 SEVERABILITY

If any Section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, and the effect thereof shall be confined to the Section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the Governing Body to enact the remainder of this Ordinance notwithstanding the parts so declared unconstitutional or invalid. Further, should any Section, paragraph, subdivision, clause, sentence, or provision of this Ordinance be declared unreasonable or inapplicable to a particular premises or to a particular use at any particular location, such declaration or judgment shall not affect, impair, invalidate, or nullify such Section, paragraph, subdivision, clause, sentence, or provision as to any other premises or use.

SECTION 1.1.110 DEFINITIONS

1) **ABUT OR ABUTTING:** Adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting if the common property line between the two (2) parcels measures less than eight (8) feet in a single direction. Synonymous with adjoining.

2) **ACCESS:** The place means, or way by which pedestrians or vehicles shall have adequate and usable ingress and egress to a property, use, or parking space.

3) **ACCESSORY BUILDING:** Any subordinate building or portion of a main building; the use of which is incidental, appropriate, and subordinate to that of the main building. No building shall be considered accessory if it is the only building on a lot, parcel, or unit of land.

4) **ACCESSORY USE:** A use incidental, appropriate, and subordinate to the main use of a lot or building.

5) **ADJUSTED LOT:** A unit of land created by a lot line adjustment. Once created, the term “adjusted lot” is synonymous with “lot” and “parcel” for purposes of this Ordinance.

6) **ADULT DAY CARE:** Community-based group programs designed to meet the needs of functionally and cognitively impaired adults through individual plans of care that are structured, comprehensive, and provide a variety of health, social,

and related support services in protective settings during part of the day but provide less than 24-hour care. These facilities must be registered with the State of Oregon and meet local jurisdiction requirements. (Ord.3005, 10/97)

7) **ADMINISTRATIVE ACTION:** A proceeding pursuant to this Ordinance that is a land use decision or a limited land use decision under State Law, in which the legal rights, duties, or privileges of specific parties are determined, and any appeal or review thereof.

8) **ALLEY:** A public or private way having a maximum width of 20 feet affording only a secondary means of access to abutting property. (Ord.3289, 9/08)

9) **ALTERATION:** Any change, addition or modification in construction, occupancy or use.

10) **AMBULANCE SERVICE:** A use providing for only emergency and non-emergency transportation of injured or infirm persons, including a dispatching office and living units for a caretaker resident and/or on-duty personnel and excluding retail sales.

11) **AMENDMENT:** A change in a portion of the Roseburg Urban Area Comprehensive Plan Map pursuant to Chapter 5 of this Ordinance; a change in the wording, text, or substance of this Ordinance, or a change in the district boundaries or overlay boundaries upon the zoning map.

12) **APPROVING AUTHORITY:** The person or body given authority to decide applications for development approval under the provisions of this Ordinance.

13) **AUTOMOBILE REPAIR GARAGE:** A use providing for the major repair and maintenance of motor vehicles, and including any mechanical and body work, straightening of body parts, painting, welding, or temporary storage of motor vehicles pending such repair or maintenance.

14) **AUTOMOBILE SERVICE STATION:** A use providing for the retail sale of motor fuels, lubricating oils, and vehicle accessories, and including the servicing and repair of motor vehicles as an accessory use, but excluding all other sales and services except the sale of minor convenience goods for service station customers as accessory and incidental to the principal operation. Uses permitted at an automobile service station shall not include major mechanical and body work, straightening of body parts, painting, welding, tire recapping, storage of motor vehicles not in operating condition, or other work generating noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. An automobile service station shall not be deemed to include a repair garage or a body shop.

15) **AUTOMOBILE WRECKING YARD:** Any area of land used for the storage, wrecking, or sale of two or more inoperable motor vehicles, trailers, farm equipment, or parts thereof. Where such vehicles, trailers, equipment, or parts are stored in the open

and are not being restored to operating condition, and including any land used for the commercial salvaging of any other goods, articles, or merchandise.

16) **BASEMENT:** A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurements where more than one-half (1/2) of its height is above the average level of the adjoining ground.

17) **BLOCK:** An area of land within a subdivision, which area may be bounded on all sides by streets, railroad rights-of-way, unsubdivided land, or water courses.

18) **BOARDING HOUSE:** A single-family dwelling where lodging and meals are provided to guests, for compensation, for time periods of at least 16 consecutive nights.

19) **BOND, PERFORMANCE**: A document, acceptable by the city, issued by a surety company, in return for a fee or premium, guaranteeing the performance of the terms and conditions of a development approval.

20) **BOUNDARY LINE:** The property line bounding a lot or parcel. (Ord.3005, 10/97)

21) **BOUNDARY LINE ADJUSTMENT:** The relocation of a common boundary line between lots or parcels. (Ord.3005, 10/97)

22) **BREWERY, MACRO-:** A business that produces beer, wine or alcohol wholly within an enclosed building. Macro-breweries must be able to facilitate commercial trucks onsite for large-scale distribution. A tap room is not required. Restaurants and other uses may be incorporated into the building where permitted by the zoning district located therein.

23) **BREWERY, MICRO-:** A business that produces beer, wine or alcohol wholly within an enclosed building where the gross floor area dedicated to production and storage is no greater than 20,000 square feet. Within one year of beginning production, micro-breweries are required to have a tap room that is open to the public at least three days or ten hours per week. Tap Rooms shall have a minimum floor area equal to five percent (5%) of the total floor area used for production and storage. Restaurants and other uses may be incorporated into the building where permitted by the zoning district located therein.

24) **BUILDING:** For the purposes of this Ordinance, the terms “building” and “structure” shall be synonymous. See “Structure.”

25) **BUILDING HEIGHT:** The vertical distance from the average finished grade to the highest point of a building, exclusive of chimneys and similar features referenced in Section 4.4.040. When the walls are parallel to and within five (5) feet of a sidewalk, the grade shall be measured at the sidewalk.

26) **BUILDING SITE:** The ground area of a building or buildings, together with all open spaces required by this Ordinance.

27) **CAMPGROUND:** An area where facilities are provided to accommodate the temporary use of tents, campers, recreational vehicles, and motor homes by the traveling public.

28) **CARE:** The provision of room and board, assistance with personal care and activities of daily living, provision of protection, transportation, or recreation, and assistance in time of crisis.

29) **CARPORT:** A stationary structure consisting of a roof with its supports and no more than two (2) walls or storage cabinets substituting for walls used for sheltering a motor vehicle.

30) **CEMETERY:** Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes; including columbaria, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

31) **CHANGE OF USE:** A change from an existing use to another permitted use according to the applicable zoning.

32) **CHILD:** An individual under 13 years of age, or eighteen years of age for those with special needs or disabilities as defined by State law. (Ord.3289, 9/08)

33) **CLEAR VISION AREA:** See Section 4.4.060.

34) **CLUB OR LODGE:** A building and facilities owned and operated for a social or recreational purpose, to which membership is required for participation, but is not operated primarily for profit or to render a service which is customarily carried on as a business. A club does not include a public rehabilitation facility of any kind.

35) **COMMISSION:** The Planning Commission of the City of Roseburg, Oregon.

36) **COMMUNICATION FACILITY:** A facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio, and other similar signals.

37) **COMMUNITY CENTER OR HALL:** A building and facilities owned and operated by a governmental agency or non-profit community organization whose membership is open to any resident of the community in which the center or hall is located.

38) **COMMUNITY SANITARY SEWER SYSTEM:** A public or private system of underground pipes of sufficient capacity to carry domestic sewage from an area to connected treatment and disposal facilities, as approved by the Oregon Department of Environmental Quality.

39) **COMMUNITY WATER SUPPLY SYSTEM:** A public or private system of underground distribution pipes providing a continuous supply of potable water from a center source in quantities sufficient to meet domestic and fire protection needs for

three (3) or more dwellings, as approved by the State of Oregon Department of Human Resources, Health Division.

40) **COMPREHENSIVE PLAN:** The generalized, coordinated land use map and policy statement for the urban area that interrelates all functional and natural systems and activities relative to the use of lands, including but not limited to sewer and water systems; transportation systems, education systems, recreational facilities, and natural resources and air and water quality management programs.

41) **CONDOMINIUM:** Property, any part of which is submitted and approved in accordance with the provisions of ORS 91.500 to 91.671.

42) **CONTIGUOUS:** Touching at least one (1) point or that which would be so except it is separated only by a public right-of-way or a body of water.

43) **CONTINUOUS NURSING CARE:** Nursing care that is required by, and provided to, a resident each day on a 24-hour basis.

44) **COUNCIL:** The City Council of the City of Roseburg, Oregon.

45) **DATA CENTER:** Data storage and processing facilities, electronic products - manufacture, storage and assembly, together with all related and supporting uses and facilities.

46) **DAY CARE:** Supervision provided to a child during a part of the 24 hours of the day, with or without compensation. Day Care does not include care provided: by the child's parent, guardian, or person acting in loco parentis; by providers of medical services, in the home of the child; by a person related to the child by blood or marriage within the fourth degree as determined by civil law; on an occasional basis; or by a school.

47) **DAY CARE FACILITY:** A facility which provides day care fox six (6) or more children on either a full or part-time basis and other than in the home of the provider. (Ord.3289, 9/08)

48) **DENSITY:** The number of dwelling units to be contained within a specified land area.

49) **DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including, but not limited to, the construction, alteration, or use of buildings, division of land, creation of private or public streets, construction of public and private utilities and facilities, mining, excavation, grading, installation of fill, open storage of materials, or any other activity specifically regulated by the provisions of this Ordinance. Except when in conjunction with other development, installation of less than 3,000 square feet of asphalt or other impervious paving surfaces shall not be included in this definition.

50) **DIRECTOR:** The Director of Community Development for the City of Roseburg, Oregon, or such other person as said Director or the City Manager may designate.

51) **DIRECTOR OF PUBLIC WORKS:** The Director of Public Works for the City of Roseburg, Oregon, or his/her duly authorized representative.

52) **DISTRICT:** A portion of the Roseburg Urban Area, whether unincorporated or incorporated, within which certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited, as set forth and specified in this Ordinance.

53) **DUPLEX:** See "Dwelling, Two-Family" definition.

54) **DWELLING, MULTIPLE-FAMILY:** A building designed and used for occupancy by three (3) or more families, each within a separate dwelling unit. Multiple-Family Dwelling is synonymous with "multifamily dwelling/development."

55) **DWELLING, SINGLE-FAMILY:** A building or portion thereof designed and used exclusively for and containing facilities for the occupancy of one (1) family, and having house-keeping facilities for only one (1) family, which either: (Ord.3289, 9/08)

a) Has passed inspection for compliance with the International Building Code (IBC) standards; or

b) Is a manufactured home constructed after June 15, 1976, which also meets all of the following standards:

i) The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.

ii) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade.

iii) The manufactured home shall have a pitched roof, with a slope of at least a nominal three (3) feet in height for each 12 feet in width.

iv) The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.

v) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of the single-

family dwellings constructed under the state building code as defined in ORS 455.010.

vi) The manufactured home shall have a garage or carport constructed of like materials. The Director may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

vii) Unless inconsistent with the above, the manufactured home and the lot upon which it is sited shall also be subject to all other development standards, architectural requirements, and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subject.

c) Part (b) of the foregoing definition shall not apply to any area designated in the Comprehensive Plan or in this Ordinance as an historic district, or to any residential land immediately adjacent to an historic landmark. The foregoing definition shall not be construed as abrogating any recorded restrictive covenant. (see Family)

56) **DWELLING, TWO-FAMILY (DUPLEX):** A building or portion thereof designed or used exclusively for the occupancy of two (2) families living independently of each other, and having separate housekeeping facilities for each family, and passing inspection for compliance with the International Building Code (IBC) standards. This definition shall not include mobile homes and manufactured dwellings. (Ord.3289, 9/08)

57) **DWELLING UNIT:** One (1) or more habitable rooms that includes provisions for sleeping, cooking, eating and sanitation for one family in compliance with International Building Code (IBC) standards. This definition shall not include mobile homes and manufactured dwellings. Synonymous with “dwelling.”

58) **EASEMENT:** A legal interest in land, granted by the owner to another person, which allows that person(s) the use of all or a portion of the owner’s land, generally for a stated purpose including, but not limited to, access, drainage or placement of utilities.

59) **FACILITY:** A structure that is constructed, placed, or erected for the purpose of furthering a permitted or conditional use.

60) **FAMILY:** An individual, or two (2) or more persons related by blood, marriage, adoption, or legal guardianship, living together as one (1) housekeeping unit using one (1) kitchen, and providing meals, or lodging to not more than two (2) additional persons, excluding servants; or a group of not more than five (5) unrelated persons living together as one housekeeping unit using one (1) kitchen; or a group of six (6) or more persons living together as one (1) housekeeping unit using one (1) kitchen, if said persons are handicapped persons as defined in the federal Fair Housing Amendments Act of 1988.

61) **FAMILY DAY CARE HOME:** A facility which provides day care in the home of the provider to fewer than 17 children, including children of the provider, regardless of full-time or part-time status.

62) **FAMILY DAY CARE PROVIDER:** For the purposes of this Ordinance, the terms "Family Day Care Home" and "Family Day Care Provider" shall be synonymous. See "Family Day Care Home."

63) **FAMILY HARDSHIP DWELLING:** A mobile home used temporarily during a family hardship situation, pursuant to Chapter 5 of this Ordinance, when an additional dwelling is allowed to house aged or infirmed persons or persons physically incapable of maintaining a complete separate residence apart from their family.

64) **FENCE:** An obstruction arranged in such a way as to partially or wholly impede vision or access.

65) **FISH AND WILDLIFE MANAGEMENT:** The protection, preservation, propagation, promotion, and control of wildlife by either public or private agencies or individuals.

66) **FLOOR AREA:** The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, but not including attic space providing headroom of less than seven (7) feet, or basement if the floor above is less than six (6) feet above grade.

67) **FOSTER HOME:** See "Residential Home."

68) **GARAGE, PRIVATE PARKING:** A publicly or privately-owned structure having one (1) or more tiers or heights used for the parking of automobiles for the tenants, employees, or owners of the property for which the parking spaces contained in or on said garage as required by this Ordinance, and which is not open for any use by the general public.

69) **GARAGE, PUBLIC PARKING:** A publicly or privately-owned structure having one (1) or more tiers or heights used for the parking of automobiles, and open garages may include parking spaces for customers, patrons, or clients which are required by this Ordinance, provided said parking spaces are clearly identified as free parking space(s) for the building or use which is required to provide said space(s).

70) **GOVERNING BODY:** The City Council of Roseburg, Oregon.

71) **HABITABLE FLOOR:** Any floor usable for living purposes, which includes working, eating, cooking, or recreation, or a combination thereof. A basement, as that word is defined in the Oregon State Structural Specialty Code and Fire and Life Safety Code, is a habitable floor.

72) **HARDSHIP:** A substantial injustice which deprives the landowner of beneficial use of his/her land. "Hardship" applies to the property itself, including structures, and not to the owner or applicant, and is applicable to property which is unique or unusual in its physical characteristics so that the regulations render the property substantially unusable.

73) **HELIPORT:** An area used or intended to be used for landing or takeoff of helicopters or other vertical takeoff and landing (VTOL) aircraft capable of hovering, and may include any or all of the area or buildings which are appropriate to accomplish these functions.

74) **HILLSIDE DEVELOPMENT:** The development of lands which may be planned and developed as a single unit or subdivision, or developed as individual lots, identified on the City Slope Map and/or having areas of slope greater than 12%, being subject to the provisions of Article 10 of Chapter 2 providing flexibility from traditional siting and land use regulations. (Ord.3274 8/07)

75) **HOSPITALS:** Institutions devoted primarily to the rendering of healing, curing, and nursing care, which maintain and operate facilities for the diagnosis, treatment, and care of two (2) or more non-related individuals suffering from illness, injury, or deformity, or where obstetrical or other healing, curing, and nursing care is rendered over a period exceeding 24 hours.

76) **HOTEL:** A building which is designed, intended, or used for the accommodation of tourists, transients, and permanent guests for compensation, and in which no provision is made for cooking in individual rooms or suites of rooms.

77) **IMMEDIATE FAMILY MEMBER:** Family member of the first degree of kinship or equivalent thereof.

78) **INTERMEDIATE CARE FACILITY:** See "Nursing Home."

79) **INTERNATIONAL BUILDING CODE (IBC):** The currently adopted and applicable International Building Code and any amendment thereto, including the Oregon Structural Specialty Code (OSSC) and the Oregon Residential Specialty Code (ORSC) as applicable.

80) **KENNEL:** A use providing for the accommodation of four (4) or more dogs, cats, at least four (4) months of age, where such animals are kept for board, propagation, training, or sale.

81) **KITCHEN:** Any room, all or any part of which is designed, built, equipped, or used for the preparation of food and/or the washing of dishes.

82) **LOAD SPACE:** An off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandize or materials, and which abuts upon a street, alley, or other appropriate means of access.

83) **LOT:** A unit of land created by a subdivision of land. Once created, the term "lot" is synonymous with the term "parcel" for the purposes of this Ordinance.

84) **LOT AREA:** The total horizontal area within the lot lines of a lot, exclusive of streets and easements of access to other property.

85) **LOT, CORNER:** A lot abutting two (2) or more streets other than an alley, at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

86) **LOT COVERAGE:** The area of a lot that is covered by a building, structure, or surface that is impervious to water.

87) **LOT FRONTAGE:** The portion of a lot line or lines abutting any kind of a street (public or private) other than an alley.

88) **LOT, INTERIOR:** A lot other than a corner lot with only one frontage on a street.

89) **LOT LINE:** The property line bounding a lot or parcel. (Ord.3005, 10/97)

90) **LOT LINE ADJUSTMENT:** The relocation of a common boundary between lots or parcels or the elimination of a common boundary between lots or parcels. (Ord.3005, 10/97)

91) **LOT LINE, FRONT:** The lot line or lines common to the lot and a street other than an alley, and in case of a corner lot, the shortest lot line along a street other than an alley.

92) **LOT LINE, REAR:** The lot line or lines opposite and most distant from the front lot line. In the case of an irregularly, shaped lot, the rear lot line shall be a line or lines connecting the side lot lines that is the most distant from the front lot line. For a triangular shaped lot, the "rear lot line" shall be a line ten (10) feet in length located entirely within the lot, connecting the side lot lines and that is parallel to the front lot line.

93) **LOT LINE, SIDE:** Any lot line or lines not a front or rear lot line. An interior side lot line is a lot line common to more than one lot, or to the lot and an alley; an exterior side lot line is a lot line common to the lot and a street other than an alley.

94) **LOT, THROUGH:** A lot having frontage on two streets that are approximately parallel, other than an alley, and are not identified as intersecting street corners. Yards shall be provided as indicated under "Yards" in this Section, unless lots do not comply with the depth requirements for double frontage lots as provided in Chapter 6, Section 6.1.130, in which case the "Front Yard" shall be defined as the street for which address is assigned with the other frontage being a "Rear Yard" area.

95) **LOT MEASUREMENTS:**

a) Depth of a lot shall be the distance from the midpoint of the front lot line to the midpoint of the rear lot line.

b) Width of a lot shall be considered to be the average distance between side lot lines measured parallel to the front lot line. The "flagpole" of flag lots is not included when computing lot width.

96) **LOT OF RECORD:** A unit of land created as follows:

a) A lot in an existing and duly recorded subdivision.

b) A parcel in an existing, duly recorded land partition; or

c) An adjusted lot resulting from an approved lot line adjustment; or

d) An existing unit of land for which a survey has been duly filed which conformed to all applicable regulations at the time of filing; or

e) Any unit of land created prior to zoning and partitioning regulations by deed or metes and bound description, and recorded with the Douglas County Clerk; provided, however, that contiguous units of land so created under the same ownership and not conforming to the minimum property size of this Ordinance shall be considered one (1) lot of record.

97) **MANUFACTURED DWELLING:**

a) "Manufactured Dwelling" for purposes of this Ordinance is synonymous with "manufactured home" and "mobile home" and means:

i) A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy.

b) "Manufactured Dwelling" does not mean a "recreational vehicle" or "trailer coach."

98) **MEDICAL MARIJUANA DISPENSARY:** Any facility or operation designed, intended or used for purposes of delivering, dispensing, or transferring marijuana to Oregon Medical Marijuana Registry Identification Card holders pursuant to ORS 475.300-475.346. (Ord. 3433 9/14)

99) **MARIJUANA PROCESSOR — MEDICAL:** A person who processes marijuana in accordance with Oregon Laws 2015, Chapter 614 for medicinal purposes pursuant to ORS 475-300-475.346. (Ord. 3455 1/16)

100) **MARIJUANA PROCESSOR — RECREATIONAL:** A person who processes marijuana in

accordance with Oregon Laws 2015, Chapter 614 for recreational purposes. (Ord. 3455 1/16)

101) **MARIJUANA PRODUCER :** A person who produces marijuana in accordance with Oregon Laws 2015, Chapter 614. (Ord. 3455 1/16)

102) **MARIJUANA RETAILER:** A person who sells marijuana items to a consumer in accordance with Oregon Laws 2015, Chapter 614. (Ord. 3455 1/16)

103) **MARIJUANA WHOLESALER:** A person who purchases marijuana items for resale to a person other than a consumer in accordance with Oregon Laws 2015, Chapter 614. (Ord. 3455 1/16)

104) **MINING OPERATIONS:** Processes conducted for the exploration, mining and processing of aggregate and mineral resources or other sub-surface resources.

105) **MINISTERIAL DECISION:** A decision by the Community Development Director that is not a limited land use or land use decision per State law. (Ord.3289, 9/08)

106) **MINI-RETAIL BUSINESS (MRB):** A commercial operation from a small structure within the parking lot or a vacant parcel of an existing business location within the C3, M1, or MU zones subject to requirements of the International Building Code and development standards of the zone in which it is located. A certificate of occupancy and/or a business registration shall not be issued until all conditions of approval from various departments are satisfactorily met.

107) **MOBILE HOME:** For purposes of this Ordinance, “mobile home” is synonymous with “manufactured home” and “manufactured dwelling.”

108) **MOBILE HOME PARK:** Any place where four (4) or more mobile homes are located within 500 feet of one another on a lot, parcel, or unit of land under the same ownership, the primary purpose of which is to rent or lease space or mobile homes for a charge or fee paid or to be paid for the rental, lease, or use of facilities, or to offer space free in connection with securing the trade, patronage, or employment of such persons.

109) **MODULAR HOME:** A building which is not framed onsite in the conventional manner but which does meet the definitional criteria for a single-family dwelling under this Ordinance.

110) **MOTEL:** A building or group of buildings on the same lot containing guest units, which building or group is intended or used primarily for the accommodation of transient automobile travelers.

111) **NONCONFORMING LOT OF RECORD:** A unit of land which lawfully existed in compliance with all applicable Ordinances and laws, but which, because of the application of subsequent zoning regulations, no longer conforms to the lot dimension requirements for the zoning district in which it is located.

112) **NONCONFORMING STRUCTURE:** Any building which was lawfully established in compliance with all applicable Ordinances and laws, but which, because of the application of subsequent zoning or development standards, no longer conforms to current standards (e.g., height limits, yard setbacks, coverage limits, off-street parking requirements, etc.).

113) **NONCONFORMING USE:** Use of a structure or land, or in combination, which was lawfully established in compliance with all applicable Ordinances and laws, but which, because of the application of subsequent zoning regulations, no longer conforms to use restrictions for the zoning district in which it is located.

114) **NURSING CARE:** The performance by a licensed nurse of observation, care and counsel of the ill, injured or infirm, which requires substantial specialized skill and judgment as prescribed by a physician. Nursing care does not include periodic treatment such as changing dressings or injections provided by a visiting licensed nurse.

115) **NURSING HOME:** Any home, place, or institution which operates and maintains facilities providing convalescent and/or chronic care, for a period exceeding 24 hours for two (2) or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.

116) **OVERLAY DISTRICT:** A set of zoning requirements described in the zoning regulations, mapped on the zoning map, and applied in addition to the zoning requirements of the underlying districts.

117) **OWNER:** The owner of record of real property as shown on the latest tax rolls or deed records of the County, or a person who is purchasing a parcel of property under recorded contract.

118) **PARCEL:** A unit of land created by a partition of land. Once created, the term “parcel” is synonymous with the term “lot” for the purposes of this Ordinance.

119) **PARK:** An open or enclosed tract of land set apart and devoted for the purposes of pleasure, recreation, ornament, light, and air for the general public.

120) **PARKING AREA, AUTOMOBILE:** Space within a lot or a building, exclusive of driveways, ramps, columns, office, and work area, for the temporary parking or storage of automobiles.

121) **PARKING AREA, PRIVATE:** Privately or publicly owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this Ordinance, and which is not open for use by the general public.

122) **PARKING SPACE:** An area within a private or public parking area, building or structure, for the parking of one automobile.

123) **PARTITION:** An act of partitioning land or an area or tract of land partitioned, as defined in this Section.

124) **PARTITION LAND:** To divide an area or tract of land into two (2) or three (3) parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from foreclosure; divisions of land resulting from foreclosure of recorded contracts for the sale of real property; divisions of land resulting from the creation of cemetery lots; the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner; "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by applicable zoning or other provisions of this Ordinance; and "partition land" does not include a sale or grant by a person to a public agency or public body for state highway, county road, City street, or other right-of-way purposes provided that such road or right of way complies with the applicable comprehensive plan.

125) **PARTY:** With respect to administrative actions and quasi-judicial hearings, the following persons or entities only, who file a timely statement or request for hearing as provided by general provisions of this Ordinance, or provide testimony at a hearing of the approving authority before the close of the evidentiary portion thereof, are hereby defined as a party:

a) The applicant and all owners or contract purchasers of record, as shown in the files of the Douglas County Assessor's Office, of the property which is the subject of the application.

b) All property owners of record, as provided in (a) above, within 300 feet of the property which is the subject of the application.

c) Any affected unit of local government or State or Federal agency which has entered into an agreement with the Governing Body to coordinate planning efforts and to receive notices of administrative actions.

d) Any other person, or his/her representative, who is specially, personally, adversely, and substantially affected in the subject matter, or is aggrieved by the subject matter, as determined by the approving authority. A person or entity interested in the correct application of land use laws shall be deemed to be aggrieved for these purposes.

126) **PERSON:** An individual, his/her heirs, executors, administrators, or assigns, or a firm, partnership, association, or corporation, its successors, or assigns, or any

political subdivision, agency, board, or bureau of the State of Oregon, or the agent of any of the aforesaid.

127) **PHARMACY:** A dispensary for physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing arts, to handle merchandise primarily of a nature customarily prescribed.

128) **PLANNED UNIT DEVELOPMENT (PUD):** A unit of land planned and developed with design flexibility from traditional siting regulations or land use regulations, and subject to the provisions of Chapter 6 of this Ordinance.

129) **PLANNING COMMISSION:** See "Commission."

130) **PLANNING DEPARTMENT:** The City of Roseburg Department of Community Development or such other department designated by the City Manager.

131) **PLAT:** A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision, a partition or a common boundary line adjustment.

132) **PROFESSIONAL OFFICE:** The place of business of persons engaged in a profession, such as accounting, architecture, law, estate brokerage, landscape architecture, and medical or dental practice.

133) **PUBLIC AND SEMI-PUBLIC BUILDINGS AND USES:** A building or use principally of an institutional nature and serving a public need, such as governmental agencies, religious institutions, public utilities, schools, hospitals, libraries, museums, fire and police stations, clubs and lodges, parks, and other public buildings or uses, but not including uses that are open to the public such as bars, restaurants or recreational facilities that are used for commercial enterprise.

134) **PUBLIC UTILITY:** Any corporation, company, individual association of individuals, or its lessees, trustees, or receivers, that owns, operates, manages or controls all or any part of any plat or equipment for the conveyance of telegraph, telephone messages, with or without wires, for the transportation as common carriers, or for the production, transmission, delivery, or furnishing of heat, light, water, or power, or sanitation services, directly or indirectly to the public.

135) **RECREATIONAL VEHICLE:** A vacation trailer or other unit with or without motive power that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes.

136) **RELIGIOUS INSTITUTION:** A building wherein persons regularly assemble for religious worship and which is controlled and maintained by a religious body, together with all accessory buildings and uses, including day school facilities, parking, caretaker's housing (limited to one single-family dwelling or dwelling unit) a Residential Facility or Residential Home, and day care facilities when

operated by the religious body. All buildings and uses shall adhere to applicable standards.

137) **RESIDENTIAL FACILITY:** A Residential Care Facility, Residential Training Facility, or a Residential Treatment Facility, as defined in ORS 443.400 and licensed under ORS 443.410, that provides residential care and treatment or training for six (6) or more socially dependent individuals, individuals with mental emotional or behavioral disturbances or alcohol or drug dependence, individuals with physical disabilities, individuals with mental retardation or other development disabilities, in one or more dwellings on contiguous properties.

138) **RESIDENTIAL HOME:** A Residential Treatment or Training Home, as defined in ORS 443.400 and licensed under ORS 443.410, that provides residential care and treatment or training for five (5) or fewer individuals with mental retardation or other developmental disabilities, individuals with mental, emotional or behavioral disturbances or alcohol or drug dependence in one or more dwellings on contiguous properties. No "Residential Home" shall admit persons requiring continuous nursing care.

139) **RETAINING WALL:** An engineered structure designed to maintain an earthen bank.

140) **ROOMING HOUSE:** A single-family dwelling where lodging, but not meals, is provided to guests for compensation, for time periods of at least 16 consecutive nights.

141) **SALVAGE YARD:** Any property where scrap, waste material, or other goods, articles or secondhand merchandise are dismantled, sorted, stored, distributed, purchased, or sold in the open.

142) **SCHOOL:** Any public or private institution for learning meeting State of Oregon accreditation standards.

143) **SETBACK:** The required minimum distance between a property line and the buildable area of a lot. Within the setback, certain development is restricted (e.g., buildings, parking and auto maneuvering areas, fence height, etc.). See "Lot Lines" and "Yards."

144) **SIDEWALK CAFÉ:** Any group of tables and chairs, and its authorized decorative and accessory devices, situated and maintained upon the public sidewalk or along the private porches and arcades for use in connection with the consumption of food and beverage sold to the public from or in an adjoining indoor restaurant or delicatessen. (Ord.3048, 9/99)

145) **SIGN:** See Article 2 of Chapter 4.

146) **SPECIAL HOUSEHOLD:** A household containing an individual such as an elderly or handicapped person with special housing needs.

147) **STAND:** A pushcart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor and is used for the displaying, sorting, or transporting of articles offered for sale by a vendor. (Ord.3048, 9/99)

148) **STORY:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. (See Basement.)

149) **STREET, PRIVATE:** Any street or road, which is not a public street as defined in this Ordinance.

150) **STREET, PUBLIC:** A street or road which has been dedicated or deeded for the use of the public. For the purposes of this Ordinance, public street may include "alley," "lane," "place," "court," "avenue," "boulevard," and similar designations, and any County roads and State highways.

151) **STRUCTURE:** That which is built or constructed. An edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some manner and which requires location on or in the ground. This definition shall include, for the purpose of this Ordinance, a mobile home and accessories thereto.

152) **SUBDIVIDE LAND:** To divide an area or tract of land into four (4) or more lots within a calendar year when such areas or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

153) **SUBDIVISION:** Either an act of subdividing land or an area or a tract of land subdivided as defined in this Section.

154) **SWIMMING POOL:** Any constructed or prefabricated pool used for swimming or bathing, 24 inches or more in depth.

155) **TAP ROOM:** An accessory use within or physically connected to a brewery that allows customers to purchase beer, wine or alcohol for onsite consumption and in containers for offsite consumption. Such areas may include retail sale of merchandise and/or entertainment activities. Permitted restaurants (whether outright by zoning or upon conditional approval) that serve the brewery's product may satisfy a micro-brewery's requirement to have a tap room onsite.

156) **TOWNHOUSE:** A residential building containing multiple dwelling units, each located on its own parcel with a common or abutting wall along shared parcel lines. Each dwelling unit has its own external entrance. No more than one dwelling unit may be located on a single parcel. There are two types of townhouses: two-unit townhouses and three+-unit townhouses (buildings containing three or more dwelling units).

157) **UNIT OF LAND:** An area of contiguous land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are required by this Ordinance; such property shall have frontage on a public street or such other access approved by the approving authority under provision of this Ordinance. A unit of land may be:

a) A single lot of record;

b) A lot or adjusted lot as defined herein;

c) A parcel as defined herein;

d) A series of contiguous units of land, including lots and parcels.

158) **URBAN AREA:** All territory, whether incorporated or unincorporated, located within the Roseburg Urban Growth Boundary.

159) **USE:** The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

160) **USE, PERMITTED:** A building, structure, or use permitted outright in a zoning district, and which complies with all of the regulations applicable in that district.

161) **USE, PRINCIPLE:** The primary use of a lot or site, and includes a permitted or conditional use.

162) **VARIANCE:** A deviation from the strict application of standards established by this Ordinance with respect to lot area and dimensions, setbacks, building height, and other such standards. The authority to grant a variance does not extend to use regulations.

163) **VENDING:** The sale of food or merchandise from a stand operating on private property within the Downtown area. (Ord.3048, 9/99)

164) **VETERINARY CLINIC:** A business establishment in which veterinary services are rendered to domestic animals.

165) **WAREHOUSING AND DISTRIBUTION:** A business where the principle operation is to receive, store and move goods for the business, other businesses or customers.

166) **WHOLESALE:** A business where the principle operation is the selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general retail use.

167) **YARD, (REQUIRED):** The required minimum open space on a property, determined by required setbacks, which is unobstructed from the ground upward, except as otherwise provided in this Ordinance.

168) **YARD, FRONT:** A yard between side lot lines measured horizontally at right angles from the front lot line.

169) **YARD, REAR:** A yard between side lot lines measured horizontally at right angles from the rear lot line.

170) **YARD, SIDE:** A yard between the front and rear yard measured horizontally at right angles from the side lot line. Side yard widths shall be determined based on setback requirements for interior and exterior side lot lines. See "Lot Line, Side."

171) **ZERO-LOT-LINE HOUSE:** A principal residential building containing one dwelling unit located on a single lot that is either unattached to another dwelling unit, or attached to only one other dwelling unit by a common wall. The building is shifted to one side of the parcel so that there is a more usable side yard on one side of the building and very little or no private yard on the other side. Zero-lot-line houses are subject to the parcel and building standards of the applicable Zoning District except as modified or supplemented by the zero-lot-line house standards of this definition. No more than one zero-lot-line dwelling may be located on a single parcel.

a) A zero-lot-line house development must consist of at least two contiguous parcels with frontage on the same street.

b) Zero-lot-line house developments require that the planning for all house locations be done at the same time.

c) The interior side setback on one side of the lot containing a zero-lot-line house may be reduced to as little as zero. The zero or reduced setback side of a zero-lot-line house may not abut a street and may not abut a lot that is not part of the zero-lot-line house development. On the "non-zero" side, a setback must be provided equal to at least two times the minimum side setback requirement of the subject Zoning District.

d) Driveways may not be located in the required side setback.

e) Eaves on the side of a house with a reduced setback may not project over the property line.

f) When the zero-lot-line building's exterior wall or eaves are set back less than two (2) feet from the abutting property line, a perpetual maintenance easement at least five (5) feet in width and of a length equal to the depth of the structure it benefits as measured from the front property line, must be provided on the parcel abutting the zero-lot-line property line, which must be kept clear of structures that would prevent maintenance of the zero-lot-line house. A copy of the recorded easement (unless the dwelling units are joined by a common wall) must be provided prior to site plan approval. This provision is intended to ensure the ability to conduct maintenance on the zero-lot-line house.

g) The side of the house which faces the reduced or zero-lot-line setback of the parcel on which it is situated shall not have windows, doors or other openings that allow for visibility. Windows that do not allow visibility into the side yard of the parcel abutting the zero or reduced setback side, such as clerestory windows or translucent windows, are allowed, subject to compliance with the building code.

CHAPTER 2:
ZONING REGULATIONS

ARTICLE 1:

INTRODUCTORY PROVISIONS

SECTION 2.1.010 PURPOSE

To achieve the purposes outlined in Chapter 1 of this Ordinance, and to ensure that use of land in the Roseburg Urban Area conforms to the Roseburg Urban Area Comprehensive Plan, Zoning Districts (also referred to as zones) have been established for all areas under the land use authority of the City of Roseburg. These Districts specify regulations for the use of land and property development standards, and are applied by boundaries indicated on the Roseburg Zoning Map.

SECTION 2.1.020 LOCATION OF ZONES

The boundaries for the zones listed in this Ordinance are indicated on the Roseburg Zoning Map which is hereby adopted by reference and incorporated herein.

SECTION 2.1.030 ZONING MAP

The Roseburg Zoning Map shall be certified by the Governing Body as being the official zoning map adopted by reference. Certification of the official zoning map shall appear on the cover page.

SECTION 2.1.040 AMENDMENT OF MAP

Whenever it is necessary to amend the zoning map to conform with an amendment to the text or maps of this Ordinance, the Director shall so change the map and annotate the cover sheet to show the Ordinance or administrative action number and the date of the change. The Director shall certify that the official map has been changed in conformance with the amending Ordinance or administrative action.

SECTION 2.1.050 ZONING DISTRICTS

For the purpose of this Ordinance, the Zoning Districts shown in Table 2-1 are hereby established to implement the Comprehensive Plan Land Use Designations:

TABLE 2-1: ZONING DISTRICTS

COMPREHENSIVE PLAN LAND USE DESIGNATION	ZONING CLASSIFICATION	MAP SYMBOL
Public, Semi-public	Public Reserve	PR
	Airport District	AP
Parks/Open Space and Hazard Areas	Public Reserve	PR
Residential Open Space	Residential Open Space	RO
Low Density Residential	Low Density Residential	R10
	Single-Family Residential	R7.5
	Single-Family Residential	R6
	Limited Commercial	C1
Medium Density Residential	Limited Multiple-Family Residential	MR14
	Medium Density Multiple-Family Residential	MR18
	Limited Commercial	C1
High Density Residential	Multiple-Family Residential	MR29
	High Density Multiple-Family Residential	MR40
	Limited Commercial	C1
Professional Office	Professional Office	PO
Commercial	Central Business District	CBD
	Limited Commercial	C1
	Community Commercial	C2
	General Commercial	C3
	Mixed Use	MU
Industrial	Light Industrial	M1
	Medium Industrial	M2
	Heavy Industrial	M3
	Mixed Use	MU

SECTION 2.1.060 INTERPRETATION OF ZONE BOUNDARIES

Whenever an uncertainty exists as to the boundary of a zone as shown on the official zoning map, the following rules of interpretation shall apply:

1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

2) Boundaries indicated as approximately following platted lines shall be construed to follow such plat lines.

3) Boundaries indicated as approximately following City limits shall be construed to follow such City limits.

4) Boundaries indicated as following railroad lines or public utility easements shall be construed to be midway between the main tracks or utility easement, whichever is applicable.

5) Boundaries indicated as following the centerlines of streams, rivers, canals, or other bodies of water shall be construed to follow said centerlines.

6) Boundaries indicated as following shorelines shall be construed to follow the mean high water line.

7) Boundaries indicated as parallel to or extension of features indicated in Subsections "1" through "6" of this Section shall be so construed.

8) Where physical features existing on the ground vary with those shown on the official zoning map, or in other circumstances not covered by Subsections "1" through "6" of this Section, the Director shall interpret the zone boundaries, and, if necessary, may refer the matter to the Planning Commission for its interpretation pursuant to Section 1.1.080.

9) Where a public street or alley is officially vacated, the zone requirements applicable to the property to which the vacated area becomes a part shall apply.

SECTION 2.1.070 OVERLAY DISTRICTS

Any portion of a zone district may be subject to additional consideration by the establishment of regulations that "overlay" the parent district. These "overlay districts" may be applied singularly, or in any combination thereof, through application for a zone change pursuant to Article 4 of Chapter 5, and are designed to ensure that the various considerations contained in the text of such overlay district are employed in using and developing land subject to an overlay district.

Development in any area subject to an overlay district shall be undertaken only after any required administrative action, and in accordance with any conditions resulting from such administrative action. In the event of a conflict between the provisions of the overlay district and the underlying zoning district, the provisions of the overlay district shall prevail. Overlay districts employed in this Ordinance include the following:

1) Airport Impact Overlay. The Airport Impact Overlay District is intended to protect the public health, safety, and welfare by assuring that development within areas impacted by airport operations is appropriately planned to mitigate the impact of such operations, and to prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls as specified in Article 8 of Chapter 2.

2) Floodplain Overlay. A district shall be given a floodplain overlay designation when such district has been identified as subject to periodic inundations by the Federal Emergency Management Agency (FEMA). Since such inundation adversely affects the public health, safety, and general welfare, development in said district shall be in conformance to the provisions of Article 9 of Chapter 2 of this Ordinance, in addition to the requirements of the underlying zone.

3) Hillside Development Overlay. A Hillside Development Overlay is particularly applicable to areas of active or potential mass movement (landslide areas) and to all areas identified on the City of Roseburg Slope Map adopted by reference herein and/or greater than 12% slope. Prior to development approval, assurance shall be made that the public health, safety and welfare is not jeopardized by land use or development being proposed. Such approval shall be pursuant to Article 10 of Chapter 2 of this Ordinance. (Ord.3274, 8/07)

4) Planned Unit Development (PUD). A Planned Unit Development (PUD) Overlay is established by a land developer through a process designed to provide a means of creating harmonious planned environments through the application of flexible and diversified land development standards, to encourage superior development arrangements, and to promote the efficient use of urban land. Development within a district subject to a PUD overlay shall be approved pursuant to Section 5.1.180 and Chapter 6 of this Ordinance.

5) Historic Districts Overlay. The purpose of the Historic Districts Overlay is to preserve, protect, maintain, and enhance those historic resources which represent or reflect elements of the cultural, social, economic, political, and architectural history. Historic resources are the sites, buildings, structures, objects, natural features, or specific districts that relate to events or conditions of our past. Protected resources will provide educational value, enjoyment, and economic diversification as well as beautification of the City and enhancement of property values. Article 11 of Chapter 2 is intended to allow the City to review any changes including alterations, remodels, additions, demolitions, and/or new construction proposals at the time of site review to ensure that registered historic districts/resources are preserved.

6) West Avenue Residential Overlay. The West Avenue Residential Overlay District is intended to implement the strategies contained in the West Avenue Redevelopment Plan. This overlay district recognizes and provides for the continued use of long established dwellings of record. Residential uses shall be subject to Article 12 of Chapter 2 of this Ordinance. (Ord.3328, 12/09)

ARTICLE 2:

PUBLIC RESERVE AND RESIDENTIAL OPEN SPACE DISTRICTS

SECTION 2.2.010 DISTRICTS

1) Purpose
The Public Reserve (PR) and Residential Open Space (RO) Districts are intended to establish areas which have unique characteristics which require unique regulations. Within the Public Reserve District, a variety of public service activities may be conducted without interference from inappropriate levels of residential, commercial, or industrial activities. It is intended to be applied primarily, though not exclusively, to publicly-owned lands. The Residential Open Space District is intended to be applied to areas which have been identified as having significant scenic, cultural, or economic value to the urban area, but which under controlled development conditions are also suitable for limited residential use. Planned Unit Development approval is required to ensure retention of the site's natural character and/or economic benefit to the community.

2) List and Map Symbols

DISTRICT NAME	MAP SYMBOL
Public Reserve	PR
Residential Open Space	RO

SECTION 2.2.020 ALLOWED USES AND STANDARDS

1) Permitted Uses
Uses identified with a "P" in Table 2-2 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance.

2) Conditional Uses
Uses identified with a "C" in Table 2-2 may be allowed if reviewed and approved in accordance with the Conditional Use Permit procedures of Article 8 of Chapter 5. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance.

3) Prohibited Uses
Uses identified with a "–" are expressly prohibited. Uses not identified are also prohibited.

4) Use Standards
The "use standards" column of Table 2-2 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

5) Development Standards

Development of land within these Districts must comply with the standards referenced in Table 2-3, as well as other applicable development standards contained within this Ordinance. If standards for specific aspects of development are not provided, such as minimum lot size, other required standards will dictate unspecified standards (i.e., setbacks and coverage). Within the Public Reserve District, development abutting a residential zone or use shall be screened by a minimum six (6) foot-high sight-obscuring fence or hedge along the abutting property lines subject to the standards set forth in Section 4.4.070.

TABLE 2-2: RO AND PR – ALLOWED USES

USE CATEGORY Specific Use	RO	PR	STANDARDS
RESIDENTIAL			
1) Single-Family Dwelling	-	C [1]	-
2) Family Day Care Home	P	-	-
3) Residential Home	P	-	-
4) Residential Facility	C	-	-
5) Day Care Facility	C	-	-
6) PUD	P	-	6.2
PUBLIC/CIVIC			
7) Public/Semi-public Uses and Activities	C	P	-
8) Parks and Playgrounds	P	P	-
9) Schools	-	P	-
10) Botanical, Zoological and other types of Gardens	-	P	-
11) Cemeteries	-	P	-
12) Fairgrounds	-	P	-
13) Fire prevention/detection/suppression facilities	-	P	-
14) Fish and wildlife management	-	P	-
15) Golf Course	-	P	-
16) Hospital and nursing homes	-	P	-
17) Children's Group Home and charitable institutions	-	P	-
18) Campgrounds/boating facilities/lodges/camps and other such recreational facilities	-	P	-
19) Public airport/heliport/landing strips	-	C	-
20) Hydroelectric, solar wind, geothermal facilities, transmission lines or pipes, and substations	-	C	-
21) Religious Institutions	C	C	-

COMMERCIAL	RO	PR	STANDARDS
22) Private airport/heliport/landing strips	-	C	-
23) Solid waste transfer/disposal sites and recycling centers	-	C	-
24) Telecommunications Facilities	C	C	4.3
25) Mining operations	-	C	4.5

[1] A single-family dwelling customarily provided in conjunction with a use permitted in this classification.

TABLE 2-3: RO AND PR PARCEL AND BUILDING STANDARDS

DISTRICTS	RO	PR
Minimum Lot Area (sq. ft.)		
Planned Unit Development (PUD)	[1]	-
Residential Facility or Home	[2]	N/A
Coverage	20%	60%
Setbacks (feet)		
Front	20	15
Rear	10	10
Side (interior)	5	5
Side (exterior)	20	10
Max Building Height (feet)	35	35 [3]

[1] In addition to PUD standards cited in this Ordinance, a PUD in this zone is limited to one (1) dwelling unit per three (3) gross acres.
[2] Two and one half (2.5) beds per 1,100 square feet of lot area.
[3] Hospitals, public buildings and Religious Institutions may have a height of 60 feet.

ARTICLE 3:

RESIDENTIAL DISTRICTS

SECTION 2.3.010 DISTRICTS

1) Purpose

Roseburg's residential Zoning Districts are primarily intended to create, maintain and promote a variety of housing opportunities for individual households and to maintain and promote the desired physical character of existing and developing neighborhoods. While the districts primarily accommodate residential use types, some nonresidential uses are also allowed. District standards provide development flexibility, while at the same time helping to ensure that new development is compatible with the City's many neighborhoods. In addition, the regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed.

2) List and Map Symbols

DISTRICT NAME	MAP SYMBOL
Low-Density Residential	R10
Single-Family Residential	R7.5
Single-Family Residential	R6
Limited Multiple-Family Residential	MR14
Medium-Density Multiple-Family Residential	MR18
Multiple-Family Residential	MR29
High-Density Multiple-Family Residential	MR40

SECTION 2.3.020 ALLOWED USES AND STANDARDS

1) Permitted Uses

Uses identified with a "P" in Table 2-4 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Uses identified with "P, C" indicate that the use may be permitted based on specific standards, but is only conditionally allowed if those standards are not met.

2) Conditional Uses

Uses identified with a "C" in Table 2-4 may be allowed if reviewed and approved in accordance with the Conditional Use Permit procedures of Article 8 of Chapter 5. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Some uses may be identified with both a "P" and a "C," refer to the footnotes for explanations.

3) Prohibited Uses
Uses identified with a "–" are expressly prohibited. Uses not identified are also prohibited.

4) Use Standards
The "use standards" column of Table 2-4 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

5) Development Standards
Development of land within these Districts must comply with the standards referenced in Table 2-5, as well as other applicable development standards contained within this Ordinance, such as parking requirements. If standards for specific aspects of development are not provided, such as minimum lot size, other required standards will dictate unspecified standards (i.e., setbacks and coverage).

TABLE 2-4: RESIDENTIAL – ALLOWED USES

USE CATEGORY / Specific Use	R10	R7.5	R6	MR14	MR18	MR29	MR40	STANDARDS
RESIDENTIAL								
1) Single-Family Dwelling	P	P	P	P	P	P	-	-
2) Two-Family Dwelling [1]	P, C	P, C	P, C	P	P	P	-	2.3.060(2)
3) Townhouses	C	C	C	P	P	P	P	2.3.050
4) Multifamily Dwelling	-	-	-	P	P	P	P	2.3.060
5) Mobile Home Parks	-	-	-	P	P	-	-	5.12
6) Accessory Residential Unit [2]	C	C	C	P	P	P	P	2.3.030
7) Boarding and Rooming Houses	-	-	-	P	P	P	-	-
8) Family Day Care Home	P	P	P	P	P	P	P	-
9) Residential Home	P	P	P	P	P	P	P	-
10) Residential Facility	C	C	C	P	P	P	P	-
PUBLIC/CIVIC								
11) Religious Institutions	P	P	P	C	C	C	C	-
12) Parks and Playgrounds	C	C	C	C	C	C	-	-
13) Public/Semi-public Buildings and Uses	C	C	C	C	C	C	-	-
14) Schools	-	-	-	C	C	C	-	-

COMMERCIAL	R10	R7.5	R6	MR14	MR18	MR29	MR40	STANDARDS
15) Ambulance Service	-	-	-	-	-	C	C	-
16) Bed and Breakfast Facilities	C	C	C	C	C	C	C	4.4.110
17) Convenience Commercial Uses **[5]**	-	-	-	-	-	-	C	-
18) Day Care Facility	C	C	C	C	C	C	C	-
19) Nursing Home	-	-	-	-	C	C	-	-
20) Privately-Operated Kindergarten	-	-	-	C	C	C	-	-
21) Telecommunications Facilities	C	C	C	C	C	C	C	4.3
22) Temporary Sales Office **[3]**	P	P	P	P	P	P	P	-
23) Uses Permitted in PO Zone **[4]**	-	-	-	C	C	C	C	

[1] Two-family dwellings are permitted on designated duplex lots approved in subdivision proceedings pursuant to Chapter 6. If a lot is not a designated duplex lot a Conditional Use Permit must be obtained.

[2] Accessory residential units must be in conjunction with a single-family dwelling and is subject to the standards in Section 2.3.030.

[3] The use of a temporary sales office for a new development shall be exempt from the Administrative Approval process. However, such uses shall be limited to the exclusive use for the project on which it is located and shall be discontinued upon completion of the initial sales of all lots. (Ord.3289, 9/08)

[4] In addition to Conditional Use Criteria, the site shall abut a PO, CBD, C1, C2 or C3 and have adequate area to meet the development standards of said use.

[5] Convenience Commercial Uses are limited to the following: barber/beauty shops, delicatessens, grocery stores less than 2,500 square feet, restaurants without a drive-thru, pharmacies, and professional offices. The commercial use is restricted to the first floor and must have residential dwelling units located in upper stories.

TABLE 2-5: RESIDENTIAL PARCEL AND BUILDING STANDARDS

DISTRICTS	R10	R7.5	R6	MR14	MR18	MR29	MR40
Minimum Lot Area (sq. ft.)							
Single-Family Dwelling	10,000	7,500	6,000	6,000	6,000	6,000	-
Two-Family Dwelling	11,000	8,250	6,600	6,600	6,000	6,000	-
Townhouses [1]	4,500	3,600	3,000	2,400	2,400	2,400	2,400
Multifamily Dwelling [4] (Min. Lot Area / Lot Area per dwelling unit)	-	-	-	10,000 / 3,000 [2] [3]	10,000 / 2,350 [3]	10,000 / 1,500 [3] [4]	30,000 / 800 [3] [4]
Residential Facility or Home(Min. Lot Area / Lot Area per five (5) beds) [5]	10,000 / 4,700	10,000 / 4,700	10,000 / 4,700	10,000 / 4,700	10,000 / 4,700	10,000 / 3,000	10,000 / 2,200
Coverage	55%	55%	55%	70%	80%	80%	80%
Setbacks (feet) [7]							
Front	20	20	15	15	15	15	10
Rear	10	10	10	[6]	[6]	[6]	[6]
Side (interior)	5	5	5	[6]	[6]	[6]	[6]
Side (exterior)	10	10	10	10	10	10	10
Maximum Building Height (feet)	35	35	35	35	45	60	80

[1] Townhouses have additional parcel and building development standards as shown in Section 2.3.050.
[2] No more than four (4) dwelling units allowed per building.
[3] Multiple-dwelling buildings have additional parcel and building development standards as shown in Section 2.3.060.
[4] New multifamily development is eligible for density bonuses. See Section 2.3.060(3).
[5] Residential Facilities and Homes shall have no more than 20 beds per any one (1) building.
[6] Side and Rear Yard requirements vary according to the number of stories within building as follows:

One story:	**four (4) feet**
Two stories:	**five (5) feet**
Three stories:	**eight (8) feet**
Four stories:	**ten (10) feet**
Five or more stories:	**12 feet, plus two (2) additional feet for each story over five (5), with a maximum required yard of 20 feet.**

[7] Any side of a garage that has a door for an automobile shall be set back from the property line where vehicle access is provided by a minimum of 20 feet.

SECTION 2.3.030 ACCESSORY RESIDENTIAL UNITS

Accessory Residential Units shall:

1) not exceed one (1) per single-family unit;

2) not exceed a maximum size of 1,000 square feet or no more than 50% of the gross floor area of the primary residence;

3) have at least one (1) unit owner-occupied;

4) have one (1) additional off-street parking space;

5) have the primary heat source be electric or gas, not wood; and

6) not have separate dedicated utility meters including gas, electric and water.

Prior to clearance to occupy the accessory residential unit, a restrictive covenant shall be recorded with the Douglas County Recorder setting forth these requirements. Said covenant shall remain binding on the property for the life of the accessory unit.

Existing accessory units will not be "grandfathered" but can be legalized by applying for a Conditional Use Permit.

SECTION 2.3.040 SCREENING

All nonresidential development abutting a residential zone or use shall be screened by a minimum six (6) feet-high sight-obscuring fence or hedge along the abutting property lines. Fences shall be subject to the standards set forth in Section 4.4.070. Nonresidential development to which this applies includes, but is not limited to:

1) Religious Institutions;
2) Day Care Facility;
3) Residential Facility/Home.

SECTION 2.3.050 TOWNHOUSES

1) Number of Dwelling Units
In zoning districts that allow three+-unit townhouses, buildings may not contain more than eight (8) attached dwelling units.

2) Parcel Standards

TABLE 2-6: TOWNHOUSE PARCEL STANDARDS

DISTRICTS	R10	R7.5	R6	MR14	MR18	MR29	MR40
Coverage	60%	65%	65%	75%	80%	80%	80%
Lot Width (feet)	35	35	30	25	25	25	20
Front Setback	20	15	10	10	10	10	5

a) Side and rear yard setbacks of the zoning district apply.

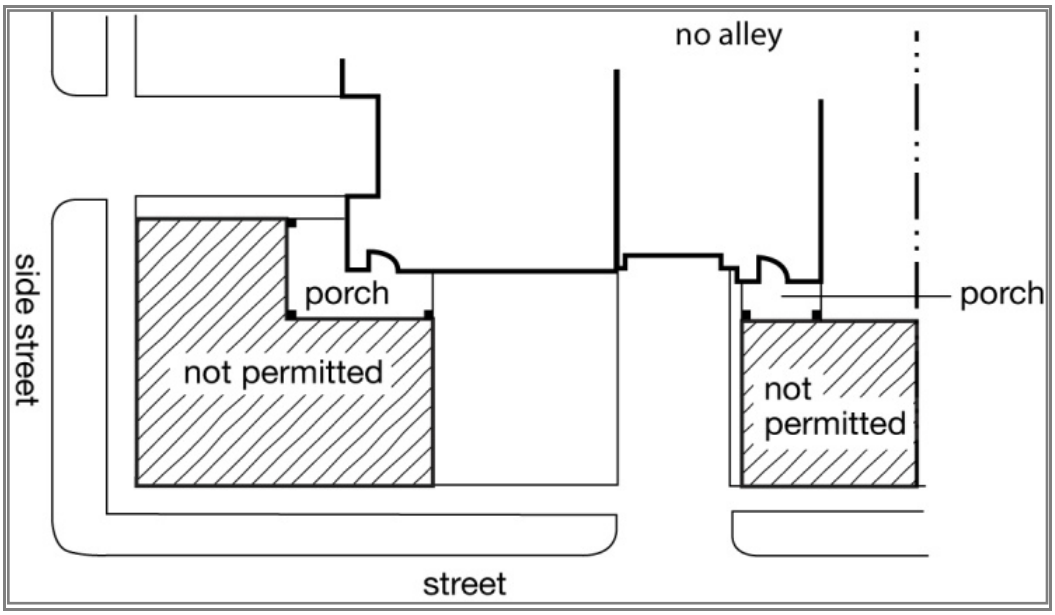
b) Front yard setback for any portion of the façade adjacent to automobile access must be at least 20 feet in order to accommodate off-street parking.

3) Parking and Access

a) Access to parking spaces and garages must be from an alley for all parcels abutting an alley.

b) For parcels without alley access, driveways, parking and other vehicular use areas shall not be located between the porch (or covered building entrance) and the street (see Figure 2-1: Townhouse Parking Standards).

FIGURE 2-1: TOWNHOUSE PARKING STANDARDS



c) When parking is provided in a garage or carport that faces a street, the following standards must be met:

i) The garage or carport width may not exceed 50% of the street facing façade of each attached dwelling unit or 13 feet, whichever is greater (see Figure 2-2: Townhouse Garages).

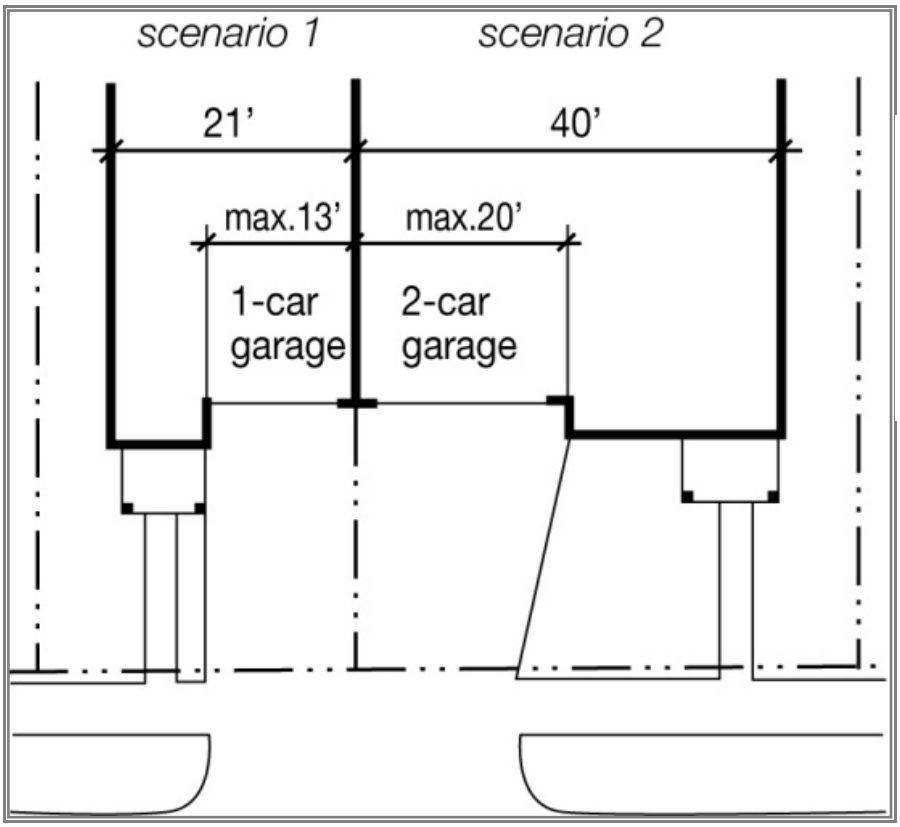
ii) A townhouse structure may have no more than two individual garage doors or carport entrances in succession on a street-facing façade.

iii) Garages and carports must be set back at least 20 feet from all property lines that abut a street. Garages and carports must be recessed at least two (2) feet from the street facing façade of the building.

iv) When garages or carports are paired (abutting), driveways must be combined and centered on the property line between dwelling units providing access to the garages or carports. There must be a minimum of 33 feet distance between single or paired driveways, measured along the front property line, unless otherwise approved by the City engineer (see Figure 2-3: Townhouse Driveway Spacing).

v) Driveway widths must meet the standards contained within this Ordinance, except that driveway setbacks from interior property lines of adjoining townhouse units are not necessary.

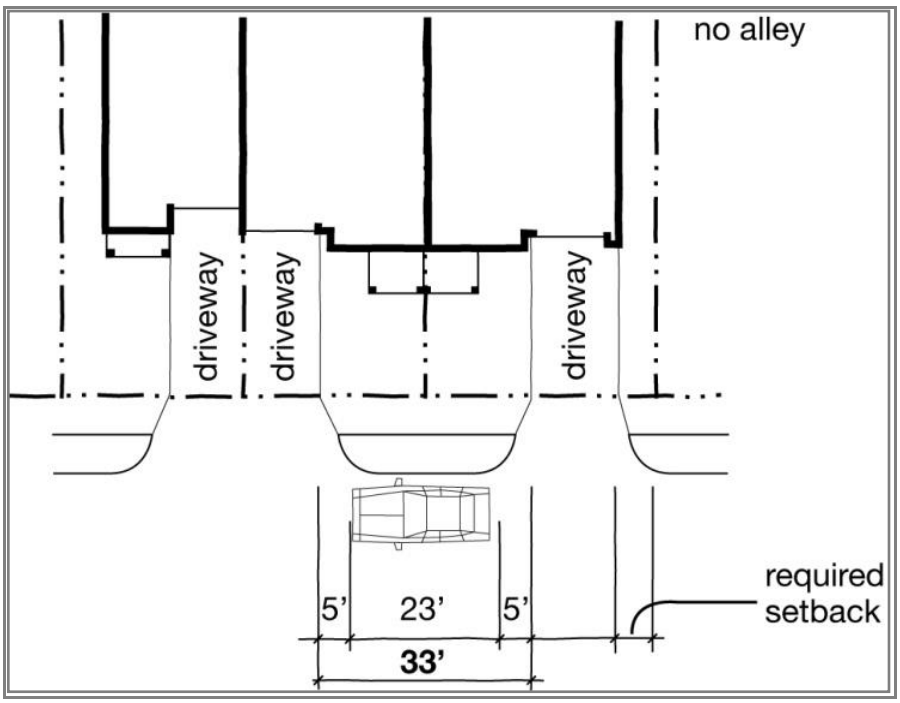
FIGURE 2-2: TOWNHOUSE GARAGES



Scenario 1: single-car garage:
21' façade x 0.5 = 10'6"
10'6" < 13'
maximum garage width = 13'

Scenario 2: 2-car garage:
40' façade x 0.5 = 20'
20' > 13'
maximum garage width = 20'

FIGURE 2-3: TOWNHOUSE DRIVEWAY SPACING



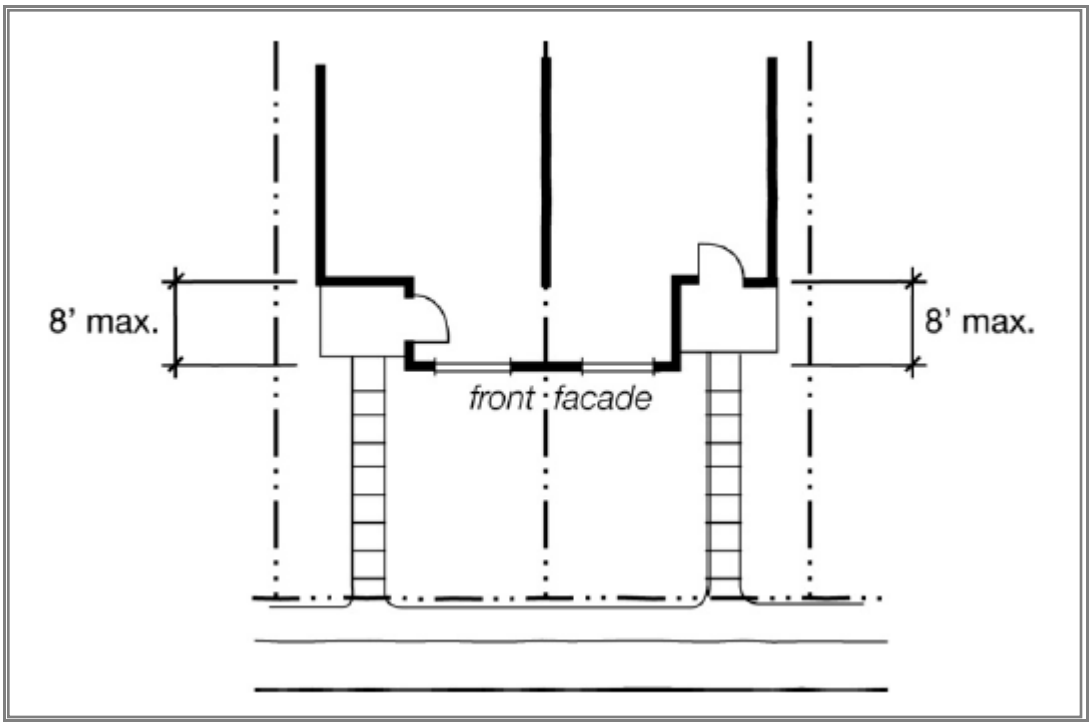
4) Building Design

a) Entryway

i) Each dwelling unit must have a separate ground-floor entrance that is clearly defined and highly visible on the building façade that faces a public street or a right-of-way other than an alley. The front door must be within eight (8) feet of the building's front façade (see Figure 2-4: Townhouse Entryways). The door may be at any angle to the street as long as the other entrance standards are met.

ii) Each front entrance must include a porch or covered entry. A pedestrian walkway must connect each front entrance to the street. A door that leads directly into a garage does not qualify as a front entrance.

FIGURE 2-4: TOWNHOUSE ENTRYWAYS



b) Glazing. Each townhouse dwelling unit must provide windows or glazed area equal to at least 15% of the building façade that faces a public street or a right-of-way other than an alley. Glazing in (vehicle) garage doors may not be counted towards meeting glazing requirements.

c) Building Modulation. Architectural features applied to building façades that provide depth and visual relief from large expanses of blank walls and reduce the apparent scale and bulk of the building.

i) Building façade modulation must be provided on the front façade of all townhouse buildings containing three or more dwelling units when such buildings directly face a public street (other than an alley), as follows:

A) Exterior walls may not exceed 32 feet in (horizontal) length without modulation.

B) Along the vertical face of all building stories, such elements shall occur at a minimum interval of 30 feet and each floor shall contain at least two elements listed below.

C) All modulations must have a depth of at least two (2) feet and a horizontal length of at least four (4) feet.

ii) Modulation may be achieved through such techniques and features as:

A) recessed or projecting wall offsets;

B) recess areas (e.g., deck, patio, courtyard, entrance or similar feature).

C) entryways, balconies, bay windows;

D) porch or canopy structures including columns or piers;

E) dormers with peaked roofs and windows or offsets or breaks in roof elevation of 2 feet or greater in height.; or

F) other prominent architectural features that serve to provide dimension and break up large expanses of wall area.

d) Landscaping. Each lot developed as a townhouse shall provide a landscaped area in the front yard equal to at least 20 percent of the total front yard but no less than 50 square feet in area.

i) Each 25 square feet of required area landscaping shall contain one (1) tree at least six (6) feet high. At least two (2) one-gallon or one (1) five-gallon shrubs shall be placed for every ten (10) square feet of lot landscaping. The remaining planter area shall be treated with ground cover.

ii) Specifications for Trees and Plant Materials.

A) Deciduous Trees. Deciduous shade or ornamental trees shall be a minimum one-and-one-half (1½) inch caliper measured six (6) inches above ground, and a minimum of six (6) feet in height at time of planting.

B) Conifer or Evergreen Trees. Coniferous or evergreen trees shall be a minimum of six (6) feet in height above ground.

C) Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size.

D) Living ground covers. Living ground covers shall be drought-tolerant, fully rooted and shall be well branched or leafed.

E) Other ground covers. Other ground covers shall consist of a decorative treatment of bark, rock, or other attractive ground cover.

F) Lawns. Lawns shall consist of grasses. Lawns shall provide 100% coverage and be weed-free.

SECTION 2.3.060 MULTIPLE-FAMILY DWELLINGS

Purpose. The provisions of this Section are intended to ensure that multifamily dwellings are well-designed and provide amenities that improve the quality of development.

1) Minimum Distance between Buildings. Where multifamily dwelling buildings are grouped as one (1) project on one (1) tract of land, the minimum distances between buildings at any given point shall not be less than the sum of the required side yards computed separately for each building.

2) Pedestrian Access. Multifamily developments must provide a system of walkways connecting each multifamily building to the following: adjacent public sidewalks, onsite parking lots or parking structures, other onsite multifamily buildings, garages, disposal and recycling containers, mail boxes, recreation areas and bicycle storage areas.

3) Improved Open Space. Lots or sites with multifamily dwellings shall provide improved open space meeting the following standards:

a) At least 100 square feet shall be provided per dwelling unit, but no less than 800 square feet for the entire site. Open space not containing amenities specified below shall be covered by weed-free, drought-tolerant landscaping.

b) All dimensions shall be at least 20 feet, and shall have a ratio no greater than 3:1 so that no one side is more than three times the length of the other. No more than 20% of open space shall be on land with a slope greater than 12% (sports courts/fields shall have a slope no greater than three (3) percent).

c) Unless the total improved open space required for the development is provided with private outdoor areas, at least 50% of the open space shall include one or more of the following types of amenities:

i) Fixed Features. Amenities such as benches, grills, playground equipment, sheltered areas, or other permanent features approved by the

Director.

ii) Garden Areas. Garden areas shall include fencing that prevents deer intrusion, is accessible to all residents and a compacted topsoil layer at least 4 inches in depth.

iii) Developed Recreation Areas. Examples include swimming pools and adjoining patios or decks, sports courts/fields that are developed and equipped to industry standards. These areas shall contribute to the 50% requirement at a 4:1 ratio (i.e., 200 square feet of a developed recreation area shall constitute 800 square feet of required improved open space).

d) Private Outdoor Areas. Areas for individual dwelling units shall be adjoining and for the exclusive use of the dwelling unit they serve, subject to the following specifications:

i) Ground-story dwellings shall provide at least 100 square feet (lawns, patios or decks), and upper-story dwellings shall provide at least 80 square feet (balconies or decks).

ii) No horizontal dimension shall be less than eight (8) feet.

iii) Ground-story areas may be fenced (excluding chain-linked fence). If fenced, a lockable door shall be provided to grant access to public right-of-way or other improved open space. Upper-story areas shall be partitioned from the areas of adjoining units by a solid wall.

e) Exceptions. The following exceptions shall apply to this Subsection:

i) Multifamily dwellings located above commercial structures, or structures within the Central Business District (CBD).

ii) Remodel or conversion projects that do not change the building footprint by more than 20% or increase the number of dwelling units by more than two (2). Projects that modify existing multifamily dwellings and cannot comply with the standards of this Subsection must utilize any available land by installing improvements listed in Section 2.3.060(3)(c) or by providing Private Outdoor Areas for each dwelling unit.

4) Density Bonus. The approving authority shall authorize a ten percent (10%) increase in residential density for each amenity package provided in a new multifamily development in the MR29 and MR40 Districts; provided, however, that increased density shall not be granted for more than three (3) amenity packages (maximum 30% density increase).

The requirements of each amenity package shall not be subject to the provisions of Article 5 of Chapter 5 (Variances).

a) Amenity Package No. 1: Crime Prevention

Allow a ten percent (10%) increase in density if all of the following are provided:

i) One window (minimum six (6) square feet) must be provided in each unit, which overlooks the circulation space leading to the unit;

ii) All exterior doors shall be solid core or metal, and shall have dead bolts and security viewers;

iii) All sliding glass doors and windows will have the sliding section on an inside track;

iv) Any lobby space provided shall be provided with windows such that the entire interior of such lobby is visible from outside the lobby;

v) All exterior stairs used as the principal access to a dwelling shall be entirely visible from at least 20 feet away from the stair landing;

vi) A single stair, corridor, or courtyard may not be used as the principal entrance to more than eight (8) units;

vii) Hallways or corridors shall have emergency exits at 30 feet intervals;

viii) Any outdoor space provided for recreation shall be visible from at least one-third (1/3) of the units it is intended to serve;

ix) From any stair or elevator landing, all apartment principal entrances served by that landing shall be visible.

b) Amenity Package No. 2: Energy Conservation

Allow a ten percent (10%) increase in density if all of the following provisions are met:

i) All windows and glass sliding doors must have insulated frames.

ii) All units with individual room heating shall provide a wall thermostat in every room so heated; such thermostat shall be located between three (3) and five (5) feet above the floor and within 18 inches of the principal entrance to the room.

iii) In dwelling units where a circulation space connects sleeping rooms with the living/dining/kitchen area, a door shall be provided in that circulation space.

iv) All windows and glass doors shall be double glazed.

v) All top level unit ceilings shall be insulated to a minimum of “R-38.”

vi) All thermostats within a project shall have night setback capabilities.

vii) At least one of the following shall be provided:

A) Passive solar heating for at least two-thirds (2/3) of all units in the project;

B) Active solar space heating;

C) Solar hot water heating.

c) Amenity Package No. 3: Transitional Spaces

Allow a ten percent (10%) increase in density if all of the following provisions are met:

i) No auto parking or maneuvering area may be within five (5) feet of the principal entry to any unit, or a corridor or stair that is the main access to such an entry.

ii) Provide every unit with a private porch, patio, deck, or balcony that has at least 48 square feet with no dimension of less than six (6) feet.

iii) Provide a hallway or corridor within the unit between bedroom areas and living areas, and provide a doorway within this hallway or corridor, separating living from sleeping areas.

iv) Increase all required building setbacks by 50%.

d) Amenity Package No. 4: Larger Units

Allow a ten percent (10%) increase in density if all of the following provisions are met:

i) All units will have the following minimum gross square footage of interior space:

Studio	500 square feet
One Bedroom	675 square feet
Two Bedrooms	800 square feet
Three Bedrooms	950 square feet

ii) Kitchens shall be at least 64 square feet in area, exclusive of eating space, and shall have a minimum dimension of eight (8) feet; a kitchen window shall be provided over the kitchen sink; kitchen storage shall be provided as follows:

20 square feet of drawer space;

40 square feet of shelf space;

20 square feet of counter space.

iii) All units will be provided with storage space according to the following:

Bedroom Closet - 10 sq. ft. floor area each;

Linen Closet - 20 sq. ft. shelf area;

Guest Hall or Coat Closet - 10 sq. ft. floor area;

Private Storage Locker - 100 cu. ft.

iv) At least 30% of all units must have two (2), and at least ten percent (10%) of all units must have three (3) bedrooms.

e) Amenity Package No. 5: Neighborhood Compatibility

Allow a ten percent (10%) density bonus if all of the following provisions are met:

i) All required yards and buffers shall be planted in grass or other low, living ground cover.

ii) Siding shall be sawn lumber, premium grade or better rough sawn or textured plywood, clay brick; or, similar high quality material.

iii) Exterior walls of the project that face onto the right-of-way shall be varied to meet one (1) of the following criteria:

A) The exterior wall shall vary in its distance from the facing right-of-way by at least 18 inches every 40 feet; or

B) Balconies or porches shall be provided facing onto the right-of-way for every dwelling with an exterior wall that faces a right-of-way; such balcony or porch shall extend at least four (4) feet beyond the exterior wall of the unit.

f) Amenity Package No. 6: Children's Play Space

Allow a ten percent (10%) increase in density for projects that incorporate all of the following features into their design:

i) Provide 50 square feet of play area for every unit in the project; however, no play area may be smaller than 1,000 square feet or less than 25 feet on any side.

ii) Each play area must have at least 400 square feet of grass.

iii) No unit in the project shall be more than 200 feet from a play area.

iv) Every unit shall be connected to a play area by a pedestrian walk which is not crossed at any point by motor vehicle parking or maneuvering areas or access drives.

v) Every play area used to meet the requirements of this Section shall be provided with two (2) trees and two (2) benches with backs. Such benches shall be at least five (5) feet long.

vi) Play areas shall be provided with a swing set (permanent, four (4) swings minimum) and at least one (1) of the following features for each five (5) units the play area is intended to serve. These may not be repeated until at least three (3) different features are provided:

A) Slide (permanent);

B) Sand Box, at least 64 square feet in area;

C) Basketball Half Court (permanent);

D) Play structure covering a minimum area of 100 square feet (permanent);

E) Two (2) additional trees, subject to the requirements listed in paragraph (e) of this Section.

Where a play area serves 30 or more units, (A) through (E) above will be repeated to continue the ratio of one (1) feature for every five (5) units.

ARTICLE 4:

COMMERCIAL DISTRICTS

SECTION 2.4.010 DISTRICTS

1) Purpose

Roseburg's commercial districts are primarily intended to provide economic opportunity for business owners and a suitable market of goods and services for the public by establishing zones and standards appropriate for certain types of business respective of surrounding Zoning Districts, uses and infrastructure.

a) The Professional Office District is intended to provide areas for low-intensity office uses, which utilize harmonious exterior design and landscaping to serve as a transition or buffer between residential and more intensively developed properties. It is intended that the administrative, professional, and limited business office uses permitted in the PO District will provide for more compatible land uses in close proximity to residential areas than would otherwise be permitted by other commercial districts.

b) The Limited Commercial classification is provided for a desirable mixing of the residential land uses with limited commercial land uses. The C1 Zone is intended to serve local neighborhood needs rather than an entire community. The limited commercial uses allowed in this district are selected for their compatibility with residential uses and their ability to meet the needs of the neighborhood. Normally, the district is to be applied as a small compact area conveniently located in or near residential areas, and may be applied to areas designated as "Residential" or "Commercial" by the Comprehensive Plan.

c) The Community Commercial classification is intended to provide areas for community shopping facilities. It is intended to preserve and enhance areas with a wide range of retail sales and service establishments serving both long and short term needs on a community-wide basis.

d) The General Commercial classification is intended to provide areas within which a variety of retail and wholesale business occurs. These areas serve general community-wide and regional commercial needs.

2) List and Map Symbols

DISTRICT NAME	MAP SYMBOL
Professional Office	PO
Limited Commercial	C1
Community Commercial	C2
General Commercial	C3

SECTION 2.4.020 ALLOWED USES AND STANDARDS

1) Permitted Uses
Uses identified with a "P" in Table 2-7 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Uses not specifically listed but similar to other permitted uses may be approved by the Director.

2) Conditional Uses
Uses identified with a "C" in Table 2-7 may be allowed if reviewed and approved in accordance with the Conditional Use Permit procedures of Article 8 of Chapter 5. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Uses not specifically listed but similar to other conditional uses may be applied for through the Conditional Use Permitting process.

3) Prohibited Uses
Uses identified with a "–" are expressly prohibited. Uses not identified are also prohibited.

4) Use Standards
The "use standards" column of Table 2-7 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

5) Development Standards
Development of land within these Districts must comply with the standards referenced in Table 2-8, as well as other applicable development standards contained within this Ordinance. If standards for specific aspects of development are not provided, such as minimum lot size, other required standards will dictate unspecified standards (i.e., setbacks and coverage).

TABLE 2-7: COMMERCIAL – ALLOWED USES

USE CATEGORY Specific Use	PO	C1	C2	C3	STANDARDS
RESIDENTIAL					
1) Dwellings Units subject to MR14	P [1], C	P [1]	-	-	2.3.020
2) Dwellings Units subject to MR29	-	C	P [1], C	C	2.3.020
3) Dwelling units above commercial structures (one (1) dwelling unit per 800 sq. ft. of lot area)	C	C	P	P	-
4) Boarding/Rooming Houses, Homeless Shelters	C	-	-	C	-
5) Mobile Home Parks	-	-	-	P	5.12
RESIDENTIAL					

6) Residential Facility	-	C	C	C	-
7) Residential Home	C	C	C	C	-
8) Nursing Home	-	-	-	C	-
PUBLIC/CIVIC	**PO**	**C1**	**C2**	**C3**	**STANDARDS**
9) Library, Museums and Galleries	C	-	P	P	-
10) Parking Lots or Structures	C	-	P	P	3.2
11) Parks and Playgrounds	P	-	-	-	-
12) Police, fire and rescue services	-	C	P	P	-
13) Public and semi-public buildings and uses	-	-	C	P	-
14) Religious Institutions	C	C	C	P	-
15) Schools	-	-	P	P	-
16) Social Services (e.g., job training centers, individual/family services)	C	-	-	-	-
17) Youth/senior/community centers	P	P		-	-
COMMERCIAL					
18) Adult entertainment or adult bookstore	-	-	-	C	-
19) Agricultural supplies/machinery sales rooms	-	-	-	P	-
20) Ambulance Service	C	C	P	P	-
21) Art, music, dance school/studio/gallery/supplies	P	-	P	P	-
22) 23) Athletic/Health clubs (including racquet sports and spas) (indoors only)	-	-	-	P	-
24) Automobile body shop in conjunction with an auto sales agency	-	-	-	C	-
25) Automobile service station	-	C	P	P	-
26) Automobile, truck, and motorcycle dealers/garages/service stations/washes/detailers	-	-	-	P	-
27) Auto parts/tools supply stores	-	-	-	P	-
28) Bank, credit/insurance agency, brokerage house, etc.	-	-	P	P	-
29) Bed and Breakfast Facility	-	P	P	P	4.4.110
30) Brewery, Macro-	-	-	-	C	-
31) Brewery, Micro-	-	-	-	P	-
32) Builders supplies (including retail sale of lumber)	-	-	-	P	-
33) Business services or offices (e.g., corporate offices, radio/TV stations, answering or dispatch services, insurance offices, etc.)	P	-	P	P	-
34) Commercial storage units	-	-	-	P	-
35) Crematory or mausoleum	-	-	-	C	-
36) Day Care Facility	C	P	P	P	-
37) Delivery services	-	-	P	P	-
38) Department store	-	-	-	P	-
39) Drive-up window service for permitted use	-	-	C	P	-
COMMERCIAL	**PO**	**C1**	**C2**	**C3**	**STANDARDS**

40) Liquor store	-	-	P	P	-
41) Dry cleaning facility	-	-	-	P	-
42) Dry goods/notions store or meat market	-	-	P[4]	P[4]	-
43) Family Day Care Home	P	P	P	-	-
44) Food services within an office complex	C	-	-	-	-
45) Funeral Home (no crematories)	-	-	P	P	-
46) Grocery, hardware, garden supply, café, deli, bakery, florist, gift, video, variety store/shop, etc.	-	P [3]	P	P	-
47) Laundromat	-	P [2]	P	P	-
48) Manufacturing of handicraft goods for sale on premises only, such as wood, pottery, tile, archery, and shell	-	-	P	P	-
49) Marijuana Dispensary, Medical	-	-	P[6]	P[6]	-
50) Marijuana Retailer	-	-	P[6]	P[6]	-
51) Membership associations or clubs	P	-	-	-	-
52) Mini-Retail Business (no more than two at any host business location and no larger than 250 sq. ft.)	-	-	-	P	-
53) Mobile home and recreational vehicle sales	-	-	-	P	-
54) Motel/Hotel	-	-	P	P	-
55) Motion picture production/distribution/services	-	-	-	P	-
56) Outdoor recreational facilities (e.g., golf/country /swimming/tennis clubs, skateboard parks, etc.)	-	-	-	C	-
57) Personal Service providers (e.g., barbershop, beauty/tanning salon, massage parlor, tailor shop)	P	-	P	P	-
58) Pharmacy	-	P [2]	P [2]	P	-
59) Places of amusement (e.g., billiard parlors, bowling alleys, drive-in theaters, dance halls, video arcades, miniature golf, etc.)	-	-	-	P	-
60) Plant nursery/greenhouse	-	-	C	P	-
61) Plumbing/heating/electrical/sheet metal shop	-	-	-	P	-
62) Printing and publishing	-	-	P	P	-
63) Professional offices	P	P [2]	P	P	-
64) Recycling Center	C	P [2]	P[5]	P[5]	-
65) Restaurant, Café, Tavern, Confectionery, Catering	-	-	P	P	-
66) Retail Stores: sporting goods, clothing/hats, jewelry, books/stationary, antiques/curios, furniture, household/office supplies, surgical supplies/equipment, etc.	-	-	P	P	-
67) Secondhand store	-	-	P	P	-
68) Sidewalk Cafés	-	-	C	C	4.4.090
69) Stadium/coliseum	-	-	-	C	-
70) Store (retail and wholesale) and business uses similar to other permitted uses and typically found in commercial districts, provided that: a) Where there is manufacturing, compounding,	-	-	-	P	-

processing or treatment of products for wholesale, a minimum of 25 percent of the total floor area shall be used for retail sales. b) Use is not objectionable due to odor, dust, smoke, noise, vibration or appearance.					
COMMERCIAL	**PO**	**C1**	**C2**	**C3**	**STANDARDS**
71) Telecommunications Facilities	C	C	C	C	4.3
72) Telephone/telegraph exchanges	-	-	P	P	-
73) Theaters (indoor)	-	-	P	P	-
74) Veterinarian clinic (no outside animal runs/pens)	-	C	P	P	-

[1] Dwelling unit above or behind a permitted use.
[2] Limited to 1,500 square feet in area.
[3] Limited to 2,500 square feet in area.
[4] Limited to 25,000 square feet in area.
[5] Limited to 5,000 square feet in area.
[6] Location shall not be within 1000 feet of a school or pre-school; 500 feet from any property zoned Public Reserve or 200 feet from any property zoned Residential except when an arterial street lies between a dispensary and Residential or Public Reserve zoned property. A marijuana retailer (non-medical) shall not be within 1000 feet of another marijuana retailer; a medical marijuana dispensary shall not be within 1000 feet of another medical marijuana dispensary. In addition, any and all Medical Marijuana Dispensaries must be registered with the Oregon Health Authority under ORS 475.314 and comply with all OHA rules. In addition, any and all Marijuana Retailers must be licensed by OLCC and comply with all OLCC rules.

TABLE 2-8: COMMERCIAL PARCEL AND BUILDING STANDARDS

DISTRICTS	**PO**	**C1**	**C2**	**C3**
Minimum Lot Area (sq. ft.)				
Any use not specified below	-	7,500	-	-
Residential Facility or Home (Min. Lot Area / Lot Area per five (5) beds) **[1]**	-	10,000 / 4,700	10,000 / 4,700	10,000 / 4,700
Coverage	80%	60%	100% **[4]**	100% **[4]**
Setbacks (feet) **[2]**				
Front	10	20	0	0
Rear	0 **[6]**	0 **[6]**	**[4]**	**[4]**
Side (interior)	5 **[5]**	5	0 **[4]**	0 **[4]**
Side (exterior)	10	10	0 **[4]**	0 **[4]**
Maximum Building Height (feet)	35	35	45	80 **[6]**

[1] Residential Facility / Home buildings shall contain more than 20 beds.
[2] Alleys contiguous to or within the property being used may be included in the required setback.
[3] A Residential Facility or Home shall have maximum coverage equal to that allowed in the MR18 district.
[4] When abutting a district other than commercial or industrial, the side and rear setbacks shall be the same as those established for the abutting zone. A separation of parcels by an alley shall not exclude the application of this provision.
[5] Minimum Distance between Buildings. Where office buildings are grouped as one (1) project on one (1) tract of land, the minimum distances between any two (2) buildings at any given point shall not be less than the sum of the required side yards computed separately for each building.
[6] For parcels within the C3 district that abut residentially zoned properties with a maximum allowed building height of 35 feet, the maximum building height at the property line is 35 feet. Height may be increased above 35 feet by increasing the setback and/or by incorporating step-backs into the design of the building, the ratio for each shall be one (1) foot vertical for each six (6) inches horizontal. A separation of parcels by an alley shall not exclude the application of this provision.

SECTION 2.4.030 SCREENING

All nonresidential development abutting a residential zone or use shall be screened by a minimum six (6) feet-high sight-obscuring fence or hedge along the abutting property lines. Fences shall be subject to the standards set forth in Section 4.4.070. Nonresidential development to which this applies includes, but is not limited to:

1) Residential Facility or Home

2) Religious Institutions

3) Day Care Centers

ARTICLE 5:

CENTRAL BUSINESS DISTRICT (CBD)

SECTION 2.5.010 DISTRICT

1) Purpose
The CBD (Central Business District) classification is intended to provide for general retail, residential, professional office/service, and mixed use activities serving a regional/community-wide need under design standards that ensure compatibility and harmony with adjoining land uses and that encourage the highest quality design and development. The CBD Zone is intended to promote a strong pedestrian orientation through its mix of permitted uses and specific development standards. See Figure 2-5: CBD Boundaries.

SECTION 2.5.020 ALLOWED USES AND STANDARDS

1) Permitted Uses
Uses identified with a "P" in Table 2-9 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Uses not specifically listed but similar to other permitted uses may be approved by the Director.

2) Conditional Uses
Uses identified with a "C" in Table 2-9 may be allowed if reviewed and approved in accordance with the Conditional Use Permit procedures of Article 8 of Chapter 5. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Uses not specifically listed but similar to other conditional uses may be applied for through the Conditional Use Permitting process.

3) Prohibited Uses
Uses identified with a "–" are expressly prohibited. Uses not identified are also prohibited.

4) Use Standards
The "use standards" column of Table 2-9 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

5) Development Standards
Development of land within these Districts must comply with the standards referenced in Table 2-10, as well as other applicable development standards contained within this Ordinance. If standards for specific aspects of development are not provided, such as minimum lot size, other required standards will dictate unspecified standards (i.e., setbacks and coverage).

TABLE 2-9: CBD – ALLOWED USES

USE CATEGORY Specific Use	CBD	STANDARDS
RESIDENTIAL		
1) Dwellings units not part of a commercial development subject to MR29	C	2.3.020
2) Dwelling units above commercial structures (one (1) dwelling unit per 800 sq. ft. of lot area) **[1]**	P	-
PUBLIC/CIVIC		
3) Parking lots and garages	P	3.2
COMMERCIAL		
4) Accessory uses customarily incidental to any permitted uses are permitted when located on the same lot, except that no more than three (3) game machines shall be considered as an accessory use in each hotel, eating establishment, or restaurant. **[2]**	P	-
5) Any use over 10,000 square feet of gross floor area	C	-
6) Athletic/Health clubs (including racquet sports 7) and spas) (indoors only)	C	-
8) Banks, Savings/Loan Associations and Credit Unions	P	-
9) Bed and Breakfast Facility	P	4.4.110
10) Brewery, Micro- **[2]**	P	-
11) Business and Professional Offices **[3]**	P, C	-
12) Businesses existing prior to the adoption of this Ordinance **[3]**	P	-
13) Business services or offices (establishments primarily engaged in rendering services to business establishments such as printing, photocopying, advertising, and mailing; employment services; management and consulting services; protective services; equipment rental and leasing; photo finishing; and personal supply services)	P	-
14) Day Care Facility (above the ground floor only)	C	-
15) Drive-In facilities for Financial Institutions	C	-
16) Education/Tutoring Centers (above the ground floor only)	C	-
17) Employment Agencies (above the ground floor only)	C	-
18) Liquor Store for off-premises consumption	C	-
19) Mini-Retail Business (no more than two (2) at any host business location and no larger than 250 sq. ft.)	C	-
20) Professional offices	P	2.5.040
21) Restaurants, Eating Establishments, Coffee Houses, Juice Bars, Delicatessen, Taverns, and similar uses with outdoor seating for more than 12 persons.	C	-
22) Retail Establishments under 10,000 square feet of gross floor area for the following uses:	P	-
a) Antique stores selling only merchandise of which at least 50% (by quantity and value) is more than 75 years old.		
b) Appliance Stores		
c) Art Galleries		

d) Bakeries, Ice Cream Stores, or Confectionery Stores		
COMMERCIAL	**CBD**	**STANDARDS**
Retail Establishments under 10,000 square feet of gross floor area for the following uses:	P	-
e) Barber, Beauty, Nail Shops		
f) Bicycle Shops		
g) Book or Stationary Stores		
h) Clothing or Wearing Apparel Shops selling only new merchandise, or Consignment Clothing Stores		
i) Department and Sporting Goods Stores		
j) Pharmacy		
k) Florist Shops		
l) Furniture Sales or Rental Stores		
m) Hardware Sales or Rental Stores, Kitchen and Bath Cabinets/Fixtures, Lighting Fixture Stores, Paint and Wallpaper Stores, Interior Decorating Stores, Floor Covering/Drapery Stores		
n) Jewelry Stores		
o) Locksmith Shops		
p) Music Stores, Instrument Sales, rentals, and lessons		
q) Onsite and offsite sales limited to beer and/or wine exclusively. (Ord.3289, 9/08)		
r) Pet Shops		
s) Photography Stores and Studios including Camera Sales		
t) Radio and Television Stores, and incidental repair services		
u) Records, Audio, and Video Tape, and other similar products including sales, rentals, and incidental repair services		
v) Restaurants, Eating Establishments, Delicatessens, and Taverns, but without drive-thru facilities. May include outdoor seating for up to twelve (12) persons; (Ord.3289, 9/08)		
w) Shoe Repair, Tailor, Dressmaking Shops		
x) Toy Shops		
y) Typewriter and Computer Products sales, rentals, and incidental services		
23) Telecommunication Facilities	C	4.3
24) Theaters	C	-

[1] Dwellings in this zone shall be exempt from off-street parking standards of Section 3.2.010. (Ord.3279, 3/08)
[2] Limited to 10,000 square feet of gross floor area.
[3] Conditionally permitted to be located on the ground floor of buildings fronting on Jackson Street (see Section 2.5.040), outright permitted elsewhere. Professional Offices located on the ground floor of buildings fronting on Jackson Street that existed prior to the adoption of this Ordinance are considered to be a permitted use; however, if the professional office ceases to be used as such for a period of one year, the status as permitted use shall be revoked.

TABLE 2-10: CBD PARCEL AND BUILDING STANDARDS

DISTRICTS	CBD
Minimum Lot Area (sq. ft.)	N/A
Coverage	100%
Setbacks (feet)	See Section 2.5.030
Maximum Building Height (feet)	75

SECTION 2.5.030 ADDITIONAL DEVELOPMENT STANDARDS

1) Setbacks

Front Yard. No front yard setbacks are required. The maximum setback permitted shall be ten (10) feet, which may be used for landscaping, pedestrian circulation, entry court, outdoor dining and similar uses related to a downtown pedestrian environment.

a) Rear Yard. No rear yard setbacks shall be required except as follows:

i) Where the rear property line abuts residential zoned property a minimum rear yard setback of 20 feet shall be maintained, except that no portion of any structure shall encroach through a plane projected from an angle of 45 degrees as measured at the ground level along the rear property line.

ii) Where the rear property line abuts a dedicated alley which separates such rear property line from abutting residential zoned property, the rear yard shall have a minimum depth of 20 feet which shall be measured from the center line of said alley and the 45 degree angle of the aforementioned plane may be measured at the ground level along the centerline of said alley.

b) Side Yard. No side yard setbacks shall be required, except as follows:

i) Where the side property line abuts residential zoned property, no setback shall be required for the ground floor portion of the structure or first 15 feet of structure height, whichever is less. Portions of the structure above the ground floor or 15 feet in height shall be set back a minimum of ten (10) feet from the side property line.

ii) Where the side property line abuts a dedicated alley which separates such side property line from abutting residential zoned property, the side yard shall have a minimum depth of ten (10) feet, which shall be measured from the center line of said alley and the 45 degree angle of the aforementioned plane may be measured at the ground level along the centerline of said alley.

2) Width. For purposes of regulating the division of existing storefronts, no storefront shall be less than 25 feet wide. For the purpose of this Section, a storefront is the primary (front facade) and secondary (rear/side facade) building entrance where access is taken from a public street, alley, public, or private parking lot, or pedestrian mall/arcade or passage.

3) Off-Street Parking. Unless otherwise indicated in Section 3.2.060, all development shall meet off-street parking requirements of Section 3.2.010 of this Ordinance.

4) Landscaping. All setbacks, parkways, open areas, plazas, paseos, and non-work areas that are visible from a public street/alley or from a parking lot available to the general public shall be landscaped.

5) Roof-Mounted Equipment. No roof-mounted equipment, vents, ducts, or dish antennas shall be visible from ground level from any adjacent parcel, or any public street or right-of-way. This shall be accomplished through the extension of the main structure or roof, or screened in a manner that is architecturally integrated with the main structure, such as a parapet wall.

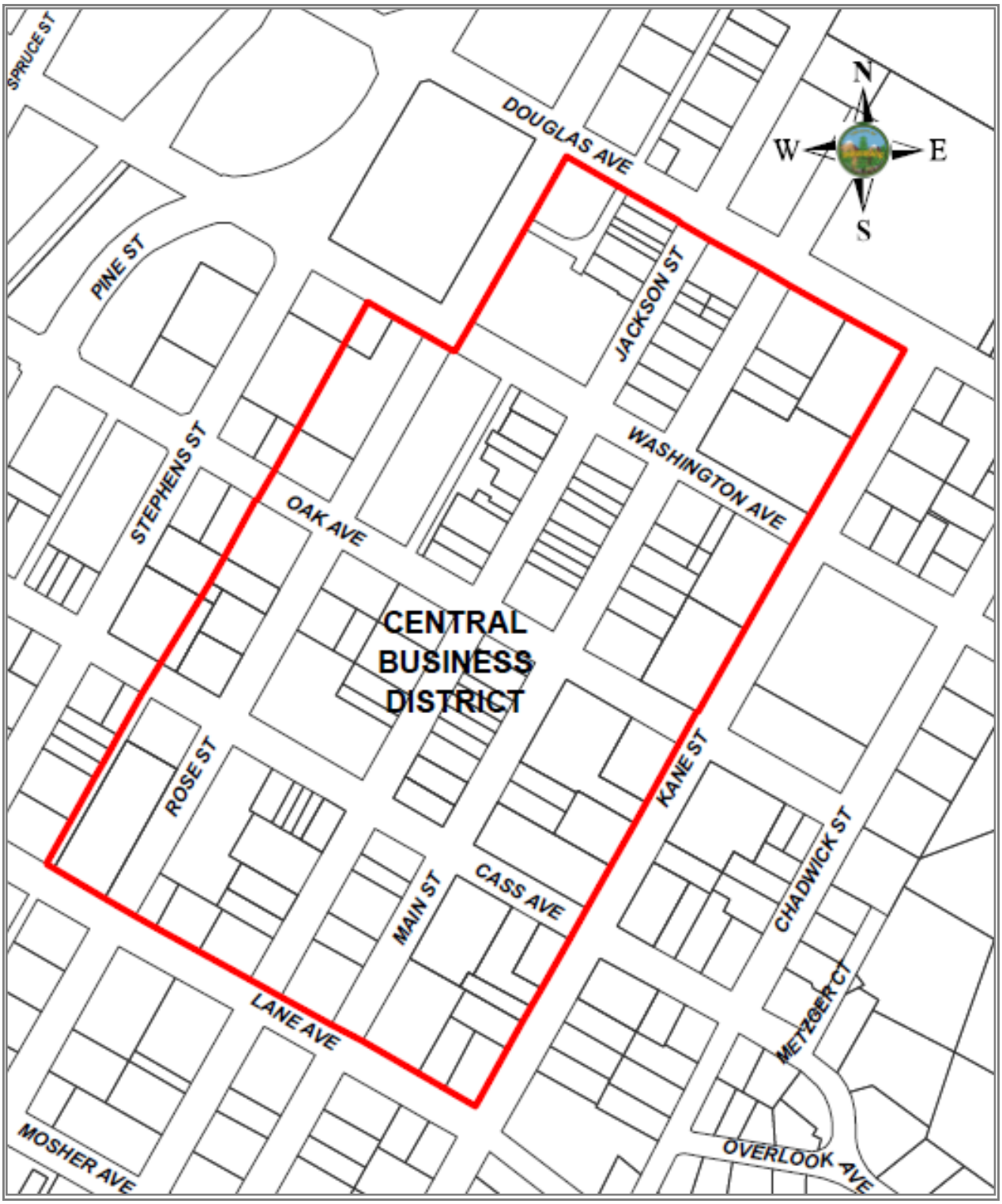
6) Business Address Required. Each business or structure (as appropriate) shall provide its address in numbers a minimum of six (6) inches in height. The address shall be placed on the building, awning valance, or canopy in a manner to be clearly visible from the adjacent street, alley, and sidewalk. The preferred locations are above the main pedestrian entrance and at rear or side entrances.

SECTION 2.5.040 PROFESSIONAL OFFICE

Professional office along Jackson Street shall provide ground floor windows for a minimum of 75% of the length of the building. In addition, ground floor design shall utilize recesses, reveals and shall not incorporate the following exterior wall material:

1) Plywood
2) Unfinished concrete or concrete block
3) Reflective mirrored windows
4) Corrugated metal or fiberglass

FIGURE 2-5: CBD BOUNDARIES



ARTICLE 6:

AIRPORT DISTRICT (AP)

SECTION 2.6.010 DISTRICT

1) Purpose
The Airport District classification is intended to protect airport facilities and operations from incompatible uses; to provide for future airport expansion; and to preserve airport lands for future commercial and industrial uses, which will be directly dependent on air transportation.

SECTION 2.6.020 ALLOWED USES AND STANDARDS

1) Permitted Uses
Uses identified with a "P" in Table 2-11 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Additionally, land within and surrounding the Airport District is subject to the Airport Impact Overlay (Article 8 of Chapter 2) as specified within this Ordinance.

2) Conditional Uses
Uses identified with a "C" in Table 2-11 may be allowed if reviewed and approved in accordance with the Conditional Use Permit procedures of Article 8 of Chapter 5. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Uses not specifically listed but where the ongoing operation and use is directly dependent upon and directly associated with airport activities may be approved in accordance with the Conditional Use Permit procedures.

3) Prohibited Uses
Uses identified with a "–" are expressly prohibited. Uses not identified are also prohibited.

4) Use Standards
The "use standards" column of Table 2-11 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

5) Development Standards
Development of land within this District must comply with the standards referenced in Table 2-12, as well as other applicable development standards contained within this Ordinance. If standards for specific aspects of development are not provided, such as minimum lot size, other required standards will dictate unspecified standards (i.e., setbacks and coverage). In addition to the standards specified in Table 2-12, the following development standards apply:

a) Utilities. All utility wires shall be underground

b) Lighting. Unless required for safe and convenient air travel, sign lighting and exterior lighting shall not blink, flash, shimmer, oscillate, rotate or project directly into the runway, taxiway or approach zone.

c) Glare and Electro-Magnetic Interference. Building materials shall not produce glare which may conflict with any present or planned operations of the airport, nor shall any use produce electro-magnetic interference which may conflict with any present or planned operation of the airport

TABLE 2-11: AP – ALLOWED USES

USE CATEGORY Specific Use	AP	STANDARDS
COMMERCIAL		
1) Aircraft sales, rental, repair, service, storage and schools relating to aircraft operations and facilities essential for the operation of the airport, such as fuel storage, hangar use and air and ground traffic control facilities	P	-
2) Air cargo terminals	P	-
3) Air passenger terminals	P	-
4) Offices (uses that do not conflict with the Airport Master Plan)	C	-
5) Restaurants and taverns, but without drive-thru facilities.	P	-
6) Telecommunication Facilities	C	4.3
PUBLIC/CIVIC		
7) Public and semi-public buildings and uses essential for the operation of the airport	P	-

TABLE 2-12: AP PARCEL AND BUILDING STANDARDS

DISTRICT	AP
Minimum Lot Area (sq. ft.)	N/A
Coverage	N/A
Setbacks (feet) **[1]**	
Front	5
Rear	5
Side (interior)	5
Side (exterior)	5
Max Building Height (feet) **[2]**	35

[1] Front, side and rear yards will not be required, but if side or rear yards are created they shall be a minimum of five (5) feet. When abutting other than a commercial or industrial zone, setbacks on the abutting side and rear yard shall be the same as those established for the abutting zone; provided, however, alleys contiguous to or within the property being used may be included in the required setback.

[2] Maximum height for all structures, including chimneys, towers, antennas, utility poles, trees, etc., shall be 35 feet, except control towers and aircraft navigation devices.

ARTICLE 7:

INDUSTRIAL DISTRICTS

SECTION 2.7.010 DISTRICTS

1) Purpose
Roseburg's Mixed Use and Industrial Districts are intended to provide for the full range of industrial activity as specified within this Ordinance and the Comprehensive Plan.

a) The Mixed Use classification is intended to provide areas within which a variety of activity occurs. These areas serve community-wide and regional needs. Because of the potential for high-density uses, care is needed to ensure that uses are compatible with and do not adversely affect adjacent uses or the carrying capacity of public facilities. The proximity of other uses shall not be a reason for permitted uses to deviate from the standards established in other zones.

b) The Light Industrial classification is intended to create, preserve and enhance areas containing secondary manufacturing and related establishments and intense commercial uses with limited external impact.

c) The Medium Industrial classification is intended to create, preserve, and enhance areas containing a wide range of manufacturing and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access.

d) The Heavy Industrial classification is intended to provide, protect, and recognize areas well suited for medium and heavy industrial development and uses free from conflict with commercial, residential, and other incompatible land uses. This district is intended to be applied generally to those areas which have available excellent highway, rail, or other transportation.

2) List and Map Symbols

DISTRICT NAME	MAP SYMBOL
Mixed Use	MU
Light Industrial	M1
Medium Industrial	M2
Heavy Industrial	M3

SECTION 2.7.020 ALLOWED USES AND STANDARDS

1) Permitted Uses
Uses identified with a "P" in Table 2-13 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final

column of the table and all other applicable standards of this Ordinance. Uses not specifically listed but similar to other permitted uses may be approved by the Director.

2) Conditional Uses
Uses identified with a "C" in Table 2-13 may be allowed if reviewed and approved in accordance with the Conditional Use Permit procedures of Article 8 of Chapter 5. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Uses not specifically listed, but similar to other conditional uses, may be applied for through the Conditional Use Permitting process.

3) Prohibited Uses
Uses identified with a "–" are expressly prohibited. Uses not identified are also prohibited.

4) Use Standards
The "use standards" column of Table 2-13 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

5) Development Standards
Development of land within these Districts must comply with the standards referenced in Table 2-14, as well as other applicable development standards contained within this Ordinance. If standards for specific aspects of development are not provided, such as minimum lot size, other required standards will dictate unspecified standards (i.e., setbacks and coverage).

TABLE 2-13: INDUSTRIAL – ALLOWED USES

USE CATEGORY Specific Use	MU	M1	M2	M3	STANDARDS
RESIDENTIAL					
1) Multifamily Dwellings subject to MR18	C [1]	-	-	-	2.3.020
2) Dwelling units above commercial structures (one (1) dwelling unit per 800 sq. ft. of lot area)	P	C	-	-	-
3) Dwellings on the ground floor in conjunction with commercial structures. The area for dwellings on the ground floor shall be limited to 20% of the ground floor area of the building.	P	P	-	-	-
4) Mobile Home Parks	P	-	-	-	5.12
5) Watchman's Quarters	C	C	C	C	2.7.040
PUBLIC/CIVIC					
6) Ambulance, police, fire and rescue services	P	P	P	-	-
7) Parking lots (auto and equipment) not incidental or accessory to another use on the premises	P	-	-	-	3.2

PUBLIC/CIVIC	MU	M1	M2	M3	STANDARDS
8) Public and semi-public buildings and uses	P	-	-	-	-
9) Schools	-	C	-	-	-
COMMERCIAL					
10) Agricultural supplies/machinery sales rooms	P	-	-	-	-
11) Ambulance service	P	P	P	P	-
12) 13) Athletic/Health clubs (including racquet sports and spas) (indoors only)	P	-	-	-	-
14) Automobile/truck/motorcycle sales, dealers, garages, service stations, washes, detailers and body shops	P	P	P	-	-
15) Automobile wrecking yard and salvage yard, subject to the provisions of ORS 822.100 to 822.150	-	-	-	C	-
16) Auto parts/tools supply stores	P	-	-	-	-
17) Bottling works	-	-	P	P	-
18) Brewery, Macro-	C	P	P	P	-
19) Brewery, Micro-	P	P	P	C	-
20) Builders supplies (including retail sale of lumber)	P	-	-	-	-
21) Builders supply store and machinery sales	P	P	P	-	-
22) Bulk fuel storage facility	-	-	-	P	-
23) Commercial laundry, cleaning (including dry cleaning) and dying works	P	P	P	-	-
24) Commercial storage units	P	-	-	-	-
25) Concrete batching plants and the manufacture and sale of concrete products	-	-	P	P	-
26) Contractor's equipment storage yard	-	-	P	P	-
27) Data Center	P	P	C	C	-
28) Department store	P	-	-	-	-
29) Disposal or reduction of waste materials, garbage, offal, or dead animals (not to be visible from an arterial roadway)	-	-	-	C	-
30) Electrical and electronic equipment (e.g., manufacturing supplies for generation, storage, transmission, transformation and utilization of electrical energy)	P	P	P	-	-
31) Fabricating metal products (e.g., ferrous and nonferrous metal including metal cans, tin ware, hand tools, cutlery, general hardware, non-electric heating apparatuses, metal forgings, stamping, etc.)	-	-	-	P	-
32) Food and related products (e.g., establishments, manufacturing, compounding, packaging, processing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, soap, cleaners, toiletries, soft drinks, and food, except fish, meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats	P	P	P	-	-

and oils)					
COMMERCIAL	**MU**	**M1**	**M2**	**M3**	**STANDARDS**
33) Freight and truck yards or terminals	-	-	P	P	-
34) General retail sales of previously prepared products	P	-	-	-	-
35) Industrial and Commercial business park	P	-	-	-	-
36) Kennels	-	C	C	C	-
37) Laboratories	P	P	P	-	-
38) Lumber yards or retail sales with minimal millwork	-	-	P	P	-
39) Lumber and wood products involving cutting, production or manufacturing	-	-	-	P	-
40) Manufacture and storage of chemicals and explosives	-	-	-	C	-
41) Manufacturing, compounding, or assembling of articles or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, metals, precious or semi-precious stones, shell, textiles, tobacco, wood, yarns, and paint; none of the foregoing employing a foundry process.	-	-	P	-	-
42) Manufacturing of household and/or office furniture	-	-	P	P	-
43) Manufacturing of instruments and related products (e.g., medical instruments/supplies, photographic equipment/supplies, watches/clocks, measuring and controlling devices, engineering and scientific instruments, toys, jewelry, silverware, blown glass, pottery, musical instruments, etc.)	P	P	P	-	-
44) Manufacturing of manufactured or prefabricated homes or wood buildings	-	C	P	P	-
45) Manufacturing, repairing, fabricating, processing, parking or storage use not listed in any other Section of this Ordinance or under conditional uses	-	-	-	P	-
46) Manufacturing or storage of ice	P	P	P	-	-
47) Manufacturing of miscellaneous wood products	-	C	P	P	-
48) Manufacturing of paper and allied products (e.g., paper, paper board, bags, boxes, and envelopes)	-	-	P	P	-
49) Meat processing plant (not including slaughtering), fish, sauerkraut, vinegar, yeast, or refining of oils and fats.	-	-	P	P	-
50) Marijuana, Medical Dispensary	P[2]	-	-	-	-
51) Marijuana Processor – Medical	C	C	C	-	Indoor use only
52) Marijuana Processor - Recreational	C	C	C	-	Indoor use only
53) Marijuana Producer	C	C	C	-	Indoor use only
54) Marijuana Retailer	P[2]	-	-	-	
55) Marijuana Wholesaler	C	C	C	-	Indoor use only
56) Metal industries (e.g., smelting and processing of	-	-	-	P	-

ferrous and nonferrous metals from ore, pig or scrap)					
COMMERCIAL	**MU**	**M1**	**M2**	**M3**	**STANDARDS**
57) Mini-Retail Business (no more than two (2) at any host business location and no larger than 250 sq. ft.)	P	P	P	-	-
58) Mobile home, recreational vehicle, boat, and aircraft sales and/or garages	P	P	P	-	-
59) Motel/Hotel	P	-	-	-	-
60) Motion picture production/distribution/services	P	P	P	-	-
61) Open storage area for commercial storage of personal property such as boats and recreational vehicles	P	P	P	-	-
62) Operations conducted for the exploration, mining, and processing of aggregate and mineral resources or other subsurface resources	-	C	C	C	-
63) Operations conducted partially or wholly outside of enclosed buildings (including storage)	-	-	-	P	-
64) Places of amusement (e.g., billiard parlors, bowling alleys, drive-in theaters, dance halls, video arcades, miniature golf, etc.)	P	-	-	-	-
65) Plumbing/heating/electrical/sheet metal shop	P	-	-	-	-
66) Printing, publishing or engraving shop	P	P	P	-	-
67) Production and/or distribution of chemicals and allied products, basic chemicals (e.g., acids, alkalis, salts, and organic chemical products to be used in further manufacturing of products such as synthetic fibers, plastics, dry colors, and pigments, paints)	-	-	P	P	-
68) Production/fabrication of apparel and other textile products (e.g., fabrics, leather (no tanning or finishing), rubberized fabrics, plastics, furs, etc.)	P	P	P	-	-
69) Professional offices	P **[3]**	-	-	-	-
70) Recycling Center (less than 5,000 sq. ft. of lot area)	P	-	-	-	-
71) Restaurants, Eating Establishments and Taverns	P	C	C	C	-
72) Slaughter house and tanneries	-	-	-	C	-
73) Special trade contractors (e.g., plumbers, painters, electricians, masons, carpenters, metal workers, drillers, etc.)	P	P	P	-	-
74) Stadium/coliseum	C	-	-	-	-
75) Telecommunications Facilities	C	C	C	C	4.3
76) Textile mill products (e.g., weaving/knitting of fabric)	P	P	P	-	-
77) Truck and heavy equipment repair and maintenance	-	-	P	P	-
78) Trucking and warehousing	P	P	P	-	-
79) Upholstery shop and furniture repair	P	P	P	-	-
80) Uses similar to those permitted in the subject district and not specifically listed in the succeeding (more intense) manufacturing districts provided	C **[4]**	C	C	-	-

that: a. The use is not objectionable due to odor, dust, smoke, noise, vibration or appearance. b. The items manufactured, processed, or produced in this zone shall be primarily for wholesale.					
81) Warehouses including buildings for commercial storage of personal property	P	P	P	P	-
82) Welding and machine shop	-	-	P	P	-
83) Wholesale business and salesrooms	P	P	P	P	-

[1] Minimum lot size of 10,000 square feet.
[2] Location shall not be within 1000 feet of a school or pre-school; 500 feet from any property zoned Public Reserve or 200 feet from any property zoned Residential except when an arterial street lies between a dispensary and Residential or Public Reserve zoned property. A marijuana retailer (non-medical) shall not be within 1000 feet of another marijuana retailer; a medical marijuana dispensary shall not be within 1000 feet of another medical marijuana dispensary. In addition, any and all Medical Marijuana Dispensaries must be registered with the Oregon Health Authority under ORS 475.314 and comply with all OHA rules. In addition, any and all Marijuana Retailers must be licensed by OLCC and comply with all OLCC rules.
[3] A Professional Office may be located within a multiple-use structure but it shall not exceed 33% of the total floor area of the structure.
[4] Uses permitted in the M1 and M2 districts may be considered providing the development standards referenced in Table 2-14 and any other applicable standards are met.

TABLE 2-14 INDUSTRIAL PARCEL AND BUILDING STANDARDS

DISTRICTS	MU	M1	M2	M3
Minimum Lot Area (sq. ft.)				
Industrial & Commercial business parks	2 acres	N/A	N/A	N/A
Multi-family Housing	10,000	N/A	N/A	N/A
Coverage	100%	100%	100%	100%
Industrial & Commercial business parks, and multi-family housing	80%	N/A	N/A	N/A
Setbacks (feet) **[1]**				
Front	-	-	-	-
Rear	-	-	-	-
Side (interior)	-	-	-	-
Side (exterior)	-	-	-	-
Maximum Building Height (feet) **[2]**	80	45	50	50

[1] Alleys contiguous to or within the property being used may be included in the required setback. When abutting a district other than commercial or industrial, the side and rear setbacks shall be the same as those established for the abutting zone. A separation of parcels by an alley shall not exclude the application of this provision.
[2] For industrial parcels that abut residentially zoned properties with a maximum allowed building height of 35 feet, the maximum building height at the property line is 35 feet. Height may be increased above 35 feet by increasing the setback and/or by incorporating step-backs into the design of the building, the ratio for each shall be one (1) foot vertical for each six (6) inches horizontal. A separation of parcels by an alley shall not exclude the application of this provision.

SECTION 2.7.030 SCREENING

All nonresidential development abutting a residential zone or use shall be screened by a minimum six (6) feet-high sight-obscuring fence or hedge along the abutting property

lines. Fences shall be subject to the standards set forth in Section 4.4.070. Nonresidential development to which this applies includes, but is not limited to:

1) Buildings with both commercial uses and dwelling units

2) Religious Institutions

SECTION 2.7.040 WATCHMAN'S QUARTERS

A "Watchman's Quarters" is an accessory single-family dwelling unit located within a principal commercial or industrial non-residential structure, or on the same parcel of land as the principal commercial or industrial non-residential structure, for occupancy by the owner, operator, or an employee of the principal use acting as caretaker, custodian or security personnel, together with his or her immediate family, if applicable. Such use shall be subject to the following:

1) The quarters shall be accessory to the main use;

2) The quarters may be included within the main structure(s);

3) There shall be no payment of rent by the occupant of the quarters;

4) The quarters are limited to one family;

5) The quarters may be reviewed every two years for compliance with this code by the Director, and, if no longer necessary or not in compliance, the quarters will be removed or corrected. The quarters may be required to be removed at any time if not in compliance with any conditions of the approval; and,

6) Additional conditions of approval may be required by the Director to ensure compatibility with adjacent uses.

ARTICLE 8:

AIRPORT IMPACT OVERLAY

SECTION 2.8.010 PURPOSE

The purpose of the Airport Impact Overlay District is to protect the public health, safety, and welfare by assuring the development within areas impacted by airport operations is appropriately planned to mitigate the impact of such operations. Furthermore, this overlay district is intended to prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls, as deemed essential to protect the public health, safety, and welfare consistent with Federal Aviation Regulations (FAR) Part 77. The Airport Approach and Runway Protection Zones are shown on Sheets 2 thru 5 of the Airport Layout Plan in Chapter 5.

1) Definitions. For the purpose of this Article only, the following definitions are established:

   a) **AIRPORT APPROACH SURFACE:** A surface longitudinally centered on the extended runway centerline, extending horizontally and vertically from the end of the Primary Surface at a 20:1 slope for a horizontal distance of 5,000 feet along the extended runway centerline. The beginning width of the Approach Surface coincides with the 500 foot width of the primary surface expanding to a width of the primary surface expanding to a width of 1,500 feet at a distance of 5,000 feet.

   b) **AIRPORT APPROACH ZONE:** The area underneath the Airport Approach Surface.

   c) **RUNWAY PROTECTION ZONE:** The Runway Protection Zone coincides with the Airport Approach Zone for a horizontal distance of 1,000 feet from the end of the primary surface (or 1,200 feet from the end of the runway).

   d) **AIRPORT TRANSITIONAL SURFACE:** A surface extending upward at a 7:1 slope from the sides of the Primary and Approach Surfaces and intersecting with the Airport Horizontal Surface as specified herein and shown in Figure 2-4 of the Airport Master Plan.

   e) **AIRPORT TRANSITIONAL ZONE:** The area underneath the Airport Transitional Surface.

   f) **AIRPORT HORIZONTAL SURFACE:** The Airport Horizontal Surface is established by constructing horizontally-oriented arcs of 5,000 feet radii from the center of each end of the Primary Surface and connecting the arcs with tangent lines drawn parallel to the runway centerline at an elevation of 675 feet above mean sea level. The Airport Horizontal Surface does not include the Approach and Transitional Surfaces.

g) **AIRPORT HORIZONTAL ZONE:** The area underneath the Airport Horizontal Surface, not including the Airport Approach and Transitional Zones.

h) **AIRPORT CONICAL SURFACE:** The Airport Conical Surface extends horizontally and vertically from the Airport Horizontal Surface at a slope of 20:1 for a horizontal distance of 4,000 feet, terminating at an elevation of 875 mean sea level.

i) **AIRPORT CONICAL ZONE:** The area underneath the Airport Conical Surface.

j) **AIRPORT PRIMARY SURFACE:** A surface longitudinally centered on the runway extending 200 feet beyond each end of the runway. The width of the Primary Surface is 500 feet. The elevation of any point on the Primary Surface is the same as the elevation of the nearest point on the runway centerline.

k) **PLACE OF PUBLIC ASSEMBLY:** A structure which is designed to accommodate more than 25 persons at one time for such purposes as deliberation, education, worship, shopping, entertainment, or amusement.

l) **HEIGHT:** For the purpose of determining the height limits in all Zones set forth in this Section the datum shall be mean sea level elevation unless otherwise specified.

m) **NONCONFORMING USE:** Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Section or an amendment thereto.

n) **STRUCTURE:** An object, including a mobile object, constructed or installed by persons, including but not limited to buildings, towers, cranes, smokestacks, poles, earth formations, and overhead transmission lines.

o) **OBSTRUCTION:** Any structure, growth, or other object, including a mobile object which penetrates any surface specified in this Section.

p) **SLOPE:** An angle determined by a ratio of a horizontal and vertical measurements written as X:Y respectively.

SECTION 2.8.020 ALLOWED USES AND STANDARDS

1) Permitted Uses

a) Uses and activities permitted by the underlying zoning district shall be allowed unless specifically prohibited or contradicted by this Article.

b) Within the Runway Protection Zone, the following uses and activities are permitted:

i) Farm use, excluding any permanent structures or objects.

ii) Roadways, parking areas, and open storage areas which do not include any permanent structures or objects, and which are located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any other way impair visibility in the vicinity of the land approach.

iii) Underground utilities.

iv) Exceptions for structures and uses other than above may be permitted subject to review and approval by the Federal Aviation Administration.

2) Use and Height Limits

a) Within the Airport Impact Overlay, no use shall be allowed if such use is likely to attract a quantity of birds hazardous to aircraft operations.

b) Within the Runway Protection Zone, and within the Airport Approach Zone for a distance of 2,500 feet extending from the end of the runway, sign lighting and exterior lighting shall not blink, flash, shimmer, oscillate, rotate, nor shall the beam of light project into the Approach Surface in such a manner as to result in confusion or distraction to pilots.

c) Within the Runway Protection Zone, no place of public assembly, as defined in this Section, shall be permitted. Any existing place of public assembly shall be allowed to continue, including building modifications, but shall not increase its occupant load.

d) When the use of a building as a public assembly has been discontinued for a period in excess of one (1) year, the structure or property shall not thereafter be used as a public assembly.

e) Any place of public assembly which is damaged or destroyed may be restored to a public assembly, provided the restoration is commenced within a period of one (1) year, and is diligently prosecuted to completion. The restoration or reconstruction shall not increase the floor area or occupant load to a level greater than that which existed at the time of damage or destruction.

f) Within the Airport Approach Zone for a distance of 3,500 feet extending from the end of the runway, no Multi-Family dwelling shall be permitted.

g) Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any Zone established by this Section in such a manner as to create electrical interference with navigational signals of radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

h) Except as otherwise provided in this Section, no structure shall be erected, altered, or maintained, and no natural or manmade object or structure shall be allowed to grow in any Zone created by this Section so that it penetrates any Airport Surface, as defined in Section 2.8.010(1). No specific height limit applies because the ground level is irregular and therefore the distance between the ground and the Primary, Approach, Transitional, Horizontal and Conical Imaginary Surfaces varies.

3) Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any existing obstruction or nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Owner to indicate to the operators of aircraft in the vicinity of the airport and presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport Owner.

4) Permits. Except as specifically provided in "a" and "b" hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any Zone hereby created until site development plans have been approved by the Director as specified in Chapter 3. Site development plan approval for a use inconsistent with the provisions of this Section shall not be granted unless a variance has been approved in accordance with Subsection "5."

a) In the area lying within the limits of the Horizontal Zone and Conical Zone, no site development plan review shall be required for any tree with a maximum potential height of less than 75 feet of vertical height above the ground, which conforms to the restrictions of Section 2.8.020.

b) In areas lying within the limits of the Airport Approach Zones, but at a horizontal distance of 4,200 or more feet from each end of the runway, no site development review shall be required for any tree with a maximum potential height of 75 feet of vertical height above the ground, which conforms to the restrictions of Section 2.8.020.

5) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Section, may apply for a Variance from such regulations using the procedure of Section 5.1.200.

The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effects of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. In addition to the criteria for granting a variance as specified in Article 5 of Chapter 5, such variance must be found not to create a hazard to air navigation, and to be in accordance with the intent of this Section.

As further conditions for granting a variance the approving authority may require an overflight and aviation hold harmless agreement, and may further require an agreement from the applicant agreeing to remove the structure, tree, or use for which the variance is granted at the applicant's expense if the City so requires as some future time. The approving authority may require that such agreement(s) be recorded against the property.

ARTICLE 9:

FLOODPLAIN OVERLAY

SECTION 2.9.010 STATUTORY AUTHORIZATION

The Legislature of the State of Oregon has in Article IV, Section 2, and Article XI, Section 2, of the Constitution of the State of Oregon, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Roseburg, Oregon, does ordain as follows:

SECTION 2.9.020 FINDINGS OF FACT

1) Flood hazard areas within City of Roseburg are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damages also contribute to the flood loss.

3) This ordinance seeks to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid the direct or indirect support of floodplain development whenever there is a practicable alternative. The preferred method for satisfying this requirement is to avoid sites in the base floodplain. If a structure must be located in the base floodplain, this ordinance requires that potential harm to people and property and to natural and beneficial floodplain values is minimized.

SECTION 2.9.030 STATEMENT OF PURPOSE

It is the purpose of this statute to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1) protect human life and health;

2) minimize expenditure of public money and costly flood control projects;

3) minimize the need for rescue and relief efforts associated with flooding generally undertaken at the expense of the general public;

4) minimize prolonged business interruptions;

5) minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in areas of special flood hazard;

6) help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

7) ensure that potential buyers are notified that property is in an area of special flood hazard; and

8) ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.9.040 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this Ordinance includes methods and provisions for:

1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;

2) Requiring that uses vulnerable to floods, including facilities which serve uses, be protected against flood damage at the time of initial construction;

3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

4) Controlling filling, grading, dredging and other development which may increase flood damage; and

5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

6) Coordinating and supplementing the provisions of the state building code with local land use and development Ordinances. (Ord.3322, 12/09)

SECTION 2.9.050 DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance the most reasonable application.

For purposes of this Article the following mean:

1) **1-PERCENT-ANNUAL-CHANCE FLOOD** – the flood having a one chance in 100 of being equaled or exceeded in any one-year period (also known as the “100-year” flood or “base flood”).

2) **1-PERCENT-ANNUAL-CHANCE FLOOD ELEVATION** – the computed elevation to which floodwater is anticipated to rise during the 1-percent-annual-chance flood (also known as the "100-year flood" elevation or the "base" flood elevation).

3) **1-PERCENT-ANNUAL-CHANCE FLOODPLAIN** – the area subject to flooding by the 1-percent-annual-chance flood (also known as the "100-year" floodplain or "base" floodplain).

4) **0.2-PERCENT-ANNUAL-CHANCE FLOOD** – that flood which has a 0.2-percent chance of being equaled or exceeded in any given year (also known as the "500-year" flood).

5) **0.2-PERCENT-ANNUAL-CHANCE FLOOD ELEVATION** – the computed elevation to which floodwater is anticipated to rise during the 0.2-percent-annual-chance flood (also known as the "500-year" flood elevation).

6) **0.2-PERCENT-ANNUAL-CHANCE FLOODPLAIN** – the area subject to flooding by the 0.2-percent-annual-chance flood (also known as the "500-year" floodplain).

7) **500-YEAR ELEVATION APPROACH:** area subject to a 0.2%-annual-chance flood.

8) **APPEAL:** A request for a review of the Community Development Director's interpretation of any provision of this Ordinance or a request for a variance.

9) **AREA OF SHALLOW FLOODING:** A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding. (Ord.3322, 12/09)

10) **AREA OF SPECIAL FLOOD HAZARD:** The land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

11) **BASE FLOOD:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

12) **BASE FLOOD ELEVATION:** The computed elevation to which floodwater is anticipated to rise during the base flood.

13) **BFE:** See "Base Flood Elevation".

14) **BASEMENT:** Any area of the building having its floor subgrade (below-ground level) on all sides.

15) **BELOW-GRADE CRAWLSPACE:** An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent grade and the height, measured from the interior grade of the crawlspace to the

top of the crawlspace foundation, does not exceed four (4) feet at any point. (Ord.3322, 12/09)

16) **COMPENSATORY STORAGE:** The volume of the loss of floodwater storage due to filling in the special flood hazard area shall be offset by providing a volume of flood storage by excavation or other compensatory measures at or adjacent to the development site.

17) **CRITICAL FACILITY:** A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. (Ord.3322, 12/09)

18) **DEVELOPMENT:** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

19) **ELEVATED BUILDING:** For insurance purposes, a non-basement building which has had its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns. (Ord.3322, 12/09)

20) **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). (Ord.3322, 12/09)

21) **FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters and/or unusual and rapid accumulation of surface runoff waters from any source.

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

23) **FLOOD INSURANCE STUDY:** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

24) **FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

25) **HYDRAULICALLY EQUIVALENT SITE:** A compensation area designed to drain freely and openly to a channel and located opposite or adjacent to a fill area. A site shall be designed by a registered civil engineer using a nationally accepted hydrologic model.

26) **LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance found at Section 2.9.310.

27) **MANUFACTURED HOME:** A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

28) **NAVD 88:** North American Vertical Datum of 1988. (Ord.3322, 12/09)

29) **MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

30) **NEW CONSTRUCTION:** Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

31) **NEW MANUFACTURED HOME SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations. (Ord.3322, 12/09)

32) **RECREATIONAL VEHICLE:** A vehicle which is:

a) built on a single chassis;

b) 400 square feet or less when measured at the largest horizontal projection;

c) Designed to be self-propelled or permanently towable by a light duty truck; and

d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use. (Ord.3322, 12/09)

33) **REGULATORY FLOOD:** See "1-Percent-Annual-Chance Floodplain"

34) **SPECIAL FLOOD HAZARD AREA:** See "1-Percent-Annual-Chance Floodplain" also abbreviated as "SFHA".

35) **START OF CONSTRUCTION:** The first placement of permanent construction including substantial improvement of a structure (other than a mobile home) on a site such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

36) **STATE BUILDING CODE:** The combined specialty codes. (Ord.3322, 12/09)

37) **STRUCTURE:** A walled and roofed building including a gas or liquid storage that is principally above ground.

38) **SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 30% of the market value of the structure before the damage occurred. (Ord.3459, 7/16)

39) **SUBSTANTIAL IMPROVEMENT:** Means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure taking place during a fifteen year period, the cost of which equals or exceeds 30 percent of the market value of the structure before the work is started. This term includes structures that have incurred 'substantial damage,' regardless of the actual repair work performed.

a) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

b) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

c) Any alteration of a structure listed on the National Register of Historic Places or the City Inventory of Historic Places.

40) **TECHNICAL EVALUATION:** The application of special knowledge of the mathematical, physical, and engineering sciences regarding investigation, evaluation, planning, and design for the purpose of assuring compliance with applicable standards (i.e., photo interpretation, surveys, land forms, data sources, hydrological analysis, etc.).

41) **VARIANCE:** A grant of relief from the requirements of this Article which permits construction in a manner that would otherwise be prohibited by this Article.

SECTION 2.9.060 LANDS TO WHICH THIS ORDINANCE APPLIES

This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Roseburg

SECTION 2.9.070 BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD

Areas of flood hazard for the Roseburg urban area are areas designated as special flood hazard areas (A zones) or areas within a floodway.

Special flood hazard areas and floodways are identified by the Federal Insurance Administration in scientific and engineering reports entitled "The Flood Insurance Study for Douglas County, Oregon and Incorporated Areas," effective date February 17, 2010, with accompanying Digital Flood Insurance Rate Maps (DFIRM) and Flood Hazard Boundary Maps and future revisions as adopted. (Ord.3322, 12/09)

All of the above referenced publications, maps and orthophotos are hereby adopted by reference and declared to be part of this Ordinance as are future revisions as adopted. These publications, maps, and orthophotos shall be kept on file with the City of Roseburg Community Development Department.

These publications shall be used as the basis for determining which flood district applies to property. The best available information for flood hazard identification as outlines in Section 2.9.140 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 2.9.140. Where these publications fail to provide data sufficient to determine the applicable flood district, the applicable flood district and base flood elevation shall be determined on the basis of the best available information. (Ord.3322, 12/09)

Areas of flood hazard shall also include any land area susceptible to inundation water from any source where the above referenced maps have not identified any special flood areas.

SECTION 2.9.080 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable

regulations. Violation of the provisions of this Ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $5,000 or imprisoned for not more than 30 days, or both, for each violation and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Roseburg from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 2.9.090 ABROGATION AND GREATER RESTRICTIONS

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another Ordinances, state building code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail. (Ord.3322, 12/09)

SECTION 2.9.100 INTERPRETATION

In the interpretation and application of this Article, all provisions shall be:

1) Considered as minimum requirements;

2) Liberally constructed in favor of the governing body; and,

3) Deemed neither to limit nor repeal any other powers granted under state statutes and rules including the state building codes. (Ord.3322, 12/09)

SECTION 2.9.110 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on technical evaluations as defined in Section 2.9.050. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Roseburg, any Department or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder. Building in areas where flooding can occur is at the owner's sole risk.

SECTION 2.9.120 SITE PLAN REVIEW

A site plan review shall be obtained before construction or development begins within any area of special flood hazard established in Section 2.9.320. The Community Development Director is appointed to administer and implement this Ordinance by granting or denying site plan review applications in accordance with its provisions. The review shall be for all structures including mobile homes, as set forth in the "DEFINITIONS" and for other development including fill and other activities, also as set forth in the "DEFINITIONS." Application for a site plan review shall be made on forms

furnished by the Community Development Director and may include but be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1) Elevation in relation to mean sea level NAVD 88, of the bottom of the lowest floor (including basement) of all structures; (Ord.3322, 12/09)

2) Elevation in relation to mean sea level NAVD 88 to which any structure has been flood-proofed; (Ord.3322, 12/09)

3) Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria specified in Section 2.9.280; and,

4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Where elevation data is not available through the Flood Insurance Study or from another authoritative source (Section 2.9.140), Applications for site plan review shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two (2) feet above grade in these zones may result in higher insurance rates.

SECTION 2.9.130 DUTIES AND RESPONSIBILITIES OF THE DIRECTOR

Duties of the Community Development Director shall include but not be limited to:

1) Review all development applications to determine that the requirements and conditions of this Ordinance have been satisfied. (Ord.3322, 12/09)

2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 2.9.260 are met.

SECTION 2.9.140 USE OF OTHER BASE FLOOD DATA

When base flood elevation data has not been provided in accordance with Section 2.9.070: Basis for Establishing the Areas of Special Flood Hazard, the Community Development Director shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, in order to administer Sections 2.9.260: Residential Construction, and 2.9.270: Nonresidential Construction.

SECTION 2.9.150 INFORMATION TO BE OBTAINED AND MAINTAINED

1) Where base flood elevations data is provided through the Flood Insurance Study or required as Section 2.9.140 obtain and record the actual elevation (in relation to NAVD 88) of the bottom of the lowest floor (including basements and below-grade crawlspace) of all new or substantially improved structures, and whether or not the structure contains a basement. (Ord.3322, 12/09)

2) For all new or substantially improved flood-proofed structures:

   a) Verify and record the actual elevation (in relation to NAVD 88), and, (Ord.3322, 12/09)

   b) Maintain the flood-proofing certifications required in Section 2.9.120(3).

3) Maintain for public inspection all records pertaining to the provisions of this Ordinance.

SECTION 2.9.160 ALTERATION OF WATERCOURSES

Notify adjacent communities and the State coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity of the watercourse is not diminished.

SECTION 2.9.170 INTERPRETATION OF FIRM BOUNDARIES

Make interpretation where needed as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 2.9.180.

SECTION 2.9.180 VARIANCE PROCEDURE

1) The Planning Commission as established by the City of Roseburg shall hear and decide variances from the requirements of this Article as provided for in Section 5.1.200 of this Ordinance.

2) The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Community Development Director in the enforcement or administration of this Article as provided for in Section 5.1.170 of this Ordinance.

3) Those aggrieved by the decision of the Planning Commission, or any taxpayer, may appeal such decision to the City Council, as provided in Section 5.1.250 of this Ordinance.

4) In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Ordinance, and:

a) danger that materials may be swept onto other lands to the injury of others;

b) danger to life and property due to flooding or erosion damage;

c) susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d) importance of the services provided by the proposed facility to the community;

e) necessity to the facility of a waterfront location, where applicable;

f) availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;

g) compatibility of the proposed use with existing anticipated development;

h) relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for that area;

i) safety of access to the property in times of flood for ordinary and emergency vehicles;

j) expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

k) costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and street and bridges,

l) effects of flood damage on individual property owners.

5) Generally, the only condition under which a variance may be issued is for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) in Section 2.9.180(4) have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

6) The Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

a) The Community Development Director shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

SECTION 2.9.190 CONDITIONS FOR VARIANCES

1) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of historic Places, without regard to the procedures set forth in the remainder of this Section.

2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4) Variances shall only be issued upon:

   a) showing of good and sufficient cause;

   b) determination that the granting of a variance will not result in increased flood heights or additional threats to public safety, extraordinary public expense, create nuisances, cause fraud, or victimization of the public as identified in Section 2.9.120 – 2.9.180, or conflict with existing local laws or Ordinances.

5) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. As such, variances from the flood elevations should be quite rare. (Ord.3322, 12/09)

6) Variances may be issued for nonresidential buildings and structures in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-flood-proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 2.9.180(5) and otherwise complies with Sections 2.9.210(1) and 2.9.210(2)(a-d). (Ord.3322, 12/09)

7) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 2.9.200 GENERAL STANDARDS

In areas of flood hazards, the provisions of 2.9.210 through 2.9.280 shall apply.

SECTION 2.9.210 ANCHORING

1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2) Manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

   a) All manufactured homes must likewise be anchored to resist flotation, collapse, and lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to the use of over-the-top or frame ties to ground anchors (Reference FEMA's guidebook FEMA-85 "Manufactured Home Installation in Flood Hazard Areas" for additional techniques).

   b) Additions to the mobile home shall be similarly anchored.

3) Alternative methods of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the Community Development Director that this standard has been met.

SECTION 2.9.220 CONSTRUCTION MATERIALS AND METHODS

1) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2) New construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be elevated to a minimum of one (1) foot above base flood elevation or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

SECTION 2.9.230 UTILITIES

1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

3) On-site waste disposal systems shall be located to avoid impairment to them to contamination from them during flooding consistent with Oregon Department of Environmental Quality Regulations. (Ord.3322, 12/09)

   a) Roseburg Urban Sanitary Authority shall be notified when development requiring an onsite waste disposal system is proposed in an area of flood hazard.

   b) Roseburg Urban Sanitary Authority shall be responsible for carrying out the purposes of enforcing this provision.

SECTION 2.9.240 SUBDIVISION AND PARTITIONING PROPOSALS

1) Subdivision and partitioning proposals shall be consistent with the need to minimize flood damage;

2) Subdivision and partitioning proposals shall have public utilities and facilities such as sanitary and storm sewer, gas, electrical, and water systems located and constructed and maintained to minimize flood damage;

3) Subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage, including returning water;

4) Partitions and subdivisions for nonresidential uses shall have the explanation “Not for residential use” printed on the face of the final survey map or plat. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision and partition proposals and other proposed development which contain at least 50 lots or five (5) acres (whichever is less);

5) No portion of any street or road surface in any subdivision shall be at an elevation less than one (1) foot below the regional flood height. The road surface is that portion of a street or way available for vehicular traffic or where curbs are laid; the portion between curbs;

6) 100-year flood elevation data shall be provided and shown on final partition and subdivision plats. Applicant must show the boundaries of the 100-year flood and floodway on the final subdivision plat;

7) A permanent monument shall be established and maintained on land partitioned or subdivided, showing the elevation in feet above mean sea level, NAVD 88. The location of such monument shall be shown on the final partition map or subdivision plat.

SECTION 2.9.250 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 2.9.070: Basis for Establishing Areas of Special Flood Hazard, or Section 2.9.140: Use of Other Base Flood Data, the following provisions for residential and nonresidential construction (Section 2.9.260 and 2.9.270) and manufactured home placement (Section 2.9.280) are required.

SECTION 2.9.260 RESIDENTIAL CONSTRUCTION

1) New construction and substantial improvement of any residential structure shall have the bottom of the lowest floor, including basement, elevated to a minimum of one (1) foot above base flood elevation. (Ord.3322, 12/09)

2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

   a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

   b) The bottom of all openings shall be no higher than one (1) foot above grade.

   c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

SECTION 2.9.270 NON-RESIDENTIAL CONSTRUCTION

New Construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1) Be flood-proofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice

for meeting provisions of this Subsection based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in Section 2.9.150(2);

4) Non-residential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in Section 2.9.260(2);

5) Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the flood proof level (e.g., a building constructed to the base flood level will be rated as one (1) foot below that level).

SECTION 2.9.280 MANUFACTURED HOMES

All manufactured homes to be placed or substantially improved within Zone AE shall be elevated on a permanent foundation conforming to Section 2.9.060(2) such that the lowest longitudinal chassis beam of the manufactured home is a minimum of 18 inches above the base flood elevation and be securely anchored with a foundation system in accordance with the provisions of Section 2.9.210(2). Electrical and HVAC cross-over ducts shall be elevated to a minimum of one foot above base flood elevation. (Ord.3322, 12/09)

SECTION 2.9.290 RECREATIONAL VEHICLES

(Ord.3322, 12/09)

Recreational vehicles placed on sites are required to either:

1) Be on the site for fewer than 180 consecutive days,

2) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3) Meet the requirements of Section 2.9.280 above and the elevation and anchoring requirements for manufactured homes.

SECTION 2.9.300 BELOW-GRADE CRAWLSPACES

(Ord.3322, 12/09)

Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas, and depicted in Figure 2-6, Figure 2-7 and Figure 2-8, below.

1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed by the required openings stated in Subsection “2” below. Because of hydrodynamic loads crawlspace construction

is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

2) The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.

3) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction is to elevate the bottom of joists and all insulation one (1) foot above BFE.

4) Any building utility systems within the crawlspace must be elevated a minimum of one (1) foot above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed a minimum of one (1) foot above the BFE or sealed from floodwaters.

5) The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.

6) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

7) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

8) The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

THERE IS A CHARGE ADDED TO THE BASIC POLICY PREMIUM FOR A BELOW-GRADE CRAWLSPACE.

FIGURE 2-6: PREFERRED CRAWLSPACE CONSTRUCTION

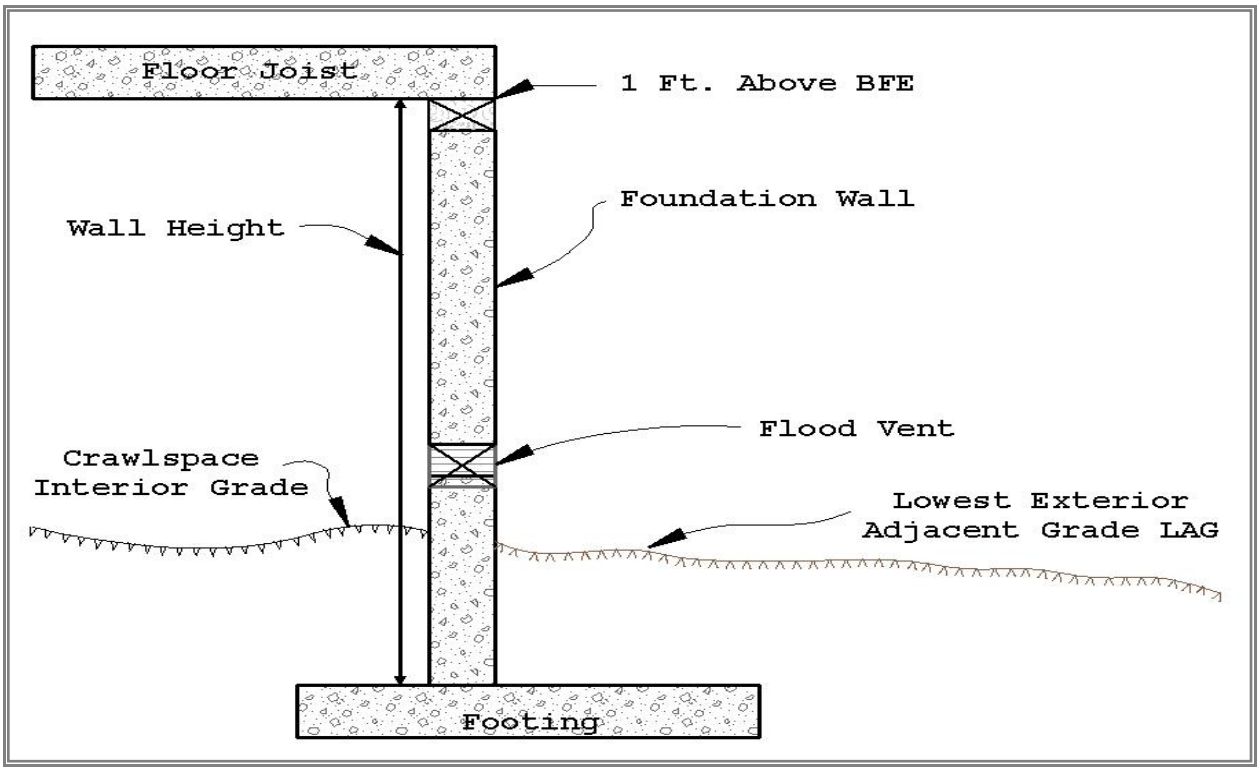


FIGURE 2-7: BELOW-GRADE CRAWLSPACE CONSTRUCTION

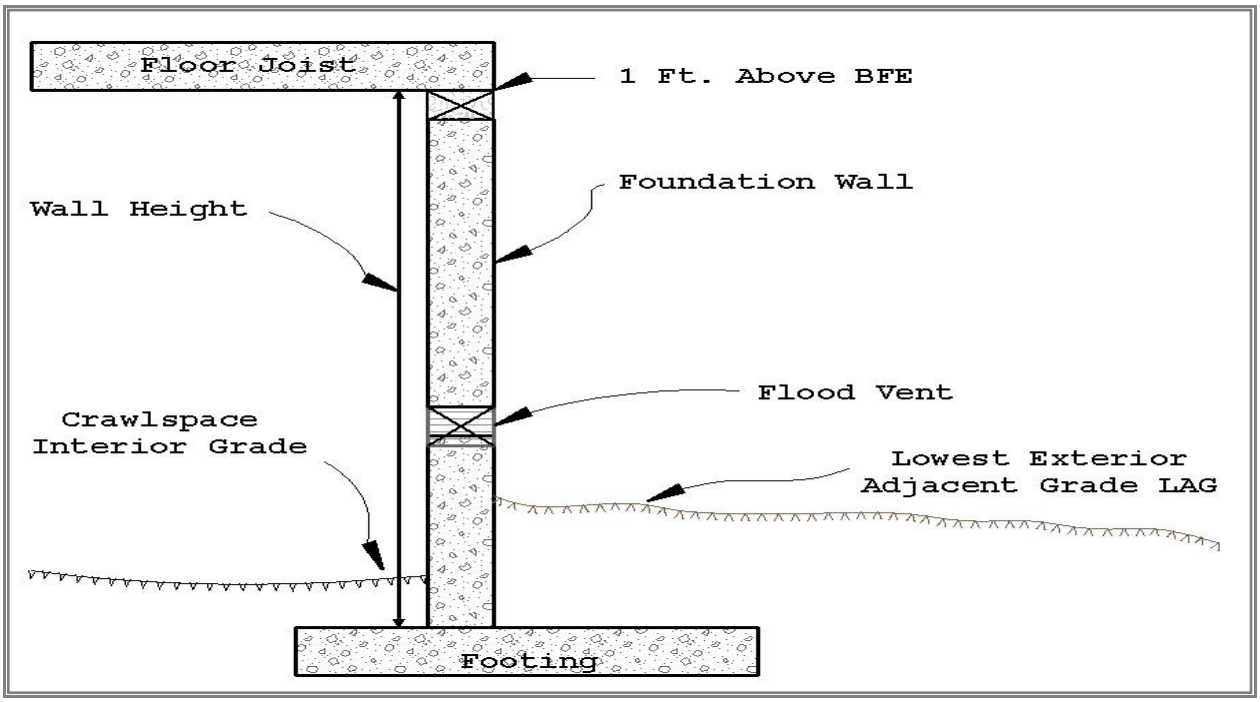
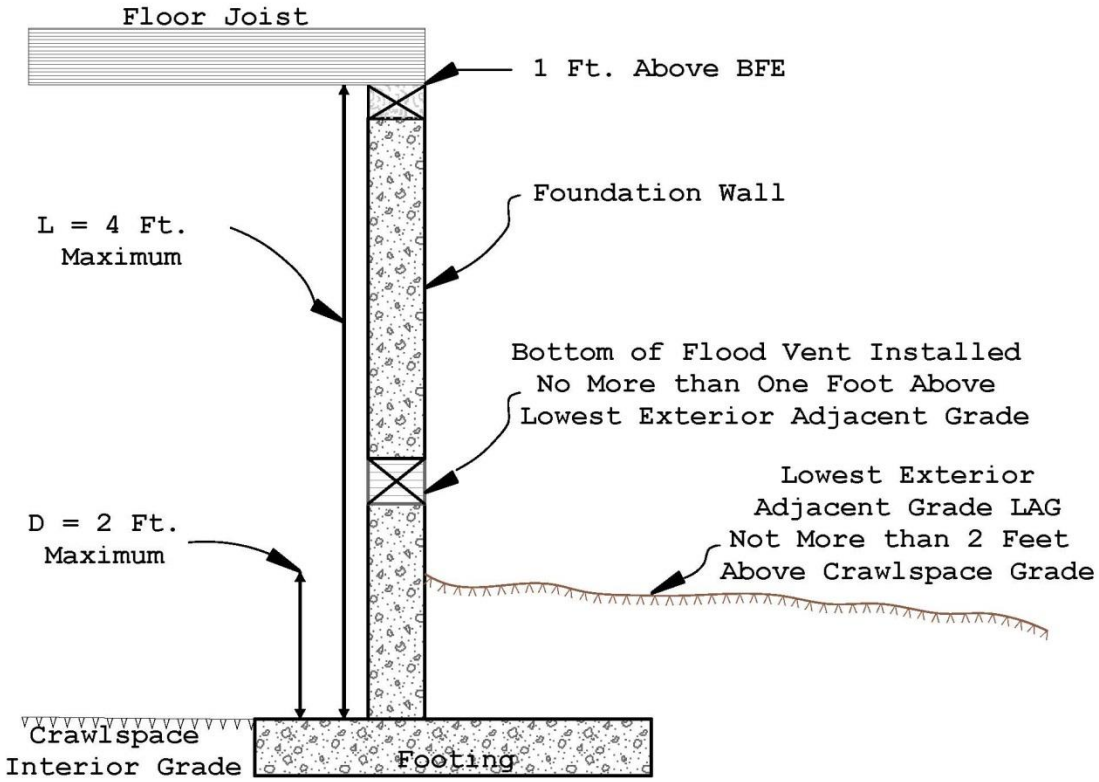


FIGURE 2-8: REQUIREMENTS OF BELOW-GRADE CRAWLSPACE CONSTRUCTION



SECTION 2.9.310 FLOODWAYS

(Ord.3322, 12/09)

Located within areas of special flood hazard established in Section 2.9.070 are areas designed as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed using current nationally accepted hydrologic models meeting the minimum requirement of National Flood Insurance Program that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2) If Section 2.9.310(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 2.9.200 through 2.9.310.

3) Compensatory Storage Required. Each cubic foot of fill placed within Special Flood Hazard Area (SFHA) requires developer to remove 1 ½ cubic feet of fill from a hydraulically equivalent site.

SECTION 2.9.320 BEFORE REGULATORY FLOODWAY DESIGNATION

(Ord.3322, 12/09)

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-A30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. Compensatory Storage Required. Each cubic foot of fill placed within SFHA requires developer to remove 1 ½ cubic feet of fill from a hydraulically equivalent site.

SECTION 2.9.330 CRITICAL FACILITY

(Ord.3322, 12/09)

Construction of new critical facilities shall be located outside the limits of the Special Flood Hazard Area (SFHA), Zone AE (100-year floodplain) and Zone X (500-year floodplain). Construction of new critical facilities shall be permissible within these zones only through the variance process. Access to and from the critical facility shall be protected to the height of the base flood. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all critical facilities to the extent possible.

SECTION 2.9.340 FEDERALLY FUNDED PROJECTS

(Ord.3459, 7/16)

When Federal funds are used to build, or significantly retrofit or repair, structures and facilities in and around floodplains design or construction shall apply *"500-year" Elevation Approach* to ensure that those structures are resilient, safer, and long-lasting.

The following standards shall apply:

1) Impacts of floodplains on Federally financed improvements shall be evaluated in terms (1) potential (or residuals) for monetary loss; (2) human safety, health, and welfare; (3) shifting of costs or damage to others; and (4) potential for affecting the natural and beneficial floodplain values;

2) Build at or above the 500-year (0.2%-annual-chance) flood elevation;

Agency responsible for property used by the general public which has suffered flood damage or is located in an identified flood hazard area shall provide attached to structures, and other places where appropriate, conspicuous delineation of past and probable flood height in order to enhance public awareness and knowledge of flood hazards.

ARTICLE 10:

HILLSIDE DEVELOPMENT OVERLAY

SECTION 2.10.010 PURPOSE AND INTENT

The intent of this Article is to provide regulations for development in hillsides that relates to topography, geology, hydrology, and fire risks. These regulations relate to the steepness of slopes and geologic conditions. The specific purpose of this Article is to ensure that Hillside Development occurs in a manner that:

1) Ensures public health, safety, and general welfare.

2) Provides for appropriate Hillside Development consistent with the allowed density provided by the zoning classifications.

3) Addresses potential risks that can result from steeply sloped sites and geologic hazard areas.

4) Minimizes potential hazards from fire, water, and unstable soils.

5) Helps ensure stability of steep slopes and protection of environmental resources.

6) Reduces potential risks associated with hillside erosion, sedimentation on lower slopes, and damage from landslides while providing flexible development standards.

SECTION 2.10.020 DEFINITIONS

For the purpose of this Article, the following terms and phrases apply. If the general definitions in Section 1.1.110 of this Ordinance conflict, the following definitions take precedence:

1) **APWA:** American Public Works Association

2) **BENCH:** A relatively level step excavated into earth materials on which fill is to be placed.

3) **BENCHING:** The sidewall cutting in a stair step configuration, which minimizes the height of each vertical surface and reduces the total volume of soil removed.

4) **BEST MANAGEMENT PRACTICE (BMP):** A practice used to reduce negative impacts from a particular land use.

5) **CLEARING:** The cutting, mowing on the site, or removal of standing or fallen timber; the removal or moving on a site of stumps; or the cutting and removal of brush, grass, ground cover, or other vegetative matter from a site in a way that exposes the surface of the site.

6) **CONSTRUCTION AREA:** The total area of alteration of the naturally occurring ground surface resulting from construction activities.

7) **DEQ:** Department of Environmental Quality

8) **EROSION:** The wearing away of earth's surface as a result of movement of wind, water, or ice.

9) **EROSION CONTROL:** Measures that provide for erosion and sediment control for any clearing, grading, excavating, or stockpiling of material, including areas of less than one (1) acre of land and which do not require a DEQ 1200-C NPDES General Permit.

10) **EXCAVATION (CUTTING):** The mechanical removal of earth material.

11) **FILL MATERIAL:** A deposit of earth or other natural or manmade material placed by artificial means.

12) **FILLING:** The act of placing fill material, including the temporary stockpiling of fill material.

13) **GEOTECHNICAL ENGINEER:** A Professional Engineer, registered with the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education, and experience is qualified in the practice of geotechnical or soils engineering practices.

14) **GEOTECHNICAL REPORT:** A report prepared and stamped by a State of Oregon Registered Geotechnical Engineer evaluating site conditions and recommending design and mitigation measures. This report will include steps necessary to reduce risks associated with development and to facilitate a safe and stable development. A geotechnical report must be prepared in accordance with this Article.

15) **GRADING/GROUND DISTURBANCE:** Any excavating and/or filling of the earth's surface or combination thereof that falls within the provisions of Section 3.1.040(12) or Chapter 6 of this Ordinance.

16) **LANDSLIDE:** Abrupt down slope movement of a mass of soil or rock, or imminent slope failure.

17) **MITIGATION:** An action designed to avoid, minimize, or eliminate project-induced impacts.

18) **NPDES:** National Pollution Discharge Elimination System.

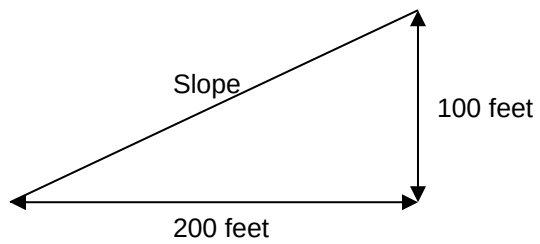
19) **ODOT:** Oregon Department of Transportation.

20) **RIGHT-OF-WAY:** An area of land typically extending from the property/lot line of an abutting lot or parcel; intended primarily to be occupied by streets, public utilities, infrastructures, sidewalks, curbs, and gutters.

21) **SLOPE SETBACK:** A building's clearance (horizontal distance from an ascending or descending slope). Setbacks are required in most situations where a structure is to be built near a slope.

22) **SLOPE:** An inclined earth surface, the inclination of which is expressed as the ratio of a horizontal distance to a vertical distance (e.g., 2:1) or expressed as a percentage. For example, an incline that rises 100 feet in elevation over a distance of 200 feet can be expressed as "2:1" or "50%." Refer to Figure 2-9: Percent/Slope Calculations.

FIGURE 2-9: PERCENT/SLOPE CALCULATION



100 feet of elevation change over a horizontal distance of 200 feet = 100/200 = 0.5 = 50 percent (also expressed as 200:100 = 2:1)

23) **STEP-BACKS:** Successive stories that recede farther back from the lower story. Step-backs are established to avoid excessive bulk of a structure.

24) **TERRACE:** A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

SECTION 2.10.030 APPLICABILITY

The Hillside Development Overlay applies to areas within and identified on the City of Roseburg Slope Map, which is hereby adopted by reference and incorporated herein, or on lands having slopes greater than 12%.

1) Authority. The Director shall have the authority to review Hillside Development pursuant to Section 3.1.030.

2) Application and Submittal Requirements. No lands within the Hillside Development Overlay shall hereafter be developed or physically altered until plans have been approved that meet the minimum requirements of this Article.

   a) Site Analysis: The following information shall be submitted by a Geotechnical Engineer registered in the State of Oregon as provided by ORS 672.002 to

672.325, who by training, education, and experience is qualified in the practice of geotechnical or soils engineering practices. Said engineer shall sign and stamp all plans and reports.

i) Site Development Submittal Requirements

A) A slopes analysis map with contour intervals of two (2) feet or less and a scale no less than 1 in. = 20 ft. indicating the location and amount of land with slopes greater than 12%. If the project is subject to a Density Transfer all categories shown below must be represented:

- 12% or less;
- 12.01–25%;
- 25.01–35%; or
- Greater than 35%.

B) Proposed finished contours map with contour intervals of two (2) feet or less and a scale no less than 1 in. = 20 ft.;

C) Surface and subsurface hydrological conditions including natural drainage courses, streams, floodplains, wetlands and ponding areas;

D) On areas having a slope of greater than 12%, prior to removal of any vegetation, plans shall show the location, species, and size of vegetation to be removed, along with data that identifies slope stability with and without such planting. Trees that measure 24 inches or more in diameter at breast height (DBH) , and multi-stemmed trees with one stem of at least 8 inches in DBH shall be identified and preserved to the extent possible. During construction, trees identified for preservation shall be protected with fencing around the drip line;

E) Plan showing location, species, size, and proposed re-vegetation;

F) Stormwater Plan consistent with requirements of the City of Roseburg's Storm Water Management Design Standards;

G) Proposed building envelopes, driveways and their grades, and other vehicular and pedestrian circulation routes;

H) Erosion and Sediment Control Plan shall be consistent with requirements in the DEQ Construction Storm Water Permit Guidance 1200-C NPDES General Permit and as specified for Hillside/Geologic Review Areas.

ii) Geotechnical Report Requirements

A) The purpose and scope of the investigation;

B) A description of the geological characteristics of the site;

C) A determination of the nature, distribution, and strength of the existing soils and geologic characteristics of the site relative to their adequacy for the proposed development;

D) A determination of geological hazards that present a risk to life and property or adversely affect the use or stability of a public facility or utility;

E) A determination of appropriate grading techniques (ground preparation, clearing, unsuitable material removal, scarification, fill materials, compaction levels, etc.), and an assessment of the stability of proposed cut and filled slopes;

F) Designs of retaining walls and structures, as well as drainage systems;

G) Appropriate foundation designs and setbacks from toes/crests of slopes relative to the soil characteristics of the specific ;

H) Detailed reports of field investigations that provide: date of work done, investigative methods, sampling methods, locations and logs of borings/test pits, elevations of borings/test pits for reference of materials,

I) Conclusions and mitigation measures, if necessary.

b) Type of Approval: Depending on the type of approval sought, the following information is required in addition to that required by 2.10.030(2)(a):

i) Land Division: If a division of land is proposed in accordance with Chapter 6, prior to recording the plat a written certification shall be submitted from a registered Geotechnical Engineer verifying the recommendations of the Report were carried-out during the grading and/or construction infrastructure, or that needed changes in design were made based on the recommendation of and in conformance with the required Report.

ii) Site Plan Approval:

A) If site plan approval is applied for with the purpose of obtaining a building permit, prior to a final building inspection and/or the issuance

of a Certificate of Occupancy a written certification shall be submitted from a registered Geotechnical Engineer verifying the recommendations of the Report were carried-out during the construction, or that needed changes in design were made based on the recommendation of and in conformance with the required Report.

B) Dimensions of all buildings and components (height, width, roof height, overhang, etc).

C) Profile drawings and proposed finished grade of all sides of the building.

D) Location, type and dimensions of all existing and proposed easements (e.g. water, sewer, access, etc.) and utilities

E) If previously submitted Geotechnical Reports were prepared for the site, a Geotechnical Engineer may utilize said reports as supplemental information if said expert determines that the conditions of the site have not changed in such a way to make the report invalid. Referenced reports shall be supplied to the Director by the applicant.

2) Final Plans/As-Builts

Prior to final building inspection, as-builts shall be provided to the Director. As-builts shall provide the dimensions and grades of all required driveways and maneuvering/parking areas, the dimensions and location(s) of any retaining walls, the grades of all slopes exceeding 12% as well as the toe and crest of such slopes, and the location of all property lines and foundations of all structures, in addition to any other elements required upon Site Plan Review. As-builts shall be drawn at 1 in. = 20 ft. or larger scale with elevation contours at intervals of no more than two (2) feet.

3) Exceptions. If an applicant can meet any or all of the criteria listed below, the Director may waive applicable requirements of this Article.

a) Submit evidence that slopes in excess of 12% do not exist on the subject property or a written and stamped statement from a Geotechnical Engineer that the area of the property impacted by the proposed work will be sufficiently set back from any slopes exceeding 12% and therefore no geologic hazards are increased.

b) Demonstrate that the proposed work will comply with a Geotechnical Report that was previously prepared for the site and that all conditions noted in the Report are still present.

c) Construction proposed is on land that has a grade less than 12% and is set back ten (10) or more feet from slopes that do not exceed a 2:1 slope.

d) Construction is proposed that does not require a building or grading permit.

SECTION 2.10.040 DEVELOPMENT CRITERIA AND STANDARDS

When a proposal is submitted for land division, Planned Unit Development and/or Site Plan Review, said development shall comply with the following criteria and standards:

1) Density Transfers: The permitted density established by the underlying zoning may be increased for lands in the Hillside Development Overlay by transferring the rights to develop an area of land with qualifying slopes to another location contiguous to said areas. The area to be developed does not need to be within the Overlay. In addition to increasing the density of one portion of land by not developing another portion, the density may be further increased based on the total area of the undeveloped land and the "Level" for which the grade of the slopes qualify (see below). The total acreage of undeveloped slopes may be combined to determine the number of additional dwelling units, however, the number of additional dwelling units shall be based on whole numbers and not portions thereof. For example, if 1.95 acres of Level 2 and 0.5 acre of Level 3 are undeveloped, the total number of dwelling units that may be added to the density transfer is five (5) based on the following calculation: (1.95ac X 2 du) + (0.5ac X 4du) = 5.9 dwelling units.

   a) Level 1 - the density increase for sites with slopes greater than 12% and up to 25% shall be increased by one (1) unit per acre of the qualifying sloped area.

   b) Level 2 - the density increase for sites with slopes greater than 25% and up to 35% shall be increased by two (2) units per acre of the qualifying sloped area.

   c) Level 3 - the density increase for sites with slopes greater than 35% shall be increased by four (4) units per acre of the qualifying sloped area.

   In order to verify allowed increases in densities, calculations shall be provided with the application and documented with a topographic map that delineates the land area of each Level that shall be prepared and stamped by a licensed Professional Land Surveyor. . As a condition of density transfer, a deed restriction that ensures permanent retention of the undisturbed land area as open space shall be recorded with the Douglas County Recorder within 30 days of the site review approval and delineated as an easement on the recorded plat if a partition, subdivision or PUD is approved as part of the density transfer.

2) Location/Features

   a) Cluster, zero-lot-line, and other similar development is permitted in the Hillside Development Overlay and is encouraged as a means of preserving

the natural hillside, reducing ground disturbances, and limiting vegetation removal. Under this concept, buildings should be grouped to leave steeper slopes undisturbed.

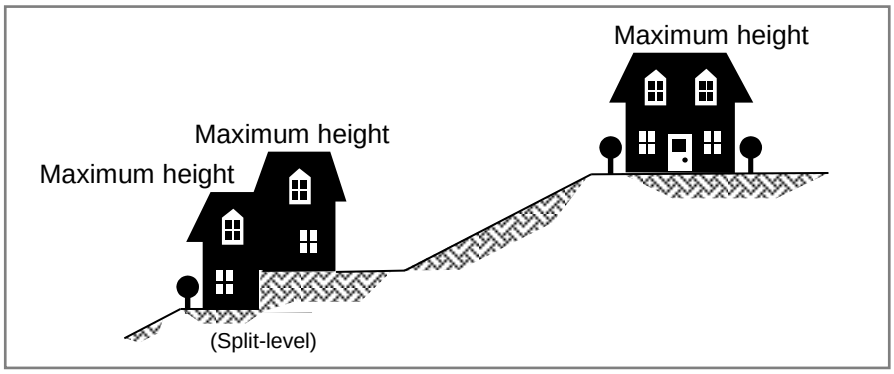
b) Development plans are to indicate slope percentages by shading. If density increases are requested, plans are to include calculations to indicate the amount of area and available density to be applied elsewhere within the development.

3) Building Height Measurement

a) The maximum allowable building height shall comply with the underlying zoning standards.

b) Building height shall be measured as the vertical distance from the average plane of the exposed foundation to the highest point of the roof exclusive of chimneys, antennas, skylights, and similar features.. The average plane of the exposed foundation shall be calculated as follows: assign a numeric value of zero to the lowest corner of the exposed foundation; measure the elevation of all other exposed foundation corners relative to the lowest corner; calculate the average elevation of all exposed foundation corners. For split-level construction, each foundation shall be measured separately (refer to Figure 2-10: Building Height Measurement). Multi-level structures are encouraged to provide step-backs as a way of reducing the mass and bulk of such structures. No more than eight (8) feet of a buildings foundation shall be exposed. For the purposes of this Section, exposed shall be interpreted as not being covered by earth.

FIGURE 2-10: BUILDING HEIGHT MEASUREMENT



4) Lot Size. Minimum lot sizes and dimensions in the Hillside Development Overlay shall be established upon approval of a land division or Planned Unit Development based on the following minimum standards:

a) Minimum lot area may deviate from the standards of this Ordinance based on the adjusted density granted by a Density Transfer, but no lot shall be less than 3,000 square feet for a single-family dwelling.

b) Lot width and depth may be less than required by Section 6.1.130, but no lot shall have a depth of more than two-and-one-half (2½) times the average width between the side lines.

c) Except as otherwise permitted for townhouses, each lot shall have frontage of not less than 35 feet upon a street.

d) Adjusted lot sizes shall conform to mitigation measures identified in the Geotechnical Report.

5) Yard Setbacks. Lots shall provide yard setbacks consistent with the underlying zoning, those allowed by an approved PUD or those recommended in an approved Geotechnical Report.

6) Pads. Split pad or stepped footings shall be used when possible to allow the structure to more closely follow the slope.

7) Foundations

a) Foundations shall be in conformance with the requirements of Geotechnical Report and if required designed by a Geotechnical or Professional Engineer as provided by ORS 672.002 to 672.325.

b) Split-level foundations are encouraged when appropriate for the site contours.

c) When appropriate, based on recommendations included in the Geotechnical Report, multi-level building footprint shall be used to reduce scarring.

8) Access Standards

a) Streets shall meet the standards included in the latest adopted City of Roseburg Transportation System Plan and as adopted by the Department of Public Works construction standards that are in effect at the time of the proposed development.

b) Alternative street standards depicted herein may be used in Hillside Developments as shown in Figure 2-11: Hillside Street Alternatives, unless otherwise required by the Director of Public Works and justified by the Geotechnical Report. Dead-end streets shall have an approved turn-around area; however, dead-end streets are discouraged.

c) Streets are to follow the natural terrain wherever feasible. Travel-ways, walkways, and parking areas are to be designed to parallel the natural contours of the site.

d) Driveways used to access onsite parking shall comply with Section 3.2.100 and the following criteria:

i) the inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the center point to provide for emergency apparatus access.

e) With the approval of the Fire Chief, driveways that are greater than 100 feet in length may have intermittent sections of grades up to a maximum of 20% provided that:

i) The 100 foot distance back from the structure maintains the 15% grade described herein.

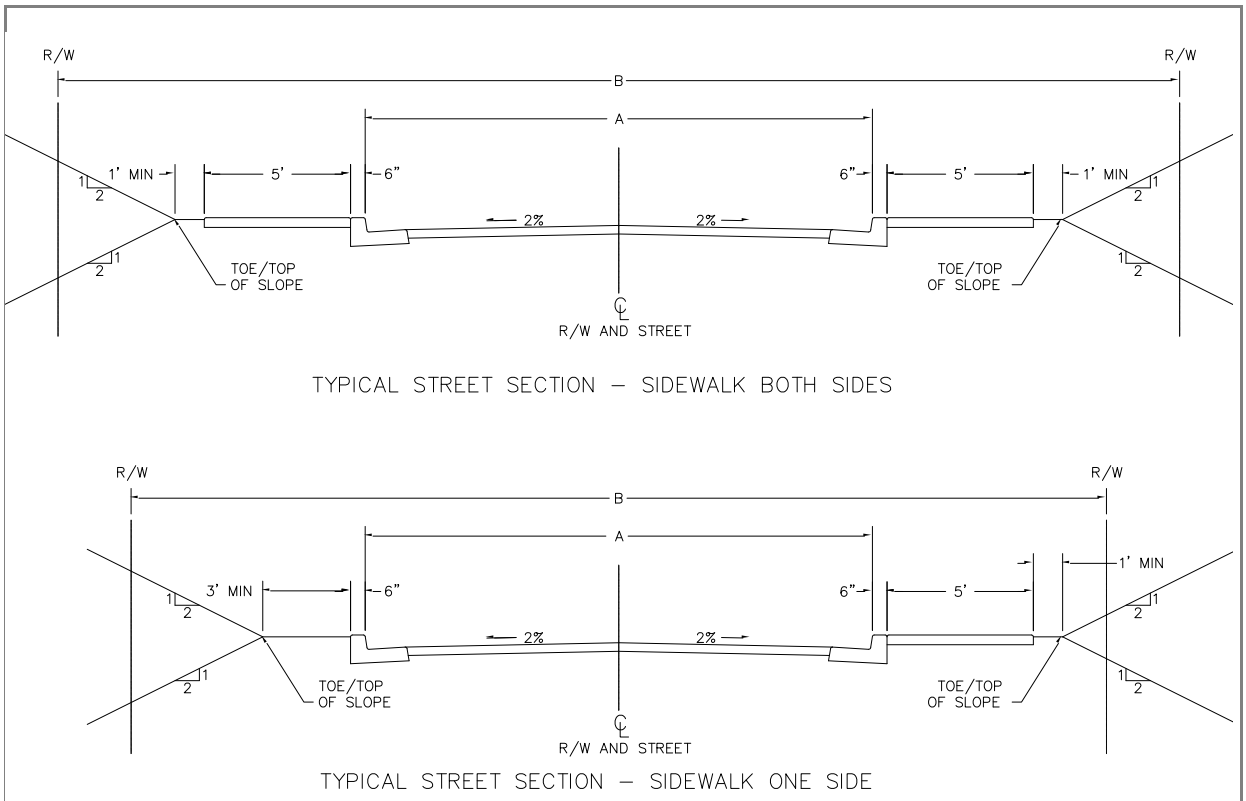
ii) Travel widths, turnouts, and level pad areas are provided as determined necessary for fire protection and emergency access purposes.

iii) An approved fire apparatus turnaround area having a grade no greater than ten percent (10%) is provided.

f) Driveways shall conform to the width requirements of Section 3.2.100; however, the Director of Public Works and the Fire Chief may require additional width in order to meet the purpose and intent of this Ordinance.

g) Parking shall meet the requirements of Section 3.2.010; in addition, when driveways serving commercial, industrial or multi-family development exceed 150 feet in length, one additional onsite paved parking area shall be provided for each additional 50 feet up to a maximum of five (5) spaces.

FIGURE 2-11: HILLSIDE STREET ALTERNATIVES



STREET DESIGNATION	ROW WIDTH "B"*	PAVING WIDTH "A"			SIDEWALKS**
		NO PARKING	PARKING ONE SIDE	PARKING TWO SIDES	
Local hillside residential streets	40 ft.	24 ft.	-	-	1 @ 5 ft.
	40 ft.	-	28 ft.	-	1 @ 5 ft.
	45 ft.	-	-	34 ft.	1 @ 5 ft.
	45 ft.	24 ft.	-	-	2 @ 5 ft.
	45 ft.	-	28 ft.	-	2 @ 5 ft.
	50 ft.	-	-	34 ft.	2 @ 5 ft.
Collector hillside residential streets with shared bike route permitted in place of standard collector subject to the provision below***	40 ft.	28 ft.	-	-	1 @ 5 ft.
	50 ft.	-	36 ft.	-	1 @ 5 ft.
	55 ft.	-	-	42 ft.	1 @ 5 ft.
	45 ft.	28 ft.	-	-	2 @ 5 ft.
	55 ft.	-	36 ft.	-	2 @ 5 ft.
	60 ft.	-	-	42 ft.	2 @ 5 ft.

*** Slope easement or additional ROW may be required for cut and fill slopes. Cut and fill slopes necessary for street constructions are not allowed on private property unless a slope easement is obtained. No retaining walls or armoring rock allowed within ROW**

**** Sidewalks required on both sides of street unless the natural cross slope exceeds 15 percent or approved by Public Works Director.**

***** Allowed where a demonstrated projection of a lack of bike use or where the cost of bike lane improvements would be excessively disproportionate to the need or probable use**

Lanes may have an offset centerline to allow wider uphill lanes to accommodate bicycles.

SECTION 2.10.050 GENERAL REQUIREMENTS

The following requirements are generally the minimums that apply to lands shown on the City of Roseburg Slope Map or having a slope of greater than 12%; however, based on information provided by an accepted and approved Geotechnical Report verifying that the intent and purpose of this Ordinance are being carried out and appropriate mitigations are identified and in place, the Director is authorized to allow for the recommendations contained in said report that may differ from the strict application of the following:

1) Development Time Periods
   Grading, drainage improvements, or other ground disturbances on slopes of greater than 12% shall occur from April 15 to October 15; however, nothing in the Ordinance shall preclude immediate action to be taken in cases of emergency.

2) Grading Requirements
   Preliminary grading plans shall be consistent with the latest version of the International Building Code (IBC) and shall comply with the provisions of this Article.

3) Excavation Requirements
   Excavation requirements shall be consistent with the latest version of the IBC

   a) Cut Requirements
      The slope of cut surfaces shall be no steeper than is safe for intended use and shall be no steeper than 2:1 as shown on Figure 2-9: Percent/Slope Calculations, unless approved by a Geotechnical Report.

   b) Fill Requirements
      Ground surfaces shall be prepared to receive fill by removing vegetation, topsoil, and other unstable materials, and scarifying the ground to provide a bond with the fill material.

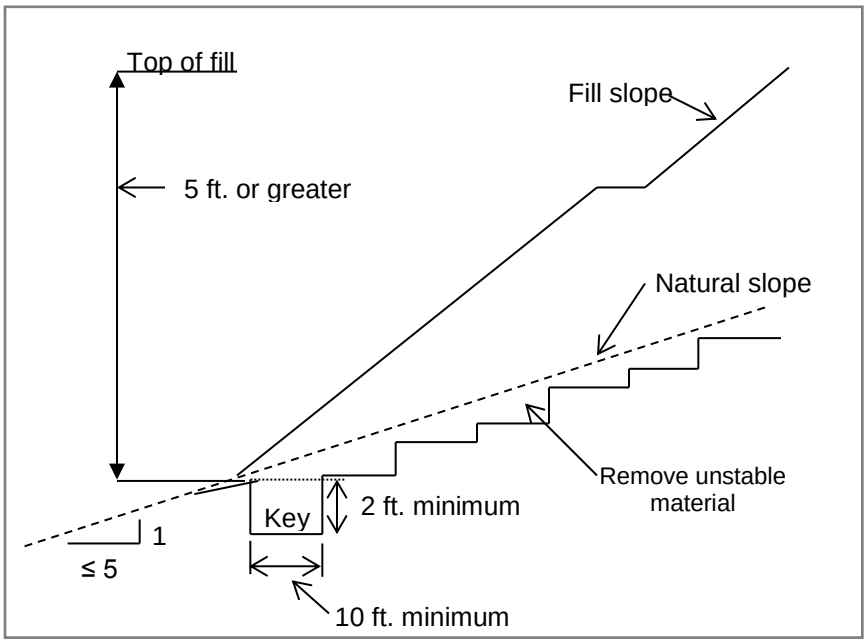
      i) Where existing grade is at a slope steeper than 5:1 (20%) and the depth of the fill exceeds five (5) feet, benching shall be provided in accordance with Figure 2-13: Benching Details.

      ii) Fill material shall not include organic, frozen, or other deleterious material. No rock or similar irreducible material greater than 12 inches in any dimension shall be included in fills.

      iii) All fill materials shall be compacted to a minimum of 95% of maximum density per ASTM D-698 Standard Proctor Test.

      iv) The slope of fill surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 2:1 (50%), unless approved by a Geotechnical Report.

FIGURE 2-13: BENCHING DETAILS - *SOURCE IBC 2003*



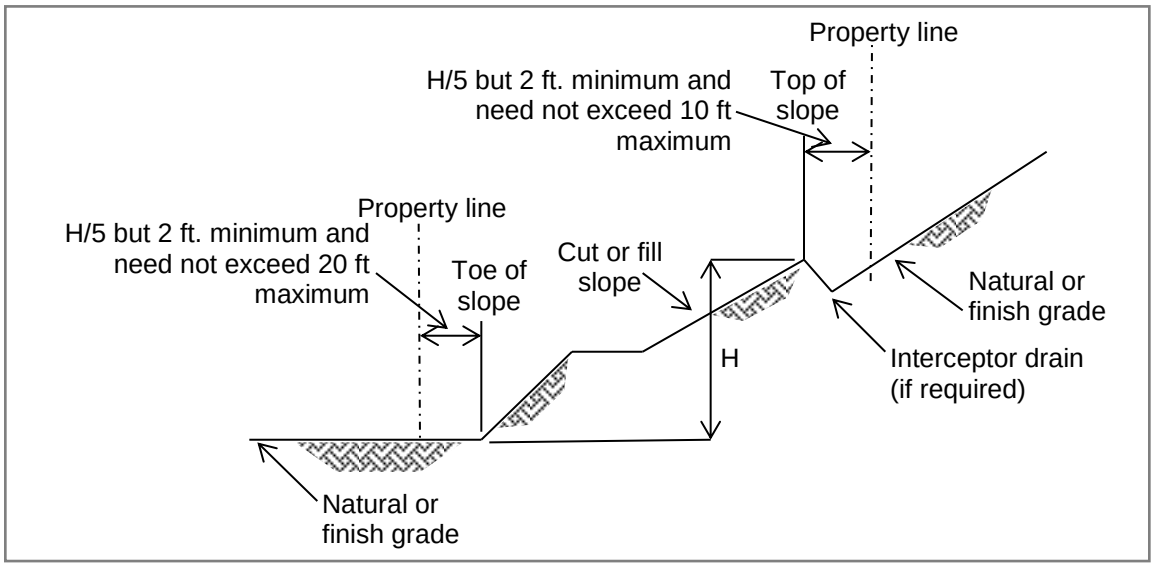
4) Slope Setbacks Requirements for Cut/Fill Slopes

Slope Setback requirements shall be consistent with the latest version of the IBC.

a) Cut and fill slopes shall be set back from property lines in accordance with this Section. Slope setback distances shall be measured perpendicular to the property line and shall be as shown in Figure 2-14: Drainage Dimensions.

b) The slope setback at the top of a cut slope shall be as shown in Figure 2-14, or what is required to accommodate any required interceptor drains.

FIGURE 2-14: DRAINAGE DIMENSIONS - *SOURCE IBC 2003*



c) Where required to protect against adjacent properties at the toe of a slope from adverse effects of the grading, additional protection shall be included. Such protection may include but shall not be limited to:

i) Setbacks greater than those required by Figure 2-14: Drainage Dimensions.

ii) Provisions for retaining walls or similar construction.

iii) Erosion protection of the cut and fill slopes.

iv) Provision for the control of surface water.

5) Erosion Control Requirements

Erosion control measures shall meet the latest adopted DEQ Erosion and Sediment Control Manual for erosion control requirements, including but not limited to:

a) Construction of any building that disturbs one acre or more of land through clearing, grading, excavating, or stockpiling of fill material requires a DEQ 1200-C NPDES General Permit. This permit requires an Erosion and Sediment Control Plan and Best Management Practices (BMP) to be incorporated into land-disturbing construction work. BMPs are used on the project site to prevent erosion and control sediment runoff from the project site. Erosion control BMPs can be found in DEQ Construction Storm Water Permit Guidance 1200-C NPDES General Permit (2006).

b) For construction on land of less than one acre, the minimum BMPs to consider include:

- A responsible agent shall be designated during project construction.
- Scheduling to avoid earth-disturbing activities during wet weather.
- Perimeter sediment controls.
- Storm-drain inlet protection.
- Site entrance and exit controls.
- Non-storm Water pollution controls, such as materials use and waste management BMPs.
- Covering or otherwise protecting stockpiles.
- Projects that include slopes susceptible to erosion, including runoff and erosion prevention measures (see DEQ Erosion and Sediment Control Manual Sections 4 and 5 respectively).
- The designated project agent or engineer should inspect BMPs regularly to identify areas in need of maintenance or improvement to minimize pollutant discharges.
- Provide and maintain check dams in area where a concentration of water runoff may transport sediment.

c) All man-made slopes four (4) feet or higher are to be planted with plantings suited to hillsides that will aid in erosion control and slope stability. Such plantings are to be appropriately irrigated until established and are self-sufficient.

6) Storm Water Drainage Requirements. Storm Water drainage shall meet the City of Roseburg's current storm water design requirements in the latest version of City of Roseburg Storm Water Management Design Standards.

7) Construction Standards shall meet the requirements in the latest adopted City of Roseburg Public Work's Construction Specifications and Standards Drawings.

8) Encroachment in the public right-of-way shall not be permitted, unless an encroachment permit is granted by the Department of Public Works.

9) Terraces and Retaining Structures

a) Steep cut or fill slopes greater than 2:1 shall be retained with engineered retaining structures, such as stacked rock, retaining walls, rock buttresses or a functional equivalent engineered structure to control erosion and stabilize slope.

b) Cut and fill faces on terraced sections shall not exceed a maximum height of 15 feet.

c) Terrace widths shall be a minimum of three (3) feet for vegetation.

d) Total cut slopes are not to exceed a maximum vertical height of 40 feet, provided that there is terracing at least every 15 feet in height to discourage massive slopes and encourage terraced landscape slopes.

Retaining structures four (4) feet or greater in height, as measured from the bottom of the footing to the highest point, are required to be engineered. Retaining structures at the toe of a slope or within six (6) feet of a foundation shall be engineered regardless of height.

Retaining structures shall follow the natural contours of the slope where feasible, and all materials used to construct retaining structures shall consist of native stone, poured-in-place concrete, pre-cast concrete block, or other approved material determined to be similar to and consistent with the those materials listed herein.

SECTION 2.10.060 VEGETATION REQUIREMENTS

1) When a Geotechnical Report is required, it shall inventory all existing vegetation that contributes to the stability of the slope. The Report shall also provide a site map that accurately documents the type, characteristics and location of vegetation that is recommended to remain for slope stability.

2) The removal of any vegetation from slopes greater than 12%, including trees, shall only be done when the required Geotechnical Report determines specific vegetation is not necessary to maintain the stability of the slopes.

3) Notwithstanding the provision listed above; generally, thinning is preferred over removal of native and specimen trees.

4) Ground disturbances outside the established building pad are to be done in such a manner so that the maximum number of trees can be preserved with care taken to preserve specimen trees. Trees that are determined to be essential for slope stability shall be flagged and fencing shall be erected at the edge of each drip line. Any vegetation cited as being essential to slope stability shall be replaced with similar vegetation if said vegetation is damaged or removed.

SECTION 2.10.080 BLASTING

Blasting methods shall be consistent with Section 00335 – Blasting Methods and Protection of Excavation Backslopes in ODOT/APWA Oregon Standards Specifications Part 00300 – Roadwork (2002), and be in conformance with the requirements of the City of Roseburg Municipal Code.

SECTION 2.10.090 ENFORCEMENT

The City's enactment and enforcement of this Ordinance shall not be construed for the benefit of any individual person or group of persons other than the general public.

As provided herein, the Director of Community Development is given the authority to interpret, apply, and enforce this Ordinance to accomplish the stated purpose.

The City may withhold, condition, or deny development permits or activity approvals to ensure that the proposed action is consistent with this Ordinance.

The City is authorized to make site inspections and take such actions as necessary to enforce the provisions of this Ordinance. A City representative may enter onto private property with the consent of the owner, occupant, or pursuant to warrant. When a designated hillside area has been altered in violation of this Ordinance, all ongoing development work shall stop and the area shall be restored. The City shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this Ordinance. Any development carried out contrary to the provisions in this Ordinance shall constitute a public nuisance and pose a risk to the public health, safety, and welfare. (Ord.3274, 8/07)

ARTICLE 11:

HISTORIC DISTRICTS OVERLAY

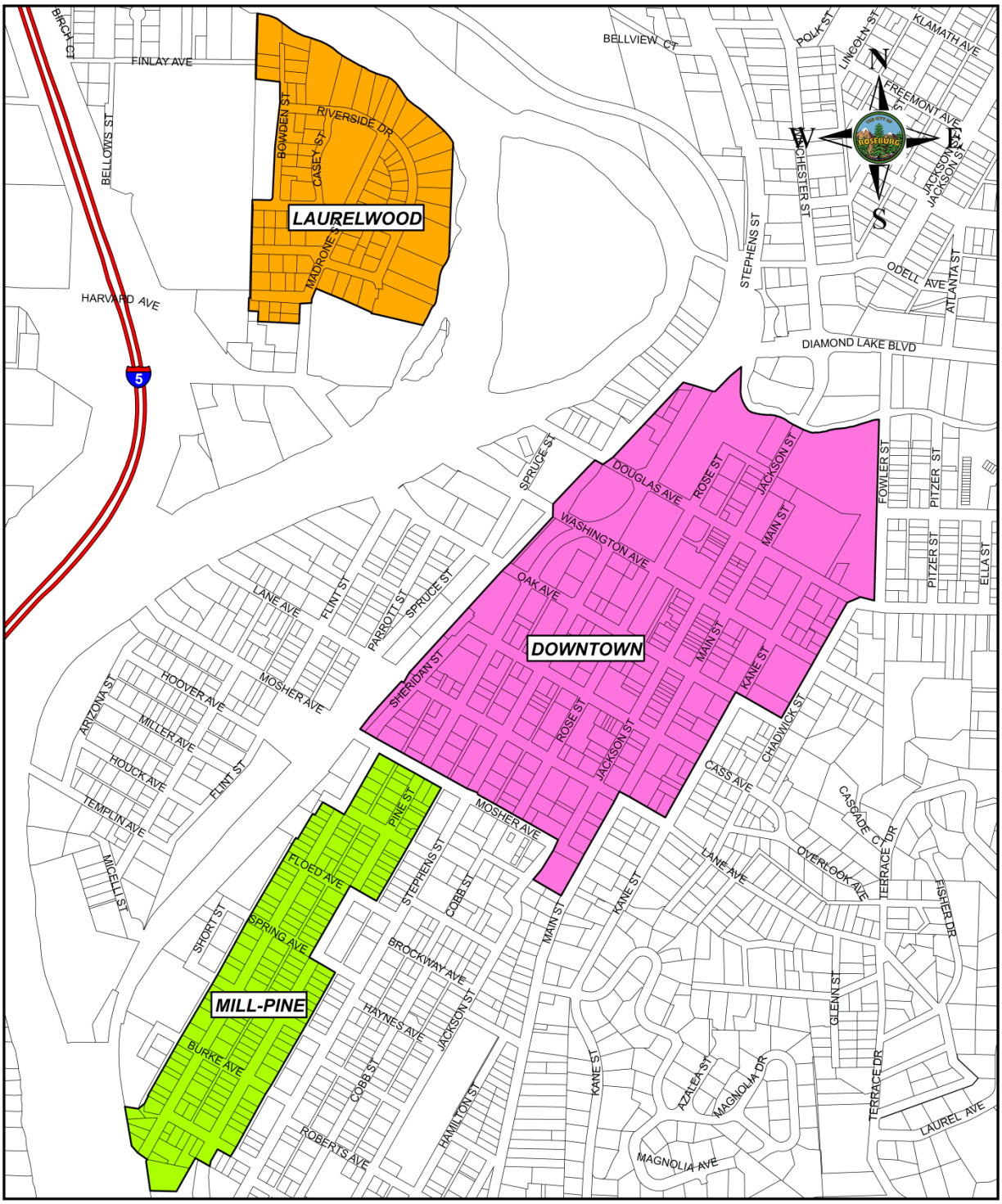
SECTION 2.11.010 SITE REVIEW FOR REGISTERED HISTORIC RESOURCES

The purpose of the historic preservation provisions is to preserve, protect, maintain, and enhance those historic resources which represent or reflect elements of the cultural, social, economic, political, and architectural history. Historic resources are the sites, buildings, structures, objects, natural features, or specific districts that relate to events or conditions of our past. Protected resources will provide educational value, enjoyment, and economic diversification as well as beautification of the City and enhancement of property values. This Section is intended to allow the City to review any changes including alterations, remodel, additions, demolitions, and/or new construction proposals at the time of site review to ensure that registered historic resources are preserved. (Ord.3355, 8/10)

SECTION 2.11.020 HISTORIC RESOURCES

For the purposes of this Section, historic resources which are defined as sites, buildings, properties, or features within the Roseburg City limits that have been inventoried and/or are located within a designated historic district or otherwise listed on the City of Roseburg Historic Resource Register, the Douglas County Historic Resource Register and/or the National Register of Historic Places. Designated historic districts are shown on the following page in Figure 16: Historic Districts Overlay. (Ord.3355, 8/10)

FIGURE 2-16: HISTORIC DISTRICTS OVERLAY



SECTION 2.11.030 EXTERIOR REMODELING/ALTERATION PROCEDURE

(Ord.3355, 8/10)

Upon receipt by the Community Development Department of all site plan review requests for exterior alteration of a historic resource, the Director shall within 15 working days, review the permit application for completeness and refer the request to the Historic Resource Review Commission to review the permit request within 30 working days of the date the complete application was submitted. The Commission shall review the permit request and shall:

1) Notify the applicant of the time and place of the review and be encouraged to be present. A failure to initiate review within 30 working days of completeness shall be considered as an approval of the application.

2) Direct the Director to submit to the Building Department a statement of development approval if the Commission finds the proposed alterations to be in compliance with Section 2.11.070.

3) Initiate one of the following if the Commission finds the proposed alterations to be in non-compliance with Section 2.11.070:

   a) Approve the application subject to compliance with conditions which will bring the application into conformance with Section 2.11.070, or

   b) Place up to a 60 day delay from the date of the hearing action on issuance of a building permit for the proposed alteration to provide additional time for gathering information, to further evaluate the proposal or to identify alternatives for the owners, or

   c) Provide the applicant with information concerning local, state, and federal preservation programs so that the applicant may gain knowledge of alternatives available to them.

SECTION 2.11.040 ADDITIONS TO HISTORIC RESOURCES

(Ord.3355, 8/10)

Upon receipt by the Community Development Department of a request for construction of an addition on a designated historic property, the Director shall, within 15 working days, review the application for completeness and refer the request to the Historic Resource Review Commission to review the request within 30 working days of the date the completed permit application was submitted. A failure to initiate review within 30 working days shall be considered as an approval of the application. The Commission shall review the request and shall:

1) Notify the applicant of the time and place of the review and be encouraged to be present.

2) Direct the Director to submit to the Building Department a statement of development approval if the Commission finds the proposed addition to be in compliance with Section 2.11.070 or 2.11.080 as applicable.

3) Initiate one of the following if the Commission finds the proposed construction or addition to a historic resource inventoried as significant, primary, contributing, eligible-contributing, eligible-significant and/or similarly classified to be in non-compliance with Section 2.11.070 or a historic resource inventoried as non-historic/non-contributing, secondary, non-eligible and/or similarly classified to be in non-compliance with Section 2.11.080.

   a) Approve the application subject to compliance with conditions which will bring the application into conformance with Section 2.11.070 or 2.11.080 as applicable, or

   b) Place up to a 60 day delay from the date of the hearing action on issuance of a building permit for the proposed addition to provide additional time for gathering information, to further evaluate the proposal or to identify alternatives for the owners, or

   c) Provide the applicant with information concerning local, state, and federal preservation programs so the applicant may gain knowledge of alternatives available to them.

Following review, the Commission may grant or deny the request for issuance of a building permit.

The Director shall file a memorandum of the decision in the records of the Community Development Department and shall send a copy to the applicant by mail.

The decision of the Commission is final unless a written appeal from the property owner is received by the Director within 14 days after the date on which the decision was filed.

SECTION 2.11.050 NEW CONSTRUCTION ON INVENTORIED PROPERTY

(Ord.3355, 8/10)

Upon receipt by the Community Development Department of a request for new construction on a property or in a district inventoried or otherwise designated a historic resource, the Director shall, within 15 working days, review the application for completeness and refer the request to the Historic Resource Review Commission to review the request within 30 working days of the date the completed permit application was submitted. A failure to initiate review within 30 working days shall be considered as an approval of the application. The Commission shall review the request and shall:

1) Notify the applicant of the time and place of the review and be encouraged to be present.

2) Direct the Director to submit to the Building Department a statement of development approval if the Commission finds the proposed addition to be in compliance with Section 2.11.080.

3) Initiate one of the following if the Commission finds the proposed alterations to be in non-compliance with Section 2.11.080:

   a) Approve the application subject to compliance with conditions which will bring the application into conformance with Section 2.11.080, or

   b) Place up to a 60 day delay from the date of the hearing action on issuance of a building permit for the proposed construction to provide additional time for gathering information, to further evaluate the proposal or to identify alternatives for the owners, or

   c) Provide the applicant with information concerning local, state, and federal preservation programs so the applicant may gain knowledge of alternatives available to them.

Following review, the Commission may grant or deny the request for issuance of a building permit.

The Director shall file a memorandum of the decision in the records of the Community Development Department and shall send a copy to the applicant by mail.

The decision of the Commission is final unless a written appeal from the property owner is received by the Director within 14 days after the date on which the decision was filed.

SECTION 2.11.060 DEMOLITION OF HISTORIC RESOURCES

(Ord.3355, 8/10)

Upon receipt of the Community Development Department for a request for demolition of a historic resource, the Director shall schedule a hearing before the Historic Resource Review Commission to review the request. However, if the structure for which the demolition permit request has been filed has been damaged in excess of 70% of its assessed value due to fire, flood, wind, or other action of God, a demolition permit may be approved by the Director after ratification by the Historic Resource Review Commission. If the Commission does not ratify a demolition permit, damage does not exceed 70% or there is no documented requirement for demolition, then the Director shall schedule a hearing before the Historic Resource Review Commission to review the demolition request. A failure to initiate review within 30 working days shall be considered as an approval of the application.

The Commission may delay the issuance of the demolition permit or building permit for up to 60 days from the date of the hearings action. The Commission's decision shall be based upon consideration and completion of the following factors:

1) Reasonable efforts shall be made by the Commission to provide the owner of the structure with possible alternatives for demolition, including information concerning local, state, and federal preservation programs;

2) Reasonable effort shall be made by the Commission to maintain the historic structure by an acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction project. A demonstrated lack of private and public funding for the above is sufficient cause to allow demolition;

3) Consideration shall be given to the Guidelines listed in Section 2.11.070; and,

4) The Commission may request the Director and/or applicant to seek assistance through referrals from the appropriate agencies and organizations, which may include: The State Historic Preservation Office, the Douglas County Museum, and the Douglas County Historic Resource Review Committee. (Ord.3289, 9/08)

Following review, the Commission may grant or deny the request for issuance of a building permit or demolition permit.

The Director shall file a memorandum of the decision in the records of the Community Development Department and shall send a copy to the applicant by mail.

The decision of the Commission is final unless a written appeal from the property owner is received by the Director within 14 days after the date on which the decision was filed.

SECTION 2.11.070 EXTERIOR ALTERATIONS/ADDITIONS TO HISTORIC RESOURCES

(Ord.3355, 8/10)

This Section applies to all contributing, significant, primary, historic, eligible or similarly classified historic resources.

Affirmative findings shall be documented addressing the following guidelines based upon their relative importance.

1) Retention of original construction. All original exterior materials and details shall be preserved to the maximum extent possible.

2) Height. Additional stories may be added to historic building and zoning codes.

   a) The added height complies with requirements of the building and zoning codes.

   b) The added height does not exceed that which was traditional for the style of the building.

   c) The added height does not alter the traditional scale and proportions of the building style.

   d) The added height is visually compatible with adjacent historic resources.

3) Bulk. Horizontal additions may be added to historic buildings provided that:

a) The bulk of the additions do not exceed that which was traditional for the building style.

b) The addition maintains the traditional scale and proportion of the building style.

c) The addition is visually compatible with adjacent historic resources.

4) Visual Integrity of Structure. The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.

5) Scale and Proportion. The scale and proportion of altered or added building elements, the relationship of voids to solids (window to wall) shall be visually compatible with traditional architectural character of the historic building.

6) Materials and Texture. In-kind materials and textures shall be used in the alteration or addition of historic resources. Exterior alteration or addition shall follow the requirements of the Secretary of Interior's Standards for Historic Preservation Projects and the Historic Preservation League of Oregon's Rehab Oregon Right manual.

7) Signs, lighting, and other appurtenances. Signs, exterior lighting, and other appurtenances, such as walls, fences, awnings, and landscaping shall be visually compatible with the traditional architectural character of the historic resource.

SECTION 2.11.080 NEW CONSTRUCTION/ADDITIONS TO NON-HISTORIC RESOURCES

(Ord.3355, 8/10)

This Section applies to all non-historic, non-contributing, secondary, ineligible or similarly classified property within Roseburg's Historic Districts.

New construction on a vacant lot within a historic district or on a property, lot, parcel or site designated as a non-historic, non-contributing, compatible, secondary and/or not-eligible historic resource can enhance the existing character if the proposed design reflects an understanding of, and is compatible with, the distinctive character of the setting and associated resources. Affirmative findings shall be documented addressing the following guidelines based upon their relative importance.

1) Siting New and Relocated Buildings. New, added or relocated buildings are sited according to features of the surrounding neighborhood and the overall character of the historic area in terms of orientation, distance to adjacent buildings, traditional setback, and retention of important site features per the requirements of the Secretary of Interior's Standards of Historic Preservation Project and the Historic Preservation League of Oregon's Rehab Oregon Right manual and as follows:

a) Orientation. The new or relocated building is oriented in a manner to maintain the traditional pattern of the block.

b) Distance. The distance between the new or relocated building and the adjacent historic resource is compatible with the spacing between existing resources on the same street.

c) Setback. The setback of the new or relocated building is consistent with the setback of adjacent historic resources on the street.

d) Design. The overall character of the new construction or relocated building is compatible with existing site features (landscaping, garages and driveways, if applicable) and the traditional character of the surrounding area.

2) Height. The proportion of the new or relocated building is compatible with the average height of the traditional character of the surroundings.

3) Bulk and Scale. The bulk and/or proportions (size, mass, and/or volume) of any new or relocated building are compatible with the traditional character of the surrounding. Examine the massing of nearby buildings (whether symmetrical or asymmetrical, central block or L-shape), and design the new building with similar bulk.

4) Materials. The materials are consistent with the predominant materials and finishes found on other resources in the surrounding area. Examine the color, texture, pattern, composition, and scale of neighboring historic resources.

5) Width. The proportion of the new or relocated buildings is compatible with the average width and massing of the neighboring buildings. If a building is wider than other buildings on the block, the façade should be broken up into narrower bays that reflect the common historic widths.

6) Specific Design Elements. Design elements need to be compatible with the existing character of the surroundings with consideration for, but not limited to:

a) Roof Form. Visually, the roof form is the most important element in the overall building form. Keep roof forms consistent with the shapes traditionally used.

b) Windows and Doors. Keep the proportions and pattern of window and door opening similar to neighboring historic buildings. Keep the rhythm of solids (walls) and voids (windows and doors) consistent with the dominant pattern set in the area.

c) Exterior Siding. Select siding material that is compatible with the historic materials used in the neighborhood. Only use substitute siding materials if similar in style to those used historically.

d) Architectural Details. Architectural features are to complement the details and style of the neighboring historic buildings. Architectural elements such as eave details, window trim, water tables, and cornices help new buildings blend in with surrounding resources.

SECTION 2.11.090 MINOR PROJECT REVIEW AND APPROVAL BY DIRECTOR

Community Development Director may approve projects listed within this Section that comply with adopted Design Guidelines cited in this Article. The Director retains the option to refer Minor Projects to the Historic Resource Review Commission for approval.

1) Minor Projects review by the Director shall be limited to:

   a) Fences, new or replacement

   b) Roof repair and replacement, including gutters and downspouts

   c) Foundation repair and replacement

   d) Window and/or door repair and replacement

   e) Restoration projects to reintroduce original features and/or materials

   f) Porch rail repair and replacement

   g) Awnings

   h) Signs

2) Minor Project consideration by the Director shall require the submittal of the following plans and materials:

   a) Material

   b) Color

   c) Style

   d) Features/Details

   e) Size

   f) Mass/bulk

   g) Ornamentation

3) A Minor Project Evaluation Checklist shall be completed by the Director for each project and a copy of the checklist along with a copy of the plans shall be provided to the Historic Resource Review Commission as an informational item.

ARTICLE 12:

WEST AVENUE RESIDENTIAL OVERLAY

SECTION 2.12.010 PURPOSE

The purpose of the West Avenue Overlay District is to implement the strategies of the West Avenue Redevelopment Plan and recognize and provide for existing dwellings of record located in an area described as south of and adjacent to NE Chestnut Avenue, north of and adjacent to NE West Avenue, east of and adjacent to NE College Street and west of and adjacent to NE Alder Street, as well as the properties at the southeast corner of NE West Avenue and NE Walnut Street. The area is further defined and shown on Exhibit 5 of the West Avenue Redevelopment Plan adopted by the City Council per Ordinance No. 3318 on October 12, 2009.

1) Definitions. The Definitions provided in Section 1.1.110 of the City of Roseburg Land Use and Development Ordinance shall apply except, for the purpose of this Section only, the following definitions are established:

   a) **EXISTING DWELLING OF RECORD**. Residential dwelling units that were in compliance with the requirements and development standards in place at the time of construction including any applicable zoning regulations and building codes.

   b) **FOOTPRINT**. The area within the exterior walls and supporting columns including the dwelling units, garages, covered carports, and accessory structures, but not open or uncovered decks, patio or porches.

2) Permitted Use. Within the West Avenue Redevelopment Overlay District, Existing Dwellings of Record established as of the date this Ordinance was adopted shall be Permitted Uses, subject to the general provisions and exceptions set forth by this Ordinance.

3) Development Standards. Existing Dwellings of Record may be continued, replaced or repaired within the existing footprint. Any proposed alterations, expansion or additions shall be subject to the following:

   a) Coverage. Not over 80% of the lot shall be covered by buildings and/or other impervious surface.

   b) Setbacks

      i) Front Yard. No building addition or expansion shall be located closer than 15 feet from the front property line.

ii) Side Yard

A) No building addition or expansion shall be located closer than four (4) feet from side property lines for interior lots.

B) For exterior side property lines for corner lots the side setback shall be no less than ten (10) feet for any building addition or expansion.

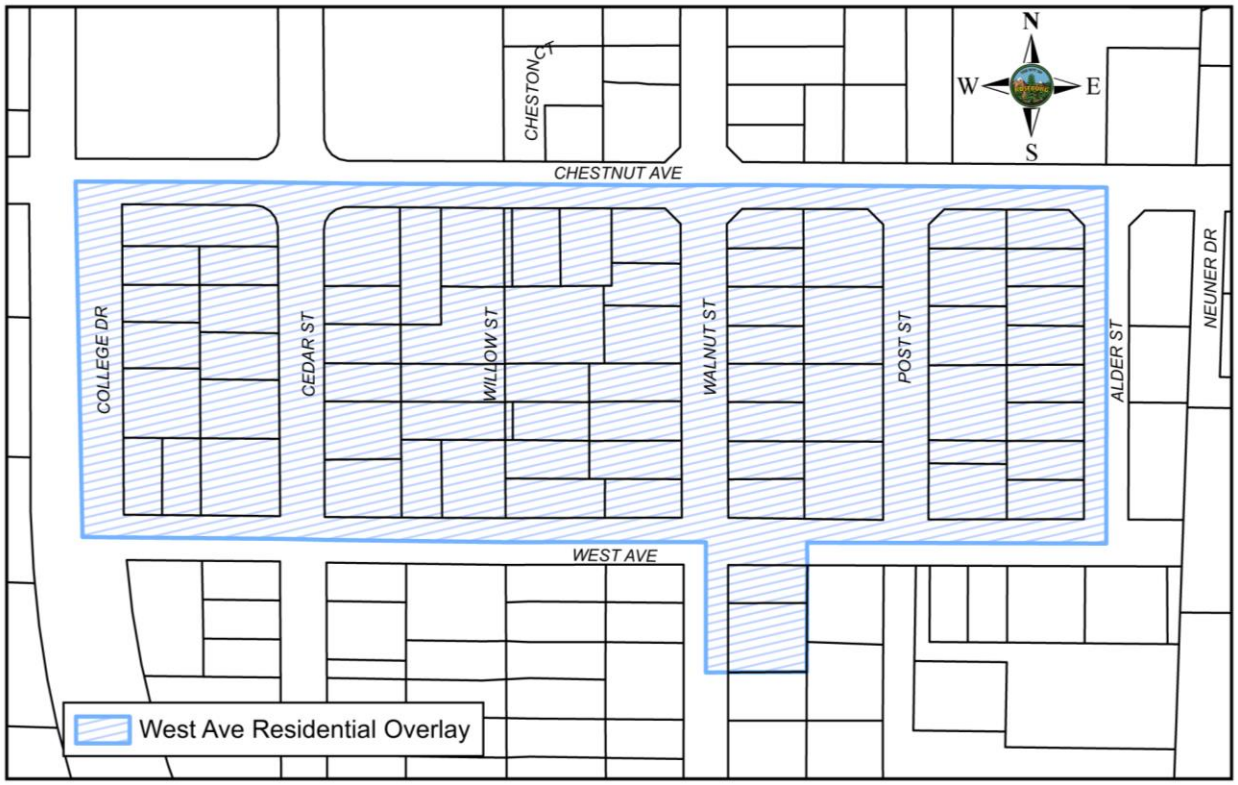
iii) Rear Yard. No building addition or expansion shall be located closer than five (5) feet from rear property lines.

c) Height. Maximum height for any structure shall be 35 feet.

d) Off-Street Parking. Paved parking to meet minimum off-street parking standards of Article 2 of Chapter 3 shall be provided.

e) When an Existing Dwelling of Record has been converted to a use permitted by the underlying Mixed Use (MU) Zone or the Existing Dwelling of Record has been demolished and replacement has not commenced and been diligently pursued to completion within 12 consecutive months of the removal, the provisions of the West Avenue Overlay Zone shall no longer apply.

(Ord.3321, 12/09)



ARTICLE 13:

RIPARIAN HABITAT PROTECTION OVERLAY

SECTION 2.13.010 PURPOSE

The intent of this Article is to provide riparian habitat protection to lands adjacent to the South and North Umpqua Rivers, Newton Creek and Deer Creek. All are major waterways that are scenic, recreational, and are a natural resource of the community. They are to be protected, preserved, and maintained for their primary function as drainage courses first. Any measures taken to sustain their primary function shall minimize adverse impacts on scenic, recreational, and natural values.

SECTION 2.13.020 APPLICABILITY

Mature ground cover and trees, wildlife habitats, and the natural contours of identified significant stream banks shall be preserved as noted herein. For the distances noted in Table 3-2: Riparian Habitat Setbacks, measured from the top of the stream bank, there shall be a setback of structures, impervious surfaces, retaining walls, channel alterations, etc. from the top of the stream bank. :. For the purposes of this Section, the top of the stream bank shall be as determined by the Community Development Director acting with the advice of the Department of Fish and Wildlife.

TABLE 2-15: RIPARIAN HABITAT SETBACKS

SETBACKS		
Water Body	**All Residential zones, except Public Reserve and Residential Open Space**	**All Commercial and Industrial zones and Public Reserve and Residential Open Space**
South Umpqua River	50 feet	50 feet
Newton Creek	25 feet	50 feet
Deer Creek	25 feet	50 feet

SECTION 2.13.030 EXCEPTIONS

Findings shall be made by the Director, after consulting with the Department of Fish and Wildlife pursuant to Section 5.1.120, that a proposed reduction in setback:

a) Will not have a significant adverse impact on stream bank erosion, water temperature and quality, or wildlife, or

b) Is required for flood control, and actions are taken to mitigate such impacts as much as is possible; or

c) Is not required for flood control and will include all actions as are necessary to prevent or sufficiently mitigate any significant stream bank erosion, adverse impact on water temperature and quality, or wildlife, and such mitigation measures are specified; and

d) Is not in conflict with any adopted drainage Ordinance or plans.

The setback variance criteria of this Subsection are not required to meet the variance criteria contained in Article 5 of Chapter 5.

CHAPTER 3:
SITE DEVELOPMENT

ARTICLE 1:
SITE PLAN REVIEW

SECTION 3.1.010 PURPOSE

The purpose of this Chapter is to ensure that the development of property in the Roseburg Urban Area is commensurate with the character and physical limitations of the land; to promote and protect the public health, safety and welfare of the community; to enhance aesthetic values; to establish development which is suitably related to its environment; to prevent both extremes of monotonous uniformity and substantial dissimilarity; and, to conform with the adopted goals, objectives and policies of the Roseburg Urban Area Comprehensive Plan.

SECTION 3.1.020 SITE PLAN REVIEW REQUIRED

No lot or parcel in any District established under the provisions of this Ordinance shall hereafter be developed or physically altered, and no building or structure hereafter shall be erected, enlarged, or structurally altered until site development plans have been approved in accordance with the provisions of this Chapter. Without limiting the foregoing or any other provision of this Ordinance, no installation of 3,000 square feet or more of asphalt or other impervious surfaces shall be made until site development plans have been approved in accordance with the provisions of this Chapter.

To the extent possible, site plan review shall be coordinated with any other plan review required by this Ordinance. Where other provisions of this Ordinance require plan review, such other review shall serve to meet the requirements of this Chapter; provided, however, that when the standards of this Chapter are more restrictive than comparable standards imposed by other provisions of this Ordinance, the standards of this Chapter shall govern.

SECTION 3.1.030 AUTHORITY

The Director shall review all site development plans required by this Chapter. The Director's authority shall be limited to that necessary to accomplish the provisions of this Chapter and the provisions of this Ordinance.

1) The Director may:

   a) Approve the submitted plans;

   b) Approve the submitted plans with additions, modification, or changes; or

   c) Deny the submitted plans.

2) Application. The applicant for site plan review shall submit to the Director plans consisting of maps, drawings, written descriptions, or other materials necessary and appropriate for the Director to determine that the proposed development will conform to the general requirements of this Article and the specific requirements of this Ordinance.

3) Appeal. Any administrative action by the Director with respect to approval, modification or denial of site plan review may be appealed by the applicant, as provided for in Section 5.1.170 of this Ordinance.

SECTION 3.1.040 CRITERIA AND STANDARDS (ORD.3279, 3/08)

In addition to the other specific requirements of this Ordinance and other applicable Ordinances, development plans submitted to the Director shall comply with the following standards and criteria:

1) Improved Street Access - Statement of Policy. Many streets within the Roseburg Urban Area do not conform to minimum design standards. Increases in traffic volume on substandard streets could result in the inefficient and unsafe movement of traffic, and could adversely affect the general health, safety, and welfare of users. The improvement of substandard streets to City design standards is essential for the ultimate development of the Roseburg Urban Area in a safe, orderly, and efficient manner.

   a) Therefore, any development for which parking is required by Section 3.3.080 shall be permitted only if the property fronts on, and is served primarily by, a street having a minimum paved width of 24 feet along the entire frontage of the property, and such paved street connects with a collector or arterial street, either directly or via other streets having a minimum paved width of 24 feet.

   b) All developments shall provide adequate access for emergency services vehicles, as determined by the Fire Chief.

   c) In the case where property fronts on a street that conforms to the requirements of this Section but otherwise is not fully improved to the standards established elsewhere in this Ordinance, either expressly or by reference, or in the case where property abuts a street which does not conform to the standards established elsewhere in this Ordinance, either expressly or by reference, the property owner shall improve the street as required to the standards established elsewhere in this Ordinance or, upon the Director's determination under Section 3.1.050 hereof, shall file with the Governing Body a suitable instrument of commitment of the subject property in perpetuity to any Local Improvement District, present or future, which may be created for the purpose of financing improvements of abutting streets to the minimum standards established elsewhere in this Ordinance, either expressly or by reference.

2) Compatibility. Compatibility with the surroundings and the Comprehensive Plan's designation for uses on surrounding property, particularly when the surrounding property is residential in character. In applying this standard and criteria:

a) Odor, dust, smoke, fumes, noise, glare, heat, and vibration from uses which might create a nuisance or be offensive to other uses in the area or be incompatible with such other uses, shall be adequately eliminated or controlled.

b) Due consideration shall be given to the preservation of historical and natural features.

c) Nonconforming uses shall not take precedence over a proposed development which enhances the aesthetics or value of the surrounding property.

d) This standard and criteria shall not take precedence over the need for housing for all income groups in the City.

e) Signs shall be of a scale that is in harmony with the site and surrounding development and may be illuminated if within the lighting and other standards and criteria of this Section.

3) Water for Domestic Use. All structures containing a plumbing fixture shall be required to use the City's water supply system as the sole water source. No development shall be permitted which uses a well as a water source for any structure containing a plumbing fixture.

4) Additional Factors. Additional specific factors as necessary to fulfill concerns raised at the time the property is zoned or rezoned.

SECTION 3.1.050 DEDICATIONS AND IMPROVEMENT PETITIONS

(Ord.3279, 3/08)

If an applicant intends to assert that he/she cannot legally be required, as a condition of building permit or development approval, to provide easements, dedications, or improvements at the level otherwise required by this Ordinance, the building permit or site plan review application shall include a Rough Proportionality Report submitted by the applicant and prepared by a qualified civil or traffic engineer, or qualified professional in the field of the issue in question as appropriate, showing:

1) The estimated extent, on a quantitative basis, to which the improvements will be used by persons served by the building or development, whether the use is for safety or convenience;

2) The estimated level, on a quantitative basis, of improvements needed to meet the estimated extent of use by persons served by the building or development;

3) The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements will be a part; and

4) The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system.

Where the Director determines that the public need would be better served by dedication of rights-of-way rather than easement, the site plan shall so indicate, and the land shall be conveyed to public ownership by instrument. Where the Director determines that it is in the public interest to delay construction of any local improvement required by this Article, the Director may require the property owner file with the Governing Body a suitable instrument of commitment for the subject property in perpetuity to the formation of a local improvement district, present or future, which may be created for the purpose of constructing and financing the local improvement by special benefit assessment.

SECTION 3.1.060 DOCUMENTATION OF APPROVED PLANS

Approval of site plan becomes effective on the date of action by the Director.

SECTION 3.1.070 LIMITS OF APPROVAL

If a building permit for a development for which site plan approval has been granted is not obtained within six (6) months of said approval, unless an extension has been requested and granted by the Director within that time period, said approval is deemed automatically revoked, and a new site plan and application must be submitted and approved prior to issuance of a building permit.

SECTION 3.1.080 MODIFICATIONS

Except for interior structural modifications, changes in use and alterations that are in character with those associated with the original or subsequent approvals and changes deemed minor by the Director, all modifications subsequent to site plan approval must be reviewed and approved according to the requirements for original submittals.

SECTION 3.1.090 COMPLIANCE

Once approved, the development of the site must conform to approved site plans and all conditions attached thereto. Any departure constitutes a violation of this Ordinance.

ARTICLE 2:
PUBLIC IMPROVEMENT REQUIREMENTS

SECTION 3.2.010 ACCESS, PARKING AND LOADING.

Arrangement of parking, loading, internal circulation and driveways shall be reviewed for safety, convenience, and mitigation of potential adverse impacts on neighboring properties, the operation of public facilities, and on the traffic flows of adjacent and nearby streets.

a) Driveway access shall be from adjacent streets of the lowest classification. Driveway access to arterial and collector streets may be permitted if no reasonable alternative street access exists or where heavy use of local streets is inappropriate due to traffic impacts in residential areas.

b) Where a proposed development abuts an existing or proposed Arterial or Collector Street, the development and off-street improvements shall be designed to minimize traffic conflicts.

c) Bus turn out lanes may be required consistent with an adopted transit plan.

d) Additional improvements or design modifications necessary to resolve identified transportation conflicts may be required by the Public Works Director.

e) Driveways shall be designed to allow safe and efficient vehicular ingress and egress in accordance City of Roseburg Public Works Standards.

f) Except where specified in an adopted access management plan, minimum separation between a standard driveway (measured from the end of the curb radius at the driveway or the top of the transition) and the nearest intersection curb return (measured at the end of the curb radius at an intersection or the top of the transition) or between two driveways (except driveways for single-family residential and duplex on local street) on the same side of the street shall be as shown in Table 3-1:Minimum Driveway Spacing.

TABLE 3-1: MINIMUM DRIVEWAY SPACING

LAND USE	STREET TYPE		
	ARTERIAL	COLLECTOR	LOCAL
Industrial	500’	200'	150'
Commercial/ Public Land	500’	200’	75’
Multi-family Residential	500’	200’	75’
Single-family Residential and Duplexes	500’	200’	30'

g) Distances shown in Table 3-1 may be reduced in the following circumstances:

i) Access is from a one-way street.

ii) The driveway is designed and marked "right turn entrance only."

iii) The driveway is marked “exit only" and is designed to prevent left turns.

iv) Exceptions to this requirement may be granted by the Community Development Director when recommended by the Public Works Director. Evaluations of exceptions shall consider the posted speed for the street on which access is proposed, constraints due to lot patterns, and effects on the safety and capacity of the adjacent Public Street, bicycle, and pedestrian facilities.

SECTION 3.2.020 ACCESS PERMISSION

The following shall apply to all public and private streets within the City and to all properties that abut these streets:

a) Permission to access City streets shall be subject to review and approval by the Public Works Director based on the standards contained in this Chapter, Public Works Standards, any access management plans, and any access management agreements between ODOT and the City. Access will be evaluated and determined as a component of the land use decision process. Construction shall be as detailed in the review and decision of the land use.

b) Permits for access to State highways shall be subject to review and approval by the Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City. In that case, the City shall determine whether access is granted based on ODOT and City adopted standards.

c) Nonconforming Access. Legal accesses in place as of March 12, 2008 that do not conform with the standards herein are considered nonconforming and shall be brought into compliance with standards when new access is requested, or with a change in use or when improvements are proposed that would increase the trip generation.

SECTION 3.2.030 TRAFFIC IMPACT STUDY

a) A Traffic Impact Study (TIS) shall be required based on anticipated negative significant traffic and safety impacts projected to be caused by the proposed development as determined by the Community Development Director after a recommendation from the Public Works Director.

Negative significant traffic and safety impacts may include, but not be limited to:

i) An anticipated increase of at least five percent (5%) of the current traffic volume during the peak hour and at least 100 trips per day.

ii) Additional traffic and turn movement projected to result from the proposed development is projected to exceed the applicable volume to capacity ratio and/or level of service:

Volume to Capacity Ratio:	
Arterial:	0.85
Collector:	0.90
Local:	0.95

Level of Service Standard:	
Signalized intersection:	LOS D
Non-signalized intersection:	LOS E
Downtown Intersection:	0.95 and LOS E

iii) A significant capacity and/or safety problem is likely to be caused by, or increased by the development.

b) When required, the TIS shall, at a minimum:

i) Utilize a Scope of Work and an Analysis Methodology approved or accepted by the Community Development Director.

ii) Consider cumulative impacts of existing and proposed development in the study area.

iii) Include long-term impact (20-year) of the development in the context of the projected traffic environment at five (5) year increments.

iv) Consider circulation and safety needs for pedestrians, bicyclists, and transit in addition to motor vehicles.

v) Extend the analysis coverage of the street system until the peak traffic impact becomes less than five percent (5%).

SECTION 3.2.040 INTERSECTIONS.

Intersections shall be designed and constructed in accordance with the following requirements.

a) In order to minimize traffic conflicts and provide for efficient traffic signalization, intersections involving curb return driveways and streets, whether public or private, shall be directly opposed, unless a Traffic Impact Study indicates that an offset intersection benefits public safety to a greater degree.

b) Streets shall intersect one another at an angle as near to a right angle as is practicable, considering topography of the area and previous adjacent layout, but in no case at an angle less than 60 degrees. The right of way and street paving within the acute angle shall have a minimum of 30 feet centerline radius. At intersections, each collector or arterial street shall be straight or shall have a radius greater than 600 feet for a distance of 100 feet from each intersection.

c) Intersections shall be so designed that no offset dangerous to the traveling public is created as a result of staggering intersections. The minimum offset between two local streets that do not have left turn storage needs shall be 200 feet. The minimum offset between two streets other than local streets shall be determined by the Community Development Director after a recommendation from the Public Works Director. In all cases, the minimum distances shall be the offset of the centerlines of side streets or driveways. These minimums may be increased based on traffic safety considerations.

SECTION 3.2.050 SIDEWALKS, CURBS, GUTTERS, STORM DRAINAGE

1) When Construction Required. It shall be a condition of the issuance of a development permit for all property being newly developed, or redeveloped to the extent that structural alteration will increase the size of the total gross floor area on the property, that sidewalks, curbs, gutters, and storm drainage facilities, conforming to the standards and guidelines established by the Director of Public Works, shall be installed along the entire street frontage of the property at the sole cost of the permittee prior to the issuance of an occupancy permit, except as provided for in Subsections 3 and 4 of this Section.

2) Zone Change, Subdivision Plats, Planned Unit Development, and New Street Construction

a) As a condition of approval of final plats or subdivisions and final plans for planned unit developments, the applicant shall be required to provide for installation of the permanent improvements described in Subsection “1” of this Section.

b) Subject to the limitations and exceptions set forth in Section 3.2.050(4), the construction of curbs, gutters, sidewalks, and storm drainage facilities conforming to standards and guidelines of the Director of Public Works shall be completed prior to issuance of an occupancy permit for all property where there is a change in zoning and actual use from a residential district to any other zone and use.

c) Where the construction of a new public street is to take place, whether through assessment proceedings, developer construction, or a government-sponsored or funded project, said street shall be constructed with the improvements specified in Subsection “1” of this Section.

3) Financing For Single Property Improvements. The improvements specified in Subsection 3.2.050(1) may be constructed by the City and paid for by the property owner via an assessment against the property in accordance with financing alternatives, if any, provided in The Roseburg Municipal Code, and subject to approval by the Director of Public Works.

4) Limitations and Exceptions. The improvements specified in Section 3.2.050(1) shall not be required at the time of issuance of a development permit for new construction or redevelopment adjacent to public streets, or at the time of a zoning and actual use change from a residential district when:

a) No final profile grade elevation for the street can be established by the Director of Public Works based on then existing knowledge of planned street widening or improvements; or

b) When unsolved problems relating to drainage or other street construction factors prevent or make impracticable final sidewalk construction on said street at a time prior to the expected completion date of the construction for which the permit is sought. However, the property owner, or the permittee, prior to issuance of a certificate of occupancy, shall be required to grade, either by cutting or filling or a combination thereof, the public right-of-way from the nearest edge of the existing traveled way to the right-of-way margin of the street adjacent to the property to provide for drainage in accordance with standards and as directed by the Director of Public Works.

c) When the property is located in an RO, R10, R7.5, or R6 District and has been exempted by street, block or neighborhood under Subsection “4” of this Section.

d) When improvements are not constructed at the time of issuance of a development permit, pursuant to “a,” “b,” or “c” above, the applicant or property owner shall also agree in a signed written and subsequently recorded agreement to install permanent sidewalk improvements at his/her sole cost, or in accordance with other agreed financing alternatives, at such time, if any, as the street is improved and conditions permit said construction, all as directed by the Director of Public Works.

5) Relief and Appeal. The jurisdiction may from time to time establish, revise, delete, or otherwise determine what streets, blocks, or neighborhoods may be exempted from these standards due to terrain, physical restrictions, available right-of-way width, or other substantial reason. The Governing Body shall have authority to grant relief from the application of provisions of Section 3.2.050 upon due notice and hearing, and upon a finding by the Governing Body that, due to physical conditions beyond the control of the applicant, application of these requirements would result in unworkable or unsafe conditions, including adverse effects on use or access to the premises.

6) Standards to be Developed by Director of Public Works. Standards and guidelines shall be developed by the Director of Public Works for sidewalk improvements and associated construction. See Ordinance No. 1757.

7) Conditions to Issuance of Permit to be in Writing. The applicable conditions to issuance of a development permit which are imposed by this Section shall be written upon the permit or embodied in a separate written agreement and attached to the permit, which shall be made a part of the permanent records of the Building Official.

ARTICLE 3:

SITE IMPROVEMENT REQUIREMENTS

SECTION 3.3.010 PURPOSE

The objective of this Article is to set minimum development standards for private property which promote and protect the public health, safety and welfare of the community; to enhance aesthetic values; and, to conform with the adopted goals, objectives and policies of the Roseburg Urban Area Comprehensive Plan

SECTION 3.3.020 SITE DEVELOPMENT – EXCAVATION AND FILL PLACEMENT.

1) Excavation, fill placement, or removal of trees or ground cover shall require a permit from the Community Development Department if any of the following conditions apply.

    a) The volume of fill placement or excavation exceeds five (5) cubic yards for any 1,000 square feet of area.

    b) The proposed fill placement or excavation will result in disturbing 3,000 or more square feet.

    c) The property contains all or portions of a river, stream, wetland, spring, or other source where the continuous presence of water is indicated and which would be disturbed.

    d) Lands within and identified on the City of Roseburg Slope Map or having slopes of greater than 12% shall comply with the requirements identified in Article 10.

    e) Exceptions. A site development permit shall not be required for the following activities:

        i) Projects or developments which have received Site Plan Review approval.

        ii) The installation and maintenance of public utilities and infrastructure such as water lines, water meters, pump stations, sewer lines, and streets by the City, Roseburg Urban Sanitary Authority, other utilities or their contractors.

        iii) Removal of trees and ground cover in emergency situations involving immediate danger to life or property or substantial fire hazards.

        iv) Removal of trees, ground cover, or obnoxious vegetation on partially developed property for purposes of general property and utility

maintenance, fire hazard removal, landscaping, or gardening without the use of a bulldozer or similar mechanical equipment.

2) Application and Submittal Requirements. The application shall include, at a minimum, the following information.

a) Map/Plan. The submitted map/plan shall include the date, north arrow, location of adjoining streets, structures and property, existing utilities, scale, and contours at no more than two (2) foot intervals.

b) Property description(s). Legal description including accurate property lines and boundaries.

c) Planned Improvements. Proposed location of all improvements, including but not limited to structures, utilities, roads, storm drainage, and retaining walls.

d) Topography. Natural features, tree groupings, rivers, streams, wetlands, or other geographical features.

e) Stabilization/Erosion Control Method(s). Proposed methods for bank stabilization, erosion control plan and measures (DEQ requirements), and land restoration.

f) Vegetation/soils. General description and notation of trees and ground cover; general description of soils and characteristics. Subject to review, certain development projects may require a geo-technical report.

g) Grading Plan. Plan including cut and fill areas, existing and finish grades and slope height.

h) Drainage. Drainage plan complying with the Storm Drainage Master Plan.

i) Supplementary Information. Name and address of property owner.

j) Written Information

i) Project Description. General description of the proposed project.

ii) Schedule. Proposed time schedule for excavation, land clearing, or fill placement, land restoration, bank stabilization and erosion control, and future development.

iii) Additional Permit(s). Permit approvals or applications from other agencies such as the Oregon Division of State Lands, Oregon Department of Environmental Quality, or The U.S. Army Corps of Engineers shall be provided at the time of application submittal.

iv) Other. Other information as deemed necessary by the Community Development Department in order to adequately review and approve the application.

3) Minimum Requirements

a) Each permit approval shall be subject to the requirement that all ground stabilization be maintained and not be allowed to deteriorate.

b) Removal of vegetation shall not occur more than 30 days prior to grading or construction.

4) If a building permit is issued as part of the project, the requirements of the excavation/land clearing permit shall be completed prior to framing or set-up. Erosion control and stabilization methods shall be in place prior to and during the entire construction phase of the project.

SECTION 3.3.030 SURFACE WATER DRAINAGE.

1) Adequate provisions shall be made to ensure proper drainage of surface waters, and to prevent soil erosion and flooding. Site drainage provisions shall provide for acceptance of off-site drainage waters, and conveyance of all drainage waters, including crawlspace and roof drainage, such that they are discharged offsite at a location and in such a manner that they do not damage off-site properties, do not violate drainage ordinances or laws, and are not increased in volume over natural or pre-project flows without said increase being in conformance with drainage law or first having obtained the approval of the downstream owner(s).

2) If a development is or will be periodically subject to accumulation of surface water or is traversed by a water course, drainage way, channel, stream, creek, or river, the applicant may be required to dedicate to the public storm drain easements approved as adequate by the Director of Public Works to provide for present and future drainage needs of the area, including access for maintenance. Storm drainage facilities shall conform to the standards established by the Director of Public Works.

SECTION 3.3.040 UNDERGROUND UTILITIES.

1) All new major development shall be served by underground utilities, including, but not limited to, electrical, telephone, cable television, and street lighting lines.

a) For the purpose of this Section, new major development is any new development containing more than 5,000 square feet of gross floor area, either in a single structure or in the sum of all structures constructed on a single lot or parcel, or any enlargement or structural alteration exceeding 5,000 square feet of gross floor area, for which site plan review is required by this Article, and any development subject to the requirements

of Chapter 6 of this Ordinance and/or any development where underground utilities are available and accessible. (Ord.3289, 9/08)

b. The Director may vary the requirements of this Subsection upon finding that such strict application is impractical due to the location of existing overhead utilities, unusual and special utility requirements of the development, or other conditions beyond the control of the developer.

c. Whenever overhead utilities are utilized in a development, the Director shall review the proposed location of such overhead utilities, and may require their arrangement and location in such a manner to better carry out the purpose of the Article.

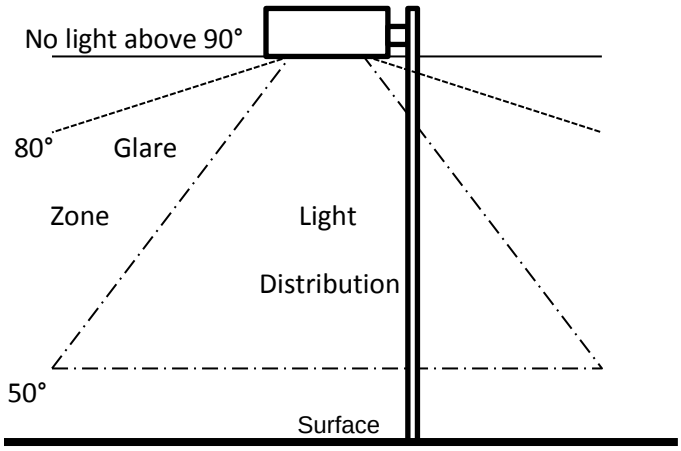
SECTION 3.3.050 LIGHTING.

1) Adequate exterior lighting shall be provided to promote public safety and shall be directed onto and confined to the property from which it is generated. All outdoor light fixtures used for general illumination or advertisement are subject to the standards in subsection (a-b) unless exempted by subsection (c) of this section.

a) All on-site lighting shall be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination, glare, or cast a shadow onto adjacent properties or into the public right-of-way.

i. Full cut-off means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane.

ii. Example:



iii. Glare means stray, unshielded light striking the eye that may result in nuisance such as light shining into a window, discomfort causing

squinting of the eyes, disabling vision by reducing the ability of the eyes to see into shadows, or reduction of visual performance.

b) The use of laser light, high intensity light, searchlight, or similar upwardly directed lighting is prohibited.

c) Exemptions.

i. Lighting associated with the operation of an airport when said lighting is required to meet Federal Aviation Administration (FAA) standards.

ii. Low intensity, upwardly directed lighting intended to highlight part of a building, sign, flag, or landscaping may be permitted, provided that the light distribution from the fixture is effectively constrained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the night sky. Containment elements may include but are not limited to awnings, shrubs, or dense tree canopies that limit illumination of the sky.

SECTION 3.3.060 SCREENING.

1) Except in the Heavy Industrial District (M3), exposed storage areas, utility buildings, machinery (ground- or roof-mounted), garbage and refuse storage areas, service and truck loading areas, and other accessory uses and structures shall be adequately set back and screened. Screening may consist of fences, walls, berms, and landscaping, or any combination thereof, which effectively obscures sight, is six (6) feet in height and meets the intent of this provision or otherwise conforms to the standards established by this Ordinance. Screening or buffering of parking areas in all districts shall conform to the standards established in Section 3.3.200.

a) Roof-mounted equipment may be granted an exception to these standards if the equipment is set back at least three (3) feet from the edge(s) of the roof for every one (1) foot of equipment height.

SECTION 3.3.070 GARBAGE CONTAINER AREAS

1) New Development, except single-family and two-family dwellings, shall provide a Garbage and Recycle Container area that shall be screened per 3.3.060. Multifamily housing complexes shall also provide recycling containers for at least four (4) principal recyclable materials. Garbage and Recycle Container Areas shall meet the following construction design standards.

a) All containers must be placed on a hard level surface.

b) All containers shall have a minimum clear area 65 feet long by 12 feet wide in front with no obstructions.

c) This area must be on the same cross slope as the container (level).

d) The clear area and hard level surface under the container must be flush (No curbs or drops).

e) The unobstructed area must have no more than a two percent (2%) slope front to back.

f) Enclosures shall have a minimum of 18 feet overhead clearance over the entire clear area.

g) Any enclosure shall have a minimum opening of ten (10) feet centered in front of the clear area.

h) Any enclosure gates shall open past 90 degrees.

i) All enclosures shall have a curb or other stop at least four (4) inches high and a minimum of six (6) inches in front of back wall or fence.

j) Developments proposing to deviate from these requirements shall submit written approval from the designated service provider prior to City consideration.

k) Uses having cooking grease contained for recycling purposes shall provide appropriate containment areas within the garbage container area that has curbs and an approved grate trap.

SECTION 3.3.080 OFF-STREET PARKING

(Ord.3279, 3/08)

At the time of erection of a new structure, the addition of dwelling units, at the time of enlargement except for enlargement of a one or two-family dwelling, or at the time of a change in the use of an existing structure, off-street parking spaces and bicycle parking spaces shall be provided in accordance with this Article and Table 3-3: Minimum Parking Spaces Required, except as otherwise provided. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Article. Where square feet are specified, the area measured shall be the gross floor area of the building, excluding restrooms, hallways, mechanical spaces, elevators, stairwells, and space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors. Where the resulting number of spaces is a fraction of a parking space, any fraction under one-half shall be disregarded and any fraction of one-half (1/2) or more shall count as one (1) space.

TABLE 3-3: MINIMUM PARKING SPACES REQUIRED

LAND USE	MINIMUM VEHICULAR PARKING SPACES	BICYCLE PARKING SPACES
1) RESIDENTIAL		
a) One and two-family dwellings	2 per dwelling unit	N/A
b) Multi-family dwelling		1 per unit for developments with 4+ dwelling units
i) One-bedroom units	1.5 per dwelling unit	
ii) Two-bedroom units	1.75 per dwelling unit	
iii) Three+ bedrooms units	2 per dwelling unit	
c) Townhouse	2 per dwelling unit	N/A
d) Accessory Residential Unit	1 per dwelling unit	N/A
e) Residential Home	1 for every 2 rooms	N/A
f) Bed and Breakfast	2 plus 1 space per guest room	N/A
2) COMMERCIAL/RESIDENTIAL		
a) Motel/Hotel	1 per guest room or suite plus required parking for on-site uses	1 per 15 required auto spaces
b) Residential Facility	1 per 5 beds	1 per 15 required auto spaces
3) INSTITUTIONAL		
c) Welfare or Correctional Institution	1 per 5 beds based on maximum capacity	1 per 15 required auto spaces
d) Hospital	2 per bed based on maximum capacity	1 per 15 required auto spaces
4) PLACES OF ASSEMBLY		
a) Religious Institution or other place of assembly	1 per 4 seats in the main auditorium based on maximum capacity, or 1 for each 5 occupants based on maximum capacity as calculated under the provision of the building code.	1 per 20 required auto spaces
b) Library, Reading Room, Museum, Art Gallery	1 per 300 square feet of floor area	1 per 10 required auto spaces
c) Pre-School, Child Care Facility, Kindergarten	2 for the first 16 children plus one additional space for every 12 children thereafter, along with off-street loading and unloading area	1 per classroom

d) Elementary or Junior High School	2 per classroom, plus one for each 5 fixed seats in any area used for auditorium purposes; if no fixed seating, one for each 5 occupants based on building code along with off-street loading and unloading	1 per 2 required auto spaces
e) High School	5 per classroom, plus one for each 5 fixed seats in any area used for auditorium purposes; if no fixed seating, one for each 5 occupants based on building code along with off-street loading and unloading	1 per 10 required auto spaces
f) College; Commercial School	7 per classroom plus one for each 5 fixed seats in any area used for auditorium purposes; if no fixed seating, one for each 5 occupants based on building code.	1 per 5 required auto spaces [1]
g) Political, Civic, Social or Labor Organization Meeting Halls	1 per 4 seats based on maximum capacity or 1 for each 5 occupants based on maximum calculated in the building code.	1 per 25 required auto spaces
h) Other Auditorium, meeting room	1 per 4 seats based on maximum capacity or 1 for each 5 occupants based on maximum as calculated in the building code.	1 per 20 required auto spaces
5) RECREATIONAL		
a) Stadium, Arena, Theater	1 per 5 seats based on maximum capacity or 1 for each 5 occupants based on maximum capacity as calculated under the provisions of the building code.	1 per 10 required auto spaces
b) Bowling Alley	3 per lane	1 per 15 required auto spaces
c) Dance Hall	1 per 100 square feet of floor area	1 per 15 required auto spaces
d) Skating Rink	1 per 200 square feet of floor area	1 per 15 required auto spaces
e) Swimming pool facility	1 per 200 square feet of pool surface area	1 per 15 required auto spaces
f) Racquet court, athletic club	1 per court, plus 1 per 100 square feet of exercise area	1 per 15 required auto spaces
g) Other indoor recreation facility	1 per 100 square feet of floor area	1 per 15 required auto spaces
h) Outdoor recreation facility	25 per field or recreation area	1 per 10 required auto spaces

6) COMMERCIAL [2]		
a) Grocery store, retail store, bank, professional office, laboratory, beauty/barber shop or other personal service, and dining establishments with a gross floor area no greater than 2,500 square feet located within a multiple-use building. (Ord.3289, 9/08)	1 per 300 square feet of floor area	1 per 15 required auto spaces
b) Furniture, appliance, auto, boat, manufacture or mobile home sales, trailer sales, or other bulk retail.	1 per 700 square feet of floor area	N/A
c) Medical or dental offices, emergency or urgent care clinics	1 per 200 square feet of floor area	N/A
d) Sit-down and carry-out restaurant, tavern, bar and nightclub	1 per 100 square feet of floor area	1 per 30 required auto spaces
e) Drive-in restaurant or other drive-in services	1 per 4 seats or one per 200 square feet of floor area, whichever is greater	N/A
f) Mortuary, Funeral Parlor or Mausoleum	1 per 4 occupants based on maximum capacity as calculated under the provisions of the building code	N/A
g) Ambulance or Rescue Services	1 per rescue vehicle, plus 1 per employee	N/A
h) Automobile Repair Garage	At least 4 for each service stall	N/A
i) Automobile Service Station	1 per 2 gasoline pumps	N/A
j) Truck, trailer and automobile rental	1 per 300 square feet of building area plus one for every 10 spaces devoted to rental vehicles	N/A
k) Private Utility (gas, electric, telephone, etc.)	1 per 300 square feet of building area, and in the case of an unstaffed facility, at least 2 spaces	N/A
l) Laundromat and Dry cleaning Facility	1 per 300 square feet	N/A

m) Passenger Transportation Terminal	1 for each 5 seats based on maximum capacity for each transporter loading and unloading within any half-hour period	1 per 10 required auto spaces
7) INDUSTRIAL		
a) Manufacturing Establishments	1 per each 500 square feet floor area	1 per 15 required auto spaces
b) Storage, Warehouse, Wholesale establishment; rail or trucking freight terminal; truck, trailer or auto storage	1 per each 1,500 square feet floor area	N/A
c) Building or Specialty Trade Contractor Office or Shop	1 per 500 square feet of floor area	As determined by the Director
8) UNSPECIFIED USE		
The parking requirements for buildings and uses not set forth herein shall be determined by the Director, and such determination shall be based upon the requirements for the most comparable building or use specified herein. The decision of the Director may be appealed to the Commission in accordance with the provisions of Section 5.1.170 of this Ordinance.		

[1] May be reduced up to 25% where design incorporates features that promote alternative transportation access, such as walking, bicycling, or transit and it is demonstrated that alternative transportation access, such as walking, bicycling, or transit is available and is likely to be used.

[2] Bicycle Parking is not required in the Central Business District (CBD)

SECTION 3.3.090 BICYCLE PARKING STANDARDS

(Ord.3279, 3/08)

1) Bicycle Parking Facility Design

a) Bicycle parking facilities shall either be securely anchored lockable enclosures in which the bicycle is stored, or secure anchored stationary rack which support the frame so the bicycle cannot easily be pushed or fall to one side. Racks that require a user-supplied lock shall accommodate locking the frame and both wheels using either a cable or U-shaped lock.

b) Bicycle parking spaces shall be at least six (6) feet long and two-and-one-half (2.5) feet wide, and overhead clearance in covered spaces shall be a minimum of seven (7) feet.

c) A five (5) foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking.

d) Required bicycle parking shall be located in a well-lighted, secure, and visible location.

2) Locational Standards for Bicycle Parking

a) All required bicycle parking shall be located on the site. Bicycle parking shall have direct access (i.e., from the street or path to the parking area and from the parking area to the entrance) to both the public right-of-way and to the main entrance of the principal use via a walkway meeting the standards of Section 3.3.230.

b) Public bicycle parking shall be distributed at the various public entrances, while employee parking shall be located at the employee entrance, if appropriate.

c) Bicycle parking shall not be located in the public right-of-way; however, in exceptional circumstances bicycle parking in the public right-of-way may be allowed if approved in writing by the Public Works Director.

d) Bicycle parking may be provided within a building, but the location must be easily accessible for bicyclists.

SECTION 3.3.100 ACCESSIBLE (ADA) PARKING STANDARDS

All parking areas, except for one and two-family dwellings, accessory residential units, and townhouses, shall provide parking spaces in conformance with the Americans with Disabilities Act (ADA), all Uniform Building Code Standards and based on the ratios shown in Table 3-4: Ratio of Accessible Parking Spaces:

TABLE 3-4: RATIO OF ACCESSIBLE PARKING SPACES

TOTAL PARKING AREA SPACES	REQUIRED ACCESSIBLE SPACES
1 – 25 spaces	1 space
26 – 50 spaces	2 spaces
51 – 75 spaces	3 spaces
76 – 100 spaces	4 spaces
101 – 150 spaces	5 spaces
151 – 200 spaces	6 spaces
201 – 300 spaces	7 spaces
301 or more	7 plus 1 for each 100 additional spaces

For each accessible parking space provided which conforms to the provisions of this Article, one (1) parking space, otherwise required by Section 3.3.080 may be eliminated subject to the following limitations:

1) Space Specifications. Each accessible parking space shall be at least nine (9) feet wide and shall have an adjacent access aisle. The adjacent aisle shall be at least six (6) feet wide for standard spaces and eight (8) feet wide for "van-accessible" spaces. If one (1) accessible space is provided, it shall be designated

"van-accessible." All other spaces may be either "van-accessible" or standard spaces (refer to Figure 3-1: Accessible Parking Spaces).

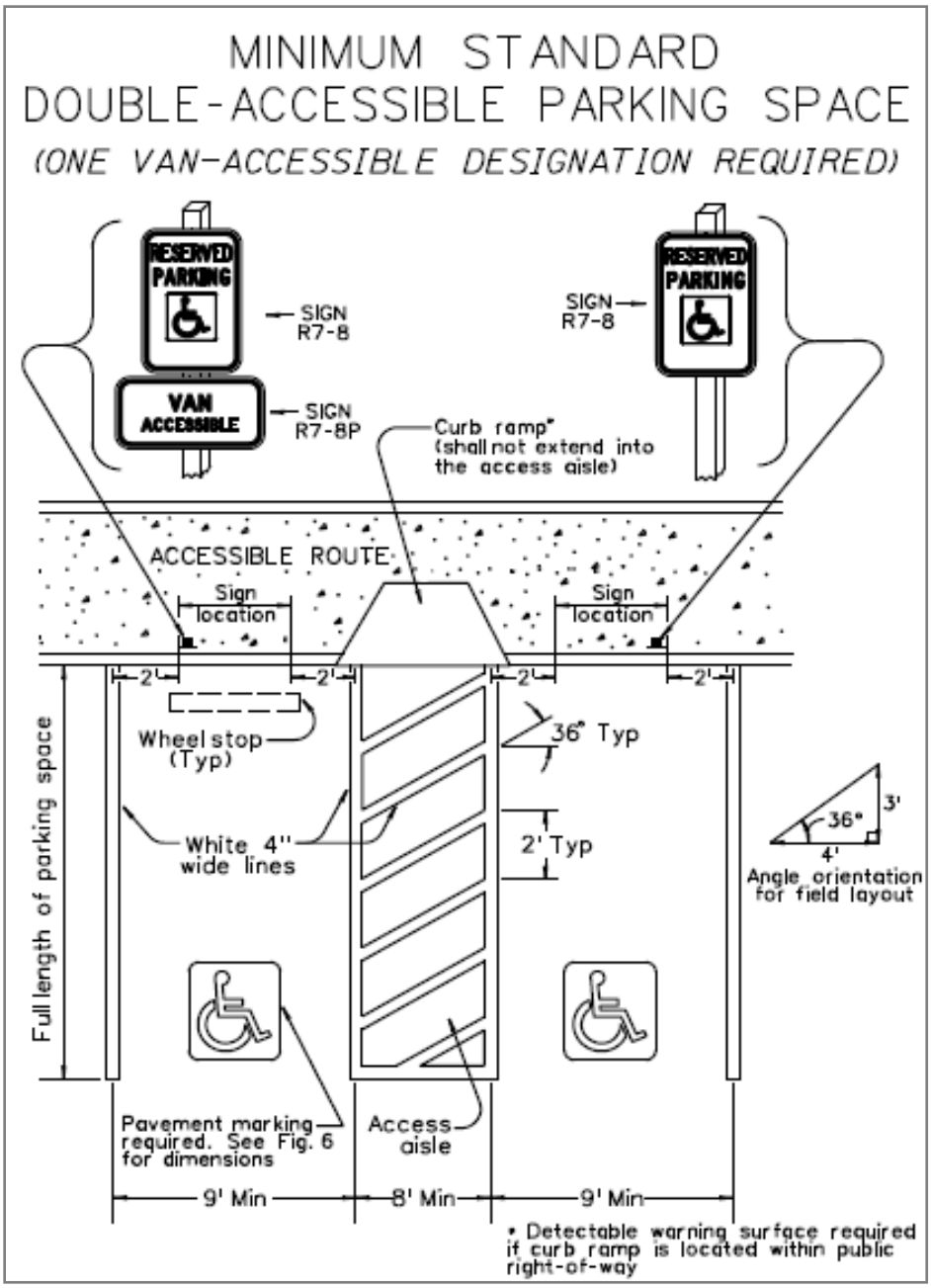
2) Access Aisle. The aisle shall be located on the passenger side of the parking space except that two (2) adjacent accessible parking spaces may share an aisle (See Figure 3-1).

3) Signs and Pavement Markings. A sign shall be posted for each accessible parking space. The sign shall be clearly visible to a person parking in the space and marked with the international symbol of accessibility indicating that the spaces are reserved for persons with disabled person parking permits and be designed to standards adopted by the Uniform Building Code. The pavement of each accessible parking space shall be clearly marked with the international symbol of accessibility and be designed to standards adopted by the Uniform Building Code.

4) Space Location. Each accessible parking space and adjacent aisle shall be situated so as to avoid requiring any person using the space from having to cross or traverse within any access driveway, vehicle maneuvering area or other vehicle traffic lane.

5) Ramps. When accessible parking spaces are provided, safe and convenient curb ramps shall be installed to meet Uniform Building Code specifications. Building design and subsequent activities shall not unreasonably impair access by physically challenged persons to the principal use.

FIGURE 3-1: ACCESSIBLE PARKING SPACES



SECTION 3.3.110 PARKING STALL STANDARDS

1) Table 3-5: Required Stall and Aisle Dimensions, provides the minimum dimensions of public or private parking stalls and maneuvering aisles.

   a) Stalls with angles between 0° and 90° that are served with a two-way aisle shall be angled in opposing directions (Figure 3-2: Parking Design Key, represents stalls served by a one-way aisle).

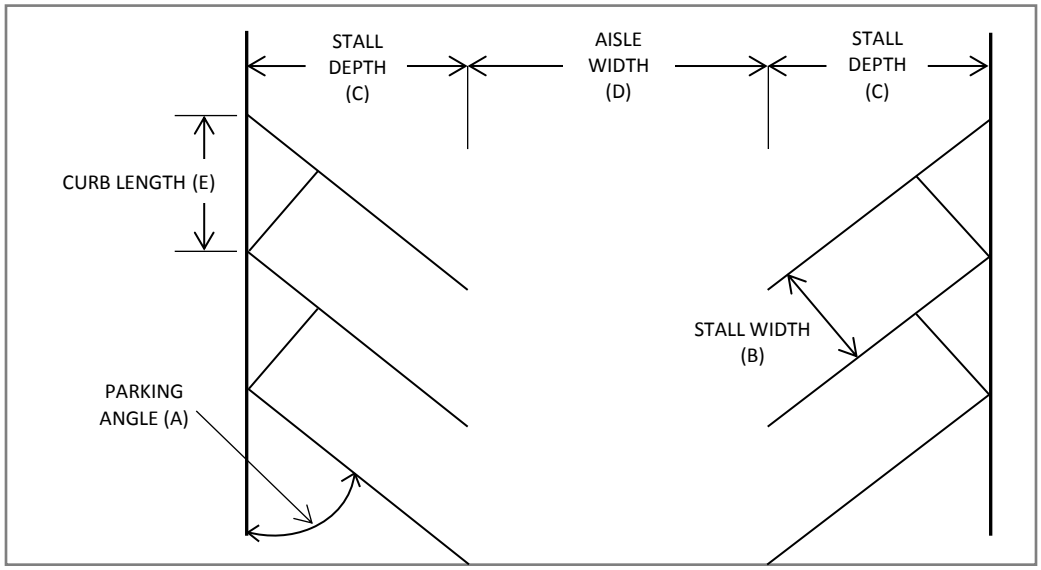
   b) One-way and two-way maneuvering aisles that do not directly serve parking stalls (e.g., provide access to other areas of a parking lot) shall be 12 feet and 20 feet-wide respectively.

TABLE 3-5: REQUIRED STALL AND AISLE DIMENSIONS

PARKING ANGLE (A)	TYPE OF STALL	STALL WIDTH (B)	STALL DEPTH (C)	AISLE WIDTH (D)		CURB LENGTH (E)
				ONE-WAY	TWO-WAY	
0° (parallel)	Standard	9	9	12	24	22
30°	Compact	8	15	12	24	16
	Standard	9	17.3	12	24	18
45°	Compact	8	17	12	24	11.5
	Standard	9	19.8	14	24	12.7
60°	Compact	8	18	18	24	9
	Standard	9	21	18	24	10.4
90°	Compact	8	18	24	24	8
	Standard	9	18	24	24	9

Dimensions are rounded to the nearest 10th of a foot.

FIGURE 3-2: PARKING DESIGN KEY



2) Compact Car Parking. The Director may authorize the creation of compact car spaces in any public or private parking area which contains a minimum of ten (10) parking spaces. The number of parking spaces established for compact cars shall be based on the ratios shown in Table 3-6: Percent of Permitted Compact Spaces. All compact car parking spaces created under the provisions of this Section shall be clearly identified as compact car spaces

TABLE 3-6: PERCENT OF PERMITTED COMPACT SPACES

NUMBER OF SPACES REQUIRED	PERCENT OF DESIGNATED COMPACT SPACES
10 – 25 Spaces	15 Percent
26 – 50 Spaces	20 Percent
51 – 100 Spaces	25 Percent
Over 100 Spaces	30 Percent

3) Motorcycle Parking. Motorcycle parking spaces may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less.

a. For every 4 motorcycle spaces provided, the automobile parking requirement is reduced by one space.

b. Each motorcycle space shall measure 4 feet by 8 feet, or 50 percent of the required stall and aisle dimension standards for a compact space (Table 3-5), whichever is less. Each space shall be clearly striped or signed to indicate motorcycle parking only.

c. Existing parking may be converted to take advantage of this provision.

SECTION 3.3.120 PARKING REDUCTION

(Ord.3279, 3/08)

The following provisions offer reductions for required off-street parking and may be combined, however, the maximum reduction from all reductions in parking spaces shall be no more than 25% of the required number of parking spaces.

1) Public Transit. In order to encourage and facilitate the use of public transit or car/vanpooling, a maximum of 15% of the required number of off-street parking spaces for employees may be eliminated in lieu of car/vanpooling facilities or public transit service areas and facilities provided by the developer, including off- street transit loading and unloading areas and passenger shelters. The provisions of this Section may be negotiated in conjunction with the requirements of Article 1, Chapter 3: Site Plan Review.

2) Available On-street Parking. For any development requiring at least ten off-street parking spaces, the number of required off-street parking spaces may be reduced by the number of on-street parking spaces on the street frontage of the property, up to a maximum reduction of 20%, provided:

   a) Such on-street parking is accessible from the buildings being developed via convenient walkways; and,

   b) Such walkways are constructed with permanent hard-surfaced material, such as concrete, stone, brick or tile which is all-weather, non-skid; and,

   c) The location of the on-street parking is no more than 150 feet from the entrance of the development requiring the parking.

   d) Such on-street parking shall not be used or reserved exclusively for the development but shall be available at all times to the general public.

   e) Each 25 feet of uninterrupted curb designed for on-street parking constitutes one parking space.

3) Additional Landscaping. For commercial and industrial development requiring at least 50 off-street parking spaces, a reduction of up to a maximum five percent (5%) in the number required parking spaces may be allowed if there is an increase in landscaped area which exceeds by at least 25% the minimum landscaping amount, and incorporates landscaping exceeding minimum standards. The landscaped area must be located between the public street and the parking area. The reduction is allowed at a maximum rate of one (1) parking space per 200 square feet of landscaped area in excess of the minimum.

4) Change of Use

a) Unless otherwise expressly stated, when the use of property changes, additional off-street (vehicle and bicycle) parking spaces must be provided to serve the new use only when the number of parking spaces required for the new use exceeds by more than 10% the number of spaces required for the lawful use that most recently occupied the building, based on the standards of this Ordinance. In other words, 110% "credit" is given to the most recent lawful use of the property for the number of parking spaces that would be required under this Ordinance, regardless of whether such spaces are actually provided. Any new parking spaces required must comply with all applicable parking area design and layout standards.

b) When the number of parking spaces required for the new use exceeds the number of spaces required for the use that most recently occupied the property by more than 10%, additional parking spaces are required only to make up the difference between the amount of parking required for the previous use and the amount of parking required for the new use, based on the standards of this Ordinance.

c) The relief from parking requirements attributed to a change of use shall not relieve the applicant from providing ADA parking spaces determined by the total number of normally required parking spaces and Section 3.3.100.

5) Landmarks and Historic Districts. The Director is authorized to approve exceptions and waivers to minimum off-street parking ratios for the following:

a) rehabilitation or reuse of buildings on the National Register of Historic Places;

b) buildings designated as local cultural resources;

c) contributing buildings in National Register Historic Districts; or

d) buildings in locally designated historic districts.

SECTION 3.3.130 CENTRAL BUSINESS DISTRICT PARKING REQUIREMENTS

(Ord.3051, 12/99)

1) CBD Joint-Use Parking. Joint-use parking standards are based on the assumption that patrons will use a single parking space for more than one destination in Downtown Roseburg and that one parking space will be open and available for short-term parking to serve many different uses which may have different peak hours.

a) Eligible Development. The following categories of development shall be eligible to use joint-use parking standards to meet parking requirements:

i) Nonresidential new construction on sites of less than 20,000 square feet in size;

ii) New construction on sites greater than 20,000 square feet in size for retail commercial, restaurants, and movie theaters; and

iii) Additions to existing buildings, rehabilitation of existing buildings, or changes in use or occupancy in existing buildings.

b) Ineligible Development. The following types of uses are not eligible to use joint-use parking standards:

i) New or existing residential uses; and

ii) New construction of hotel or office uses on sites greater than 20,000 square feet in size.

c) Alternative Joint-Use Parking Standards. Section 3.3.080 of this Ordinance shall determine circumstances in which parking shall be required. Once it has been established that parking is required, eligible projects within the CBD Zone may choose to provide required parking by using the Alternative Joint-Use Parking Standards (Table 3-7).

d) Joint-Use Parking Agreement. All parking developed under joint-use parking standards shall be required to enter into an agreement with the City and recorded County Clerk, requiring the parking to be operated on a non-exclusive basis, to be open and available to the public for joint-use short-term public parking during normal business hours.

2) CBD In-Lieu Parking Fee. The existence of small parcels within the Downtown often makes it difficult to provide on-site parking. As an alternative to onsite parking, the City may establish an in-lieu parking fee as part of a transportation system development charge. The fees would be "banked" by the City to provide funds to develop and maintain centralized public parking facilities.

3) Use of Alleys within CBD. For existing structures, a public alley may be used as part of the required maneuvering aisle for onsite parking that is immediately adjacent to the alley.

4) Structured Parking within CBD. For any proposed project in the CBD District, up to a maximum twenty percent (20%) reduction in required parking spaces may be allowed for the development if structured parking can be provided and a finding can be made that adequate parking will be available to serve the subject project.

5) On-Street Parking within CBD. The number of on-street parking spaces within 100 feet of a parcel in the CBD District, or the number that will be within 100 feet

upon completion of planned street/parking improvements, whichever is greater, may be counted toward the required number of non-employee parking spaces.

6) Parking Reductions within CBD. For new and existing development within the CBD area, required parking may be reduced on a case-by-case basis in compliance with Section 3.3.220.

TABLE 3-7: ALTERNATIVE JOINT-USE PARKING STANDARDS

LAND USE	MINIMUM PARKING RATIOS
OFFICE 1) Banks, Savings and Loans, Other Financial Institutions. 2) Medical or Dental Office. 3) Professional or Unspecified Office.	3.0 Spaces/1,000 SF of gross usable area
COMMERCIAL RETAIL	5.0 Spaces/1,000 SF of gross usable area
PUBLIC ASSEMBLY 1) Movie Theater 2) Museum	1.0 Space/4 seats 3.3 Spaces/1,000 SF of gross usable area
RESTAURANT 1) Restaurant/Coffee House/Juice Bar under 1,000 square feet of gross usable area. 2) Restaurant over 1,000 square feet of gross usable area. 3) Outdoor dining areas associated with a restaurant.	3.0 Spaces/1,000 SF of gross usable area 5.0 Spaces/1,000 SF of gross usable area 0 Spaces
RESIDENTIAL	Excluded from use of joint-use parking standards.
NEW CONSTRUCTION OF OFFICE OR HOTEL USES ON LOTS GREATER THAN 20,000 SQUARE FEET	Excluded from use of joint-use parking standards.
OTHER	Any category not listed above may be reviewed by the City on a case-by-case basis, taking into consideration the impact on peak-hour parking usage and the established parking standards contained in LUDO Section 3.3.080.

SECTION 3.3.140 OFF-STREET LOADING AND DRIVE-UP USES

1) Schools. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

2) Merchandise, Materials or Supplies. Buildings or structures to be built or substantially altered to receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. 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.

3) Drive-up Uses. Drive-up uses shall provide a minimum stacking area (a lane in which vehicles temporarily idle while awaiting service), clear of the public right-of-way and parking lot aisle, for the window serving the vehicles. The stacking area shall not interfere with safe and efficient access to other parking areas on the property. Stacking areas shall not contribute to the minimum dimensions necessary for parking spaces or maneuvering aisles as determined by Section 3.3.110. The following shall apply to drive-up uses:

   a) Stacking areas shall not interfere with walkways.

   b) Stacking areas shall be delineated with painted lines, curb, or other methods acceptable by the Director. The direction of flow shall be clearly marked with pavement markings, and the entrance and exit shall be indicated with Directional Signs.

   c) The length of the stacking area shall be measured at a point six feet beyond the center of the forward most drive-up window and provide for the following number of vehicles based on the use:

      i) Restaurants. Minimum capacity for eight (8) automobiles.

      ii) Banks. Minimum capacity for five (5) automobiles.

      iii) Espresso Stands. Minimum capacity for four (4) automobiles.

      iv) Other Drive-up uses. Minimum capacity for two (2) to eight (8) automobiles, as determined by the Director.

      v) For purposes of this Section, an automobile shall be considered no less than 18 feet in length. The lane shall be at least 12 feet wide.

SECTION 3.3.150 GENERAL PROVISIONS – OFF-STREET PARKING AND LOADING

The provisions and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain committed to exclusive use of required off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. Use of property in violation hereof shall be a violation of this Ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

SECTION 3.3.160 PARKING AREA LOCATION

Parking areas required by this Ordinance shall be located on the same lot as the building they are required to serve, or may be located in the immediate vicinity if the nearest point of the parking facility is no more than 200 feet from the nearest point of the building that such facility is required to serve.

SECTION 3.3.170 PARKING AREA AND DRIVEWAY DESIGN

All public or private parking areas, parking garages and public spaces, shall be designed, laid out and constructed in accordance with the provisions of this Article.

1) Driveway Specifications. Groups of three or more parking spaces, except those in conjunction with a single-family dwelling, a two-family dwelling, or a townhouse on a single lot, shall be served by a driveway that does not require backward movement or other maneuvering of a vehicle within a street, other than an alley. Driveways shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress, and maximum safety of pedestrian and vehicular traffic on the site. Two-way and one-way driveways for commercial and multi-family development shall not be less than 20 feet and 12 feet wide, respectively, nor shall any driveway have a width in excess of 40 feet.

    a. Driveways for commercial and industrial sites, as well as residential developments that require 10 or more off-street parking stalls, shall have at least 20 feet of uninterrupted travel length as measured from the nearest curb return where access to a Collector, or lower classified, street is provided, and at least 40 feet from an Arterial street. For the purposes of this Section, “uninterrupted” shall refer to the lack of parking stalls, access aisles, ingress or egress of stacking areas, and other features that have the potential to create situations of conflicting travel paths for vehicles entering a site.

2) Driveways and Maneuvering Aisles. Driveways shall be aligned with maneuvering aisles so as to facilitate safe and convenient ingress and egress.

3) Access Grades. Driveways used to access onsite parking and as further defined by Figure 3-2: Driveway Access Grade, shall comply with the following criteria: (Ord.3274, 8/07)

a) Maximum grade of any portion of a driveway from a property line to the face of a garage shall not exceed 15% at any point and shall be graded to allow clearance to pass an automobile 18 feet in length.

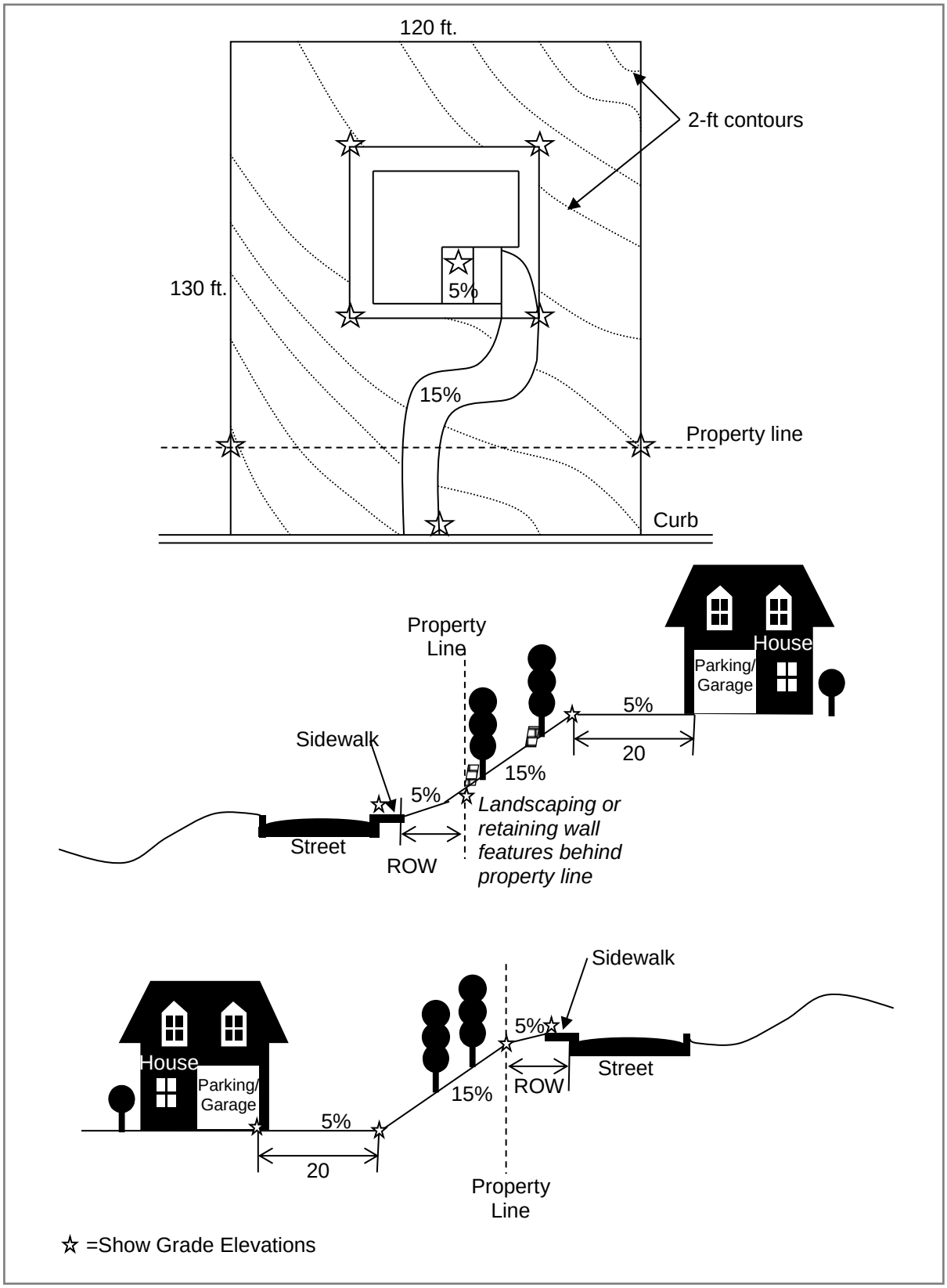
b) Maximum grade of driveway between the back of curb to the property line, within the right-of-way, shall not exceed five percent (5%) and shall be graded to allow for clearance to pass an automobile 18 feet in length.

c) When it is determined necessary at the time of site plan review to provide emergency apparatus access, access drives exceeding 30 feet in length are to provide a paved area that is a minimum 20 feet wide and 20 feet long from the face of the garage or at the end of the driveway not exceeding five percent (5%) grade. (Ord.3274, 8/07)

4) Driveway Location in relation to Intersections. Except in relation to single-family districts, the minimum distance between driveways and intersections shall be as provided in Section 3.2.010.

If the subject property is not of sufficient width to allow for separation between driveway and intersection as provided, the driveway shall be constructed as far from the intersection as possible, while maintaining the five (5) foot setback between the driveway and property line as required. (Ord.3279, 3/08)

FIGURE 3-3: DRIVEWAY ACCESS GRADE



5) Driveway Location in Relation to Intersections – Single-Family, Two-Family Dwellings and Townhouses. The minimum distance between driveways and intersections shall be 30 feet.

6) Driveway Location in relation to Lot Lines. Access driveways shall not be located closer than five (5) feet to an interior side lot line, except that common access driveways (not exceeding 40 feet in width) to two (2) adjacent properties may be provided at the common lot line when a common driveway agreement is executed on a form provided by the Director and recorded with the County Clerk.

   Driveways serving residential garages shall have a minimum depth of 20 feet from the property line from which access is provided, unless zoning district setbacks are five (5) feet or less, but in no case shall the length of driveways serving residential garages be between five (5) and 20 feet.

7) Number of Accesses Permitted. Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe traffic circulation and carrying capacity of the street. The location, width, and number of accesses to a public street may be limited for developments that are subject to site plan review provisions of this Ordinance. (Ord.3279, 3/08)

8) Common Access Points. Common access points at a property line are encouraged and, in some instances, may be required in order to reduce the number of access points to streets. Construction of common access points must be preceded by recording of joint access and maintenance easements.

9) Parking Area Marking. Access driveways to parking areas having 10 or more spaces shall be clearly marked to indicate one-way or two-way access. Two-way driveways shall have a painted centerline at least four (4) inches in width and at least 10 feet in length beginning at the interior edge of the sidewalk; or, where sidewalks are not present, at a point five (5) feet from the curb line; or, where neither sidewalks or curbs are present, at a point five (5) feet from the edge of the paved street surface.

SECTION 3.3.180 COMMON PARKING FACILITIES (SHARED PARKING)

(Ord.3279, 3/08)

In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing required parking spaces for any other use, except as provided below.

1) Joint Use of Parking Facilities. The Director may authorize the joint use of parking facilities required by said uses and any other parking facility, provided that:

a) The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed.

b) The parking facility for which joint use is proposed is no further than 400 feet from the building or use required to have parking facilities.

c) The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the Director as to form and content. Such instrument, when approved as conforming to the provisions of this Ordinance, shall be recorded in the office of the County Recorder, and copies thereof filed with the Director.

SECTION 3.3.190 PARKING AREA IMPROVEMENTS

1) Surfacing. All parking areas, vehicle maneuvering areas and access driveways shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete, brick, or concrete paver blocks. In all residential districts, a minimum of two-and-one-half (2 ½) inches asphalt over four (4) inches of aggregate base will be provided or four (4) inches of Portland cement concrete. In all other districts, either three (3) inches asphalt over four (4) inches aggregate base or a single pavement of five (5) inches of Portland cement concrete is required. All parking areas, except those in conjunction with a single-family or two-family dwelling on a single lot, shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.

2) Perimeter Curb. All parking areas except those required in conjunction with a single or two-family dwelling shall provide a curb of not less than four (4) inches in height located at the edge of the paved surface. (Ord.3289, 9/08)

3) Lighting. Any lights provided to illuminate any public or private parking area or vehicle sales area shall comply with Section 3.3.050.

4) CBD Off-Street Parking Lighting. Lights shall comply with Section 3.3.050 and shall be a maximum of 20 feet in height. The height of the light standards shall be measured from the elevation of the adjacent pavement of the parking area. (Ord.3051, 12/99)

5) Striping. All parking spaces, except those in conjunction with a single- or two-family dwelling, shall be sufficiently marked with painted stripes four (4) inches in width or other permanent markings acceptable to the Director and otherwise comply with Section 3.3.110 of this Ordinance.

6) Wheel Bumper. All parking stalls fronting a sidewalk, alleyway, street, property line, or building, shall provide a secured wheel bumper not less than four (4) inches in height, nor less than six (6) feet in length, and shall be centered and set back a minimum of two-and-one-half (2½) feet from the front of the stall.

7) Drainage Facilities. All parking areas shall provide drainage facilities in conformance with City of Roseburg Public Works Standards.

SECTION 3.3.200 LANDSCAPING AND BUFFERING

The purpose of this Section is to enhance the appearance of land development, reduce noise, glare and urban heat island effects, improve air quality, filter and minimize stormwater runoff, mitigate possible adverse effects of higher intensity land uses and foster quality land development. The design of the parking area landscaping shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.

1) Application. Parking area landscaping and buffering standards shall apply to all public and private outdoor parking areas that provide for four (4) or more spaces or to any paved vehicular use area 3,000 square feet or larger on the same lot or on contiguous tax lots under the same common ownership or use, excluding single and two-family dwellings. Parking areas include all surfaces acceptable per Section 3.3.190 that facilitate vehicle parking including, but not limited to, parking spaces, driveways and maneuvering aisles. Parking area landscaping and buffering will be required when any of the following occur:

   a) New development occurs;

   b) Existing development is expanded or modified that results in a 20% increase or greater in building gross floor area;

   c) Existing development is expanded, modified or the use is changed in any way that results in at least a 10% increase in required off-street parking spaces. Landscaping requirements shall be based on the expanded parking area, not the entire parking area that existed prior to the expansion or modification.

   d) An existing parking lot containing at least four (4) parking spaces or 3,000 square feet of parking area is excavated and reconstructed, or an existing gravel or dirt parking lot is converted to a surface in conformance with Section 3.3.190.

   e) Exemptions. Any paved vehicular area which provides fewer than 10 total spaces shall be exempt from the interior lot line buffering and interior parking area landscaping requirements. Areas used specifically as a utility storage lot or a truck loading area shall also be exempt from interior parking area landscaping requirements.

2) Specifications for Trees and Plant Materials. The following standards apply to all landscaping areas specified in this Section.

a) Deciduous Trees. Deciduous shade or ornamental trees shall be a minimum of six (6) feet in height above ground, one-and-one-half (1½) inch caliper measured six (6) inches above ground.

b) Conifer or Evergreen Trees. Coniferous or evergreen trees shall be a minimum of six (6) feet in height above ground.

c) Acceptable and Prohibited Trees. Trees selected shall be varieties that avoid root damage to pavement and utilities. Medium and large mature stature trees shall require approval from the City. Trees listed in Table 3-8: Prohibited Street Trees, are strictly prohibited. Trees listed in Table 3-8 are prohibited for use as street trees as their roots cause damage to sewers, pavements, and sidewalks. Furthermore, these trees are prohibited for planting in a parking lot buffer area adjacent to a street or right-of-way.

d) Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size.

e) Living ground cover. Living ground cover consists of small drought-tolerant plants that shall be fully rooted and shall be well branched or leafed.

f) Non-living ground cover. Non-living ground cover shall consist of a decorative treatment of bark, rock, or other attractive ground cover that does not create an impervious surface.

g) Lawns. Lawns shall consist of grasses, including sod, or seeds. Lawns shall provide 100% coverage and be weed free.

3) Parking Area Buffering. Parking areas shall be buffered from the required areas listed below with a minimum five (5) foot wide strip of landscaping materials.

a) Required Buffer Areas. The parking area (including stacking areas for drive-through uses) shall be buffered from the following areas:

b) Street frontage. The parking area shall be buffered from adjacent linear street frontage, exclusive of driveway entrances, pedestrian entrances, and exits, with the designated landscaping strip.

c) Interior Lot Lines. The parking area shall be buffered from the interior lot line when abutting residential zones with the designated landscaping strip. Where screening is required in Section 3.2.140(5), the screening area shall be incorporated into the landscaping strip. This requirement shall not in any way prohibit joint access driveways between two (2) or more adjacent parking areas.

d) Buffer Area Landscaping Standards. Minimum landscaping acceptable per 50 linear feet of required buffer area is as follows:

i) One (1) tree at least six (6) feet in height;

ii) Five (5) five-gallon or eight (8) one-gallon shrubs;

iii) The remaining area shall be treated with ground cover, or lawn;

iv) Trees shall be installed at locations that allow at least two (2) feet of space between the trunk and any curb or paved surface. Additionally, trees shall be evenly spaced throughout the landscaping strip, except that they shall not be located within 10 feet of a fire hydrant or utility pole. Shrubs may be installed anywhere within the landscaping strip without regard for uniformity, however, shrubs shall not be installed within four (4) feet of a tree trunk nor within three (3) feet of a fire hydrant.

TABLE 3-8 PROHIBITED STREET TREES

COMMON NAME	BOTANICAL NAME
Evergreen Conifers >8' wide; > 8' tall	Numerous species
Poplar and related species	Populas species
Black Locust	Robinia psuedoacacia
Box Elder (except varigated)	Acer negundo
Sycamore	Platanus species
Siberian Elm	Ulmus pumila
American Elm	Ulmus americana
Walnut	Juglans species
Weeping Willow	Salix babylonica
Commercial Fruit Trees	Numerous species
Catalpa	Caltalpa speciosa
Tree of Heaven	Ailanthus altissima
English Hawthorn	Crataegus monogyna
Royal Empress Tree	Paulownia tomentosa
Big Leaf Maple	Acer macrophyllum
Horse Chestnut/Buckeye	Aesculus species
Fruiting Mulberry	Morus alba
Osage Orange	Maclura pomifera
Weeping varieties of trees: (e.g., cherry, mulberry, crabapple)	Numerous species
Female Ginkgo	Ginkgo biloba

4) Interior Parking Area Landscaping. Area landscaped to meet minimum interior parking area landscaping requirements shall be located within or adjoining the paved parking lot area, not in required buffering or screening areas. The minimum amount of landscaping required shall be based on all paved areas within a parking lot (e.g., parking spaces, maneuvering aisles, driveways). This requirement shall not in any way prohibit a developer from grouping the required interior landscaping area in one or more sections of the parking lot.

a) No less than five percent (5%) of the total area within the paved parking area shall be landscaped. For every 160 square feet of the minimum five percent (5%), one (1) tree at least six (6) feet high and five (5) one-gallon shrubs or two (2) five-gallon shrubs shall be planted with the remaining area treated with ground cover. Trees shall be situated properly to ensure the tree trunk is at least two (2) feet from any curb or paved area.

b) Landscaped Islands. Landscaped islands must be provided to define maneuvering aisles and break up long rows of parking spaces by providing at least one landscaped (interior) island every 135 feet or 15 parking spaces, whichever is less. Any parking stall row that ends adjacent to a maneuvering aisle, regardless of the aisle's length, must have a landscaped (terminal) island at that end of the parking row. Islands shall be :

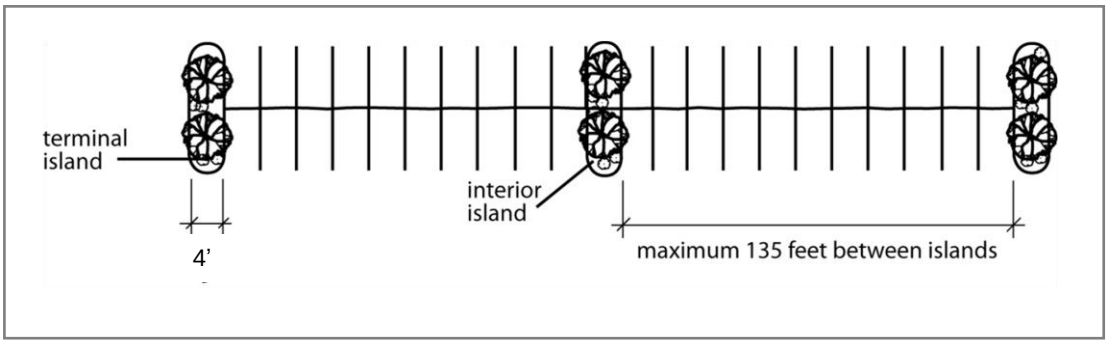
i) bordered by a paved surface on at least two sides;

ii) surrounded by a perimeter curb not less than four (4) inches high;

iii) at least four (4) feet wide (as measured from the outside of curb to the outside of curb) and equal the length of adjoining parking spaces, as measured from the outside edge of the curb;

iv) planted with at least one (1) tree and five (5) one-gallon shrubs or two (2) five-gallon shrubs per 100 square feet of island area with the remaining area treated with ground cover;

v) situate trees properly to ensure the tree trunk is at least one-and-a-half (1.5) feet from any curb or paved area.



5) Parking Area Screening. All public and private parking areas, including service and access driveways, which abut residentially zoned properties shall be screened along and immediately adjacent to any interior property line in order to mitigate possible adverse effects (e.g. noise, lighting, and other site-related and operational impacts). Parking area screening is supplemental to other landscaping standards and does not exclude other screening or landscaping

provisions contained within this Ordinance. The screening standard shall apply to all parking areas and service drives or to any paved vehicular use area 3,000 square feet or larger on the same lot or on contiguous tax lots under the same common ownership or use, except those in conjunction with single-family dwellings, two-family dwellings and townhouses. The placement of screening materials shall adhere to the Clear Vision Standards in Section 4.4.060. Screening shall be located at a distance not more than five (5) feet from the subject property line.

a) Minimum Screening Area Requirements. The minimum improvements within a screening area shall consist of the following:

Screening shall consist of either one (1) row of evergreen shrubs at least six (6) feet in height at the time of planting an earth berm combined with specified evergreen plantings that forms a sight and noise buffer at least six (6) feet in height at the time of installation. The slopes of the earth berm shall not exceed 2:1 and both faces of the slope shall be planted with ground cover and shrubs. Bark mulch or other non-living materials shall not be used as the ground cover for an earthen berm. Evergreen plantings shall include at least five (5) five-gallon shrubs or ten (10) one-gallon shrubs for each 100 linear feet of required screening area.

6) Irrigation of Required Landscaping. All required landscaped areas must be provided with a piped underground water supply irrigation system, unless a licensed landscape professional submits written verification that the proposed plant materials do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit from Public Works.

7) Landscape Plan Submittal Requirements. A Landscape Plan, drawn to scale, must accompany Site Plan Review applications. The plan must show the following elements, drawn to scale, in conjunction with the requirements of this Ordinance:

a) Type of landscaping, or other screening materials, including name of plant species. Heights of landscaping materials shall also be noted.

b) Location and size of landscaped areas on the development site.

c) Abutting land uses and/or zones.

d) If existing trees and plant materials are proposed to be preserved, methods for the protection of the plant material shall be noted. This shall include the drip line measurements for trees (see Item #10 below for information on Landscape Area Credit for the Preservation of Existing Trees).

e) Plan for underground irrigation system.

8) Performance Guarantees. Certificates of Occupancy may be issued prior to the complete installation of all required landscaping if an adequate bond or other security is submitted to the Director for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed within nine months of the issuance of a Certificate of Occupancy. The form of such written authorization and the security shall be submitted to the City Attorney for review and approval.

9) Clear Vision. All buffering and landscaping material shall not encroach into the Clear Vision areas at the intersections of streets or at the intersection of a street and driveway, as defined in Section 4.4.060.

10) Installation and Maintenance of Landscaped Areas. Plant materials shall be installed, staked and maintained to current industry standards. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner, free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained.

11) Landscape Area Credit for Preservation of Existing Trees. A system of landscape area credits has been established as an incentive for property owners and developers to preserve existing trees and to include them in the landscape plan for proposed developments.

a) Criteria for Landscape Credit. Tree(s) preserved on the development site may reduce the total landscaped area required for interior parking lots. Credit shall be considered for approval if a qualified arborist or landscape professional submits the following information to the Director:

i) A statement confirming that the size, health, and physical appearance of the tree(s) warrant landscape credit. Trees of 25 inches or greater in circumference measured at a height of four (4) feet above grade are considered significant.

ii) A protection plan for the trees' health during construction. This shall include verification of the radius of the drip line area or an area recommended by a licensed landscape professional. The drip line area shall be defined as the ground area and vegetation measured from the outermost branches to the trunk of the tree. Existing trees may be considered preserved if no cutting, compacting, or grading of the soil takes place between the trunk of the tree and the area five (5) feet outside of the tree's drip line. Trees to be retained shall be protected from damage during construction by a construction fence located five (5) feet outside the drip line.

iii) A plan for future maintenance of the tree(s).

b) Landscape Credit System. The Director shall grant landscape credit based on the total area of the preserved tree drip line. The area of the drip line shall be directly credited toward the required landscaping area for interior parking lots. In order to secure credit, the entire area within the drip line of the preserved tree must be protected from encroachment unless an alternative is otherwise approved by the Director.

c) Limits to Landscape Area Credit. Landscape credits for preserved trees shall not eliminate or reduce the parking area screening and buffering requirements. Landscape credit shall be applied only to the required interior parking area landscaping. Credit for preserved trees shall be limited to 60% of the total interior parking area landscaping requirement. The remaining 40% shall be provided according to Section 3.3.200(4). Landscape credit shall not be granted for trees preserved within a required Riparian Habitat Protection Area.

SECTION 3.3.210 CENTRAL BUSINESS DISTRICT (CBD) PARKING LOT LANDSCAPING

a) Adjacent to Streets. Parking areas adjoining a public street shall be designed to provide a landscaped planting strip between the street right-of-way and parking area.

i) The landscaping strip shall be at least five (5) feet wide.

ii) For every 25 feet, five (5) five-gallon or eight (8) one-gallon shrubs shall be planted. The remaining area shall be treated with ground cover.

iii) The landscaping shall be designed and maintained to screen cars from view from the street and shall be approximately 36 inches tall.

iv) Screening materials may include a combination of plant materials, solid masonry walls, raised planters, or other screening devices that meet the intent of this requirement and have been approved by the Director.

v) Plant materials, walls, or structures within a clear vision area shall not exceed 36 inches in height.

b) Interior Parking Lot Landscaping

i) A minimum of two percent (2%) of the parking lot interior area shall be landscaped. For every 100 square feet of the minimum two percent (2%), one (1) tree at least six (6) feet high and five (5) one-gallon shrubs or two (2) five-gallon shrubs shall be planted with the remaining area treated with ground cover.

ii) Parking lots with more than 100 spaces shall provide appropriate entry features consisting of a concentration of landscape elements at primary

entrances, including specimen trees, flowering plants, enhanced paving, and project identification.

SECTION 3.3.220 VARIANCE FOR PARKING/LANDSCAPING STANDARDS

The Director may reduce the number of parking spaces and landscape area through an Administrative Variance procedure pursuant to Section 5.1.060 for lots 10,000 square feet or less, or lots developed prior to the adoption of this Ordinance. The Director may grant reductions only if, on the basis of investigation and evidence submitted that a lot is 10,000 square feet or less, or existing developments are unable to meet the parking and landscaping provisions due to existing lot and building configurations. The application for variance shall be reviewed according to the following criteria:

1) The proposed development will not conflict with the purposes of this Ordinance and adopted policies of the Comprehensive Plan and any other plans or policies adopted by the approving authority;

2) The proposed development will not adversely affect existing traffic or the eventual development of abutting properties any more than if the development were to occur according to the standards of the Ordinance.

3) The proposal is compatible with existing development and character of adjoining properties.

SECTION 3.3.230 INTERNAL WALKWAYS

(Ord.3279, 3/08)

1) Purpose. The objective of this Section is to accomplish the construction of an efficient, connected, and safe system of pedestrian circulation, coordinated within and between various urban developments, by providing walkways and sidewalks for pedestrian access from and within urban developments and via extensions to street sidewalks.

2) Exceptions. The requirements of this Section shall not apply to single-family and two-family dwellings.

3) Locations. Each property in all Zoning Districts being newly developed, or redeveloped in accordance with Section 3.1.040shall provide internal sidewalks and walkways, subject to the requirements and exceptions set forth in this Section.

   a) Each property subject to the provisions of this Section shall provide pedestrian walks at or around the building of sufficient extent to provide safe and convenient pedestrian passage commensurate with the character of the development and the nature of the intended use of the building.

b) Each such property shall provide pedestrian walkways, crosswalks and other pedestrian facilities to allow safe and convenient pedestrian access throughout the site, particularly to routes between main building entrances and adjacent pedestrian destinations, including uses on adjoining properties, public sidewalks, and transit stops. Where the nature of the development is such that several buildings utilize a common internal pedestrian walkway system, such internal walkway system shall extend to the street sidewalk and shall serve to meet the requirements of this Section.

The ends of all raised walkways, where the walkway intersects a drive, parking aisle or street shall provide ADA accessible ramps.

4) Design Standards

a) Surface. Pedestrian walks and accessway surfaces shall provide a minimum three (3) foot wide paved with permanent hard-surfaced material, such as concrete, stone, brick, or tile. Only all-weather, non-skid paving shall be used in walk construction.

b) Stairs. Where stairs are employed, the riser to tread proportion shall be designed to normal stair standards. Handrails shall be provided where the number of risers of adjoining grade difference requires the protection afforded by rails, as determined by the Uniform Building Code of the State of Oregon. Any flight of stairs, if it be on a pedestrian route, shall have the same riser to tread dimension. Stairs shall be constructed of concrete, metal or approved walkway material.

c) Lighting. Night lighting sufficient to ensure safe pedestrian use shall be provided where stairs, curbs, ramps, or other potential hazards occur.

d) Curbs. Pedestrian walks adjoining automobile circulation lanes or parking areas shall be raised six (6) inches, or curbed, painted or constructed of different (contrasting) materials to define the pedestrian walk.

e) Markings. Where pedestrian walks must cross parking areas or automobile circulation lanes, the pedestrian walk shall be defined by use of a contrasting paving, such as white concrete in an asphalt area, visually obvious paint stripes, or other clearly defined pattern.

f) Crosswalks. Where a walkway crosses a parking area containing more than ten (10) parking spaces, a driveway, or a street, the walkway shall be clearly marked with contrasting paving materials, which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

5) Review of Plans by Community Development Director. Before a development permit is issued, plans for pedestrian walks shall be reviewed by the Community Development Director to determine that the provisions and objectives of this Article are to be accomplished. To the extent practicable, such review shall be in conjunction with all other development plan reviews required by this Ordinance, and may be incorporated into the general site plan review process as provided for in Article 1: Site Plan Review.

CHAPTER 4:
SUPPLEMENTAL REGULATIONS

ARTICLE 1:

NONCONFORMING USES

SECTION 4.1.010 NONCONFORMING USES

Except as is hereinafter provided by this Ordinance, the lawful use of a building or structure or of any land or premises lawfully existing at the time of the effective date of this Ordinance or at the time of a change in the official zoning map may be continued, although such use does not conform with the provisions of this Ordinance.

SECTION 4.1.020 CHANGES IN NONCONFORMING USES

A nonconforming use may be changed only to a use conforming to the zone in which it is located. Once changed to a conforming use no building or land shall be permitted to revert to a nonconforming use.

SECTION 4.1.030 INCREASE OF NONCONFORMING USES

A nonconforming use shall not be increased, except that permission to extend the use to any portion of a building or lot which portion was arranged or designed for such nonconforming use at the time of the passage of this Ordinance may be granted by administrative action subject to the provisions of this Ordinance.

SECTION 4.1.040 VESTED RIGHT

Nothing contained in this Ordinance shall require any change in the plans, construction, alteration, or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of this Ordinance, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two (2) years from the time construction was commenced.

SECTION 4.1.050 DISCONTINUANCE OF NONCONFORMING USE

When a nonconforming use of a structure or property is discontinued for a period in excess of one (1) year, the structure or property shall not thereafter be used except in conformance with the zone in which it is located.

SECTION 4.1.060 UNLAWFUL USE NOT A NONCONFORMING USE

No unlawful use of property existing at the time of passage of this Ordinance shall be deemed a nonconforming use.

SECTION 4.1.070 RESTORATION OF A NONCONFORMING BUILDING OR STRUCTURE

1) A nonconforming building or structure which is damaged by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy, to an extent that the cost of repair or restoration of the building or structure, conforming to current building codes, would exceed 80% of the market value contained in the records of the Douglas County Assessor, shall be deemed terminated upon the date of such damage or destruction. Cost of repair or restoration, and replacement cost, shall be determined by the Building Official. If the building or structure and use thereof is not terminated, it may be restored and the occupancy or use of such building or structure or part thereof, which existed at the time of such partial destruction may be resumed, provided that the restoration is commenced within a period of one (1) year and is diligently prosecuted to completion.

2) The restoration or reconstruction of a nonconforming building or structure may not increase the floor area or create a greater nonconformance than existed at the time of damage or destruction.

SECTION 4.1.080 CONVEYANCE OF NONCONFORMING USE

Nothing in this Ordinance shall be construed to limit the sale, transfer, or other conveyance of property on which exists a nonconforming building, structure or use, so long as such sale, transfer, or other conveyance does not otherwise violate the provisions of this Ordinance.

SECTION 4.1.090 RESTORATION OF CONFORMING USE ON NONCONFORMING LOT

Nothing in this Ordinance shall be construed to prevent the reconstruction or replacement of a pre-existing building or structure conforming as to use on a nonconforming lot, so long as such lot did not become nonconforming in violation of the provisions of this Ordinance.

SECTION 4.1.100 SPECIAL STATUS OF DWELLING UNITS

Notwithstanding the restrictions of any other Section of this Ordinance, all dwellings existing in commercial districts (PO, CBD, C1, C2, C3) and built before the date of this provision (September 24, 2008) are considered conforming to the base district. If any building on said properties is destroyed by acts described in Section 4.1.070 (i.e., not intentionally destroyed), it may be rebuilt to the standards of the MR29 zoning district provided that the number of dwelling units is not increased, subject to the regulation of any applicable Overlay District. A Building Permit for the replacement dwelling must be obtained within 12 months after the date the dwelling unit was destroyed. If said permit expires prior to completion of the replacement dwelling, the special status of the dwelling unit provided by this Section is revoked and only uses allowed by the applicable zoning district will be permitted. If an existing dwelling is converted to a permitted commercial use, the special status granted herein is rescinded and the use of the property must thereafter conform to the requirements of the applicable zoning district. (Ord.3289, 9/08)

SECTION 4.1.110 APPLICATION FOR ALTERATIONS OR REPAIRS

Alterations or repairs of a nonconforming use may be permitted to continue the use in a reasonable manner subject to the provisions of Section 5.1.060 of this Ordinance. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use.

SECTION 4.1.120 CONDITIONS OF APPROVAL

In order to assure compatibility of the proposed development with the surrounding area, conditions may be imposed as conditions of approval of alteration or repair of a nonconforming use. Such conditions may include, but are not limited to, the following:

1) Special yards and spaces.
2) Fences and walls.
3) Special parking and/or loading provisions.
4) Street dedication and improvements or bonds in lieu of improvements.
5) Control of points of vehicular ingress and egress.
6) Special provisions for signs.
7) Landscaping and the maintenance of grounds.
8) Control of noise, vibration, odors, or other similar nuisances.
9) Limitation of time for certain activities.
10) A time period in which a proposed use shall be developed.
11) A limit of total duration of use.
12) Transportation improvements to mitigate the impact of increased transportation and to protect transportation facilities.

SECTION 4.1.130 GENERAL EXCEPTIONS TO LOT SIZE REQUIREMENTS

If a lot of record or series of contiguous units of land existing in a single ownership were created in compliance with all applicable laws and Ordinances in effect at the time of their creation and have an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holding(s) may be occupied by a use permitted in the zone subject to other requirements of this Ordinance. Nothing in this Ordinance shall be interpreted to limit the sale, transfer, or other conveyance of any such single lot of record or unit of land. (Ord.3279, 3/08)

SECTION 4.1.140 GENERAL EXCEPTION FOR APPROVED SUBDIVISION

Nothing in this Ordinance shall be deemed to prohibit construction of conforming uses on nonconforming lots or the sale of said lots within subdivisions or land partitions

approved prior to the adoption of this Ordinance, subject to other requirements of this Ordinance.

ARTICLE 2:

SIGN CODE

SECTION 4.2.010 PURPOSE AND INTENT

This Article establishes regulations for exterior signs to further the objectives of the Comprehensive Plan; to protect the health, safety, and welfare of the general public; to reduce traffic hazards caused by signs that distract, confuse, and impair the visibility of motorists, bicyclists, and pedestrians; to ensure the effectiveness of public streets, highways, and other public improvements; to facilitate the creation of an attractive, orderly and harmonious appearance of the City; and to further economic development. To achieve these purposes, it is necessary to regulate the design, quality of materials, location, illumination, and maintenance of signs that are visible from public property, public rights-of-way and private areas open to public travel.

SECTION 4.2.020 DEFINITIONS

For purposes of this Article, the following terms and phrases shall have the following meaning. If the general definitions in Section 1.1.110 conflict, the following definitions shall control for purposes of this Article.

1) **ABANDONED SIGN**. Those signs not used in conjunction with a business for more than 90 days.

2) **APPROVED PLASTICS.** As defined in the current Oregon Structural Specialty Code (OSSC), as adopted by the City of Roseburg.

3) **AWNING**. Any structure made of cloth, vinyl or metal with a noncombustible frame attached to a building which projects over a walkway or sidewalk. The area of the awning that contains sign copy shall be considered a wall sign.

4) **BANNER**. Any non-rigid material such as canvas, vinyl or cloth, with no enclosing framework that contains advertising copy.

5) **BILLBOARD.** Any sign greater than two hundred (200) square feet for one face shall be considered a billboard.

6) **COPY CHANGE.** The replacing of an existing advertising copy and/or sign face to reflect an image change without altering the existing sign structure.

7) **CURB LINE**. The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the public works director or their authorized representative.

8) **DEVELOPMENT AREA.** The area of a commercial, industrial or residential development that is contained within a single tax lot.

9) **DIGITAL BILLBOARD.** An outdoor advertising sign that is static and changes messages by any electronic process or remote control, provided that the change from one message to another message is no more frequent than once every eight seconds and the actual change process is accomplished in two seconds or less.

10) **DIRECTIONAL SIGN**. A permanent sign which is designed and erected solely for the purpose of directing vehicular traffic.

11) **DIRECTORY SIGN**. A sign giving the name and room number or location of the occupants of a building.

12) **DISPLAY SURFACE AREA.** The area enclosed by the display surface of the sign excluding structural supports. Only one face of a double faced sign shall be considered in determining the display surface area.

13) **DOUBLE-FACED SIGN**. A sign that has two display surfaces that are used for advertising.

14) **ELECTRONIC READER BOARD**. An electric sign supported by one or more uprights in the ground or by an approved method attached to a building wall which displays a message where the change from one message to another message is no more frequent than once every eight seconds and the actual change process is accomplished in two seconds or less.

15) **ELECTRIC SIGN.** Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source and provides artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

16) **EXEMPT.** Signs exempted from normal permit requirements; however, still subject to those restrictions as stated in this Article.

17) **FLASHING SIGN**. An illuminated sign, or a sign constructed of reflective material to simulate movement, on or within which light is not maintained stationary and constant in intensity and color at all times. This description does not include an approved electronic reader board.

18) **FREESTANDING OR POLE SIGN.** A sign supported by one or more uprights in the ground and detached from any building or structure.

19) **GRADE.** The lowest elevation point of the finished ground surface directly below or at the sign location, and any point within five feet from the sign location. If the sign or any projection is within five feet of a public sidewalk, alley, or other public way, the grade will be the elevation of the sidewalk, alley or public way.

20) **HOME OCCUPATION SIGN**. An on-premise sign identifying a home occupation, as approved in Section 4.4.100

21) **ILLEGAL SIGN**. Any sign that has been installed without a sign permit, required inspections, or erected in violation of this Code.

22) **ILLUMINATED SIGN**. Any sign which has characters, letters, figures, or designs illuminated by internally mounted fluorescent lights or luminous tubes.

23) **INCIDENTAL SIGN.** A sign identifying or advertising associated goods, products, services or facilities available on the premises. Such incidental signs include, but are not limited to "trading stamps," "credit cards accepted," "brand names," "beverages," "price signs" or "services."

24) **INDIRECTLY LIGHTED SIGN**. A sign from which light is directed from an external source such as floodlights, or gooseneck reflectors.

25) **INSTALL**. This term shall mean attach, place, alter, construct, reconstruct, enlarge or move, and includes the painting of wall signs, but does not include copy changes on any sign.

26) **LOGO**. A letter, character, symbol or trademark used to symbolize or stand for a business that has been registered with the U.S. Patent and Trademark Office.

27) **MARQUEE**. A permanent roofed structure attached to and supported by the building and projecting over public property and constructed of durable materials such as metal, glass or plastic.

28) **MURALS.** An artistic painting applied to and made integral with a wall surface. The primary purpose of a mural is not to advertise products marketed within the structure.

29) **NON-CONFORMING SIGNS**. A sign that does not meet the requirements of this Article for a legal sign.

30) **NON-STRUCTURAL TRIM.** Material which is molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to the sign structure.

31) **PORTABLE SIGN.** A single or double faced sign which is temporary in nature. The sign or sign frame is not attached permanently to the building or ground and does not meet the definition of a banner.

32) **PORTABLE SWINGER SIGN**. An advertising device that is usually in the shape of an "A", located on the ground and is easily movable.

33) **PROJECTING SIGN**. Any sign other than a wall sign that projects more than 12 inches from an exterior wall.

34) **REAL ESTATE SIGN**. A temporary sign placed upon the affected property for the purpose of advertising to the public the sale, rent or lease of a property or a structure.

35) **REVOLVING SIGN**. A sign which moves or rotates as if on an axis.

36) **ROOF SIGN.** A sign constructed upon or above a roof or parapet of a structure.

37) **SIGN.** Any letter, figure, character, marquee, pictorial, picture, logo, trademark, reading matter, or illuminated service which is constructed, placed, attached, painted, erected, fastened, or manufactured in any manner so that it shall be used for the attraction of the public to any place, subject, person, firm, corporation, performance, article, machine, merchandise which is displayed in any manner outdoors. Every sign shall be classified and conform to the requirements of that classification of this code.

38) **SIGN COPY**. Any lettering placed on a building wall or on a sign face.

39) **SIGN FACE**. The entire area of a sign on which copy may be placed.

40) **SIGN HEIGHT.** The vertical distance from grade to the highest point of a sign or a sign structure.

41) **SIGN STRUCTURE.** Any structure which supports or is capable of supporting a sign as defined in this code.

42) **SPOTLIGHT ILLUMINATION**. Spotlight illumination shall mean illumination which comes from lamps, lenses or devices designed to focus or concentrate light rays on the source.

43) **STADIUM SIGNS.** Signs located within a sports stadium or athletic field which are intended for viewing primarily by persons within the stadium.

44) **TEMPORARY SIGN**. A temporary sign is any sign, banner, pennant, balloon or valance not permanently attached to a building, structure or the ground.

45) **UNDER MARQUEE SIGN**. A sign which is attached only to a marquee and which is suspended or projects downward from a marquee and has no portion of the sign above the bottom surface of the marquee structure.

46) **VISION CLEARANCE**. A triangular shaped portion of land established at street and driveway intersections as defined in Section 4.4.060.

47) **WALL SIGN**. A sign painted on or attached to a building wall that projects no more than 12 inches from the wall. Hanging signs attached to a building eave or overhang and not classified as a projecting sign. Signs placed on, attached to or constructed on a canopy, awning or marquee, whether or not such structures are located in the public right-of-way, are also considered wall signs.

48) **WIND ACTIVATED SIGN**. Any commercial advertisement flag, pennant, balloon, spinner or blimp.

SECTION 4.2.030 EXEMPT SIGNS

The following signs or operation shall be exempt from the sign permit process, but shall adhere to the standards listed below:

(1) Changing of Copy/Face Change. Changing of copy or face change on signs specifically designed to allow for this unless the sign face remains empty for a period of 90 days. If the sign remains vacant for 90 days, it shall be considered abandoned and shall be removed.

(2) Maintenance. Normal maintenance and repair of a sign structure or sign service equipment. Normal maintenance and repair does not include structural changes, removal and replacement, copy changes or the addition of electrical wiring.

(3) Public Signs. Public signs shall include the following: signs of a public nature, i.e., all signs erected by a public employee in the performance of a public duty, including, but not limited to, safety signs, danger signs, signs indicating scenic or historical points of interest; signs constructed or placed in a public right-of-way by or with the approval of a governmental agency having legal control or ownership over the right-of-way; signs owned or constructed or placed under the direction or authorization of the city.

(4) Under Marquee Signs. A sign attached to the underside of a marquee. The maximum height of this sign shall be 12 inches. Such sign shall be permanently attached to the marquee and shall be a minimum of eight feet above grade.

(5) Home Occupation Signs. Home occupation signs for approved home occupation businesses shall be erected flat against the wall and not exceeding one and one-half square feet.

(6) Directional Signs. A sign indicating traffic movements onto or within a premise, not exceeding six square feet and two and one-half feet in height. A maximum of one sign per vehicle ingress/egress shall be allowed. No sign shall be located in any vision clearance area as defined in the definitions of this code.

(7) Real Estate Signs. In any district, there may be two signs located on the subject property. These signs shall be limited to one wall sign and one freestanding sign. These signs shall be set back a minimum of 10 feet from the street and shall be no

larger than eight square feet in a residential area, and up to 20 square feet in a commercial or industrial district.

(8) Election Campaign Signs. Election campaign signs are permitted to be placed on private property in any district, subject to the following conditions:

(a) An election campaign sign shall be allowed 90 days prior to any public election and removed within three days following the final election. The owner of the property on which the sign is placed shall be responsible for its removal.

(b) An election campaign sign shall be no larger than 32 square feet.

(9) Building Construction Signs. A maximum of one sign per contractor and one sign indicating the business to be located in the new structure is permitted for the duration of work conducted on the site. Maximum size for each allowable sign is 32 square feet.

(10) Stadium Signs. Signs located within a sports stadium or athletic field which are intended for viewing primarily by persons within the stadium.

(11) Invisible Signs. The primary purpose of invisible signs is to allow information to be viewed by the business customers once the customer is on the property. Invisible signs are not intended for viewing from any public right-of-way, private right-of-way, or another development site. Examples could be building identification within a large complex, safety award signs, etc. All outside locations are to be reviewed and approved prior to installation by the building official.

(12) Neighborhood Watch, Drug Free Zone, and Business Alert Signs. Neighborhood Watch, Business Alert, and Drug Free zone signs shall be located solely on private property. Maximum size for these signs is six square feet. Signs cannot be located in any vision clearance area.

(13) Drive-Up Menu Boards. Menu boards placed in a driveway specified for drive-up transactions shall be used solely for vehicular and pedestrian product purchasing or transaction information. This sign shall be located out of the front yard setback and will be located where the primary viewing is to the drive-up customers. Maximum height of this sign will be eight feet and maximum size will be 40 square feet. Each drive-up will be limited to two menu boards through exempt status. Additional menu boards will be counted in the permitted allowable signs for the district (i.e., counted as one wall sign if placed on the structure). These signs shall be used only for providing product or transaction information necessary for utilizing the drive-up.

(14) Parking Lot Signs. Signs for accessible parking and towing zones on private property shall be allowed without obtaining a sign permit. These signs shall not exceed six square feet in total size, or exceed seven feet in total height above grade. The number of allowable accessible parking signs is based on the required parking for

the specific approved development area. All signs shall be permanently attached either to a building or secured in concrete.

(15) Murals. A mural on a wall located in a commercial, public land, or industrial district. The size of the mural is not regulated.

(16) Special Event/Holiday Signs. Temporary signage as part of an approved city license or approved city special event.

(17) Portable Signs. Each business located in areas zoned other than residential shall be allowed to place two portable signs on their property without obtaining permits. Each portable sign shall not exceed two feet by three feet per face. Portable signs shall be located on private property where practicable or when placed in the public right-of-way must not create a hazard or interfere with pedestrian and/or vehicular travel. Signs are allowed only during regular business hours of the business presenting the portable sign. Signs shall be placed to conform to all relevant portions of the Americans with Disabilities Act, and maintain a continuous, clear sidewalk width of 48 inches or more. Signs shall be placed to avoid conflict with opened doors of parked vehicles. The sign shape, colors and appearance shall not be similar to any traffic control device. The final determination of signs that are unacceptable due to appearance similar to traffic control devices shall be by the city engineer, to all other provisions of this Article, and the requirements of this Section:

SECTION 4.2.040 PROHIBITED SIGNS

The following signs are prohibited:

(1) Abandoned Signs. Those signs not used in conjunction with the business located on the premises for more than 90 days.

(2) Illegal Signs. Signs installed without the required permit, inspection approvals, or those improperly constructed.

(3) Signs Interfering with a Traffic Control Device. Any sign blocking or creating confusion with a traffic control device.

(4) Motor Vehicle Signs. Signs placed on or painted on a motor vehicle, trailer or manufactured home which is to be parked on a lot with the purpose of providing additional signs on or for property not otherwise permitted.

(5) Rotating or Flashing Signs. Signs in which the sign face moves or lights flash, travel or reflect. This does not include approved, permitted electronic reader boards.

(6) Portable Signs. A sign which is not permanently anchored to a building or the ground, unless approved under special permit as described in section 4.2.050(3) of this code.

(7) Posters. Any sign attached to any tree or public utility pole.

(8) Emitting Signs. Any sign that emits an audible sound, odor or visible matter.

(9) Prohibited Sign Materials. Any sign constructed of paper, cardboard or unpainted unstained plywood material or any other material not specifically allowed by Oregon Specialty Code or without the building officials approval.

(10) Exterior Fencing. No signs which are intended for viewing from the exterior of the property shall be allowed to be attached to exterior fencing. Fencing is defined as a structure which serves as an enclosure, barrier or screen that is not part of a building.

(11) Signs within or projecting over the public right-of-way not authorized by a government agency.

(12) No sign shall be illuminated or use lighting where such lighting is directed at any portion of a traveled street or will otherwise cause glare or impair the vision of the driver of a motor vehicle.

SECTION 4.2.050 PERMIT PROCEDURES

Except as specified in Section 4.2.030, no person shall erect, construct, alter or relocate any sign unless a permit has been obtained from the building official. A separate electrical permit shall be required for each sign service equipment as specified in the Electrical Specialty Safety Code. Sign permits shall be issued only to contractors licensed in accordance with city and state regulations, or any property owner or a designee erecting a sign or sign structure on their own property, provided the sign erection work is performed by a person regularly and directly under their employ. The following requirements shall be included with each sign permit application:

(1) Permit Applications. Two complete sets of plans, engineering calculations, diagrams and other data shall be submitted with each application for a permit. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect.

(a) A scaled plot plan with building dimensions, setback and location of proposed signs shall be submitted with the sign permit application. A photograph of each facade of the building shall be submitted.

(b) A scaled elevation drawing shall be submitted in addition to the above requirements if a wall mounted sign will be erected.

(c) A description of materials, anchors, footings and attachment systems shall be provided.

(d) For all freestanding, pole or projecting signs over 20 feet in height, plans shall be drawn by a registered engineer.

(e) Each application shall include photographs of existing signage on the property associated with the business.

(f) If the application is for a billboard, the application must include an approved permit from the state of Oregon under the Oregon Motorists Information Act of 1971 (ORS 377.700 et seq.) prior to the erection of the billboard.

(2) Permit-Fees. Permit fees for permanent and temporary signs, excluding electrical, shall be set by resolution of the council. Only one face of a double-faced sign will be used for calculation purposes. Each sign shall be considered separately when calculating plan review and sign permit charges.

(3) Temporary Sign Permit Fees. Four permits for each approved development area shall be permitted per calendar year. The fee for each permit shall be set by resolution by the council. No temporary sign(s) shall be larger than 60 square feet and be erected for a maximum of 30 consecutive days per each permit. The temporary sign(s) shall be located completely on private property and shall be in compliance with the required setbacks as identified in this code. A security deposit is required when this permit is issued. If the applicant fails to remove the temporary sign(s) by the date specified on the permit, the deposit shall be forfeited and the city may remove the temporary sign(s). If any temporary signs are erected without first obtaining a permit, the permit fee shall be doubled. Temporary signs erected by or for the city for city sponsored events, authorized by the city, county, state or for a school district, utility company, or hospital for community events are exempt.

(4) Permit Issuance.

(a) Compliance. The building official shall not issue a permit unless the sign and its location are in compliance with the provisions of this code and the Roseburg Municipal Code. No permit issued shall be transferred to another party.

(b) Expiration. If the sign authorized by a sign permit is not installed within 180 days after the date the permit is issued, or an inspection requested to verify progress of the proposed installation, the permit shall be void. The building official may extend an unexpired sign permit for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond their control have prevented work on the sign. No permit shall be extended more than once.

(5) Penalty Fees. The fee for any sign permit where the applicant begins work (and/or erects or re-erects a sign) prior to obtaining a sign permit, shall be double the fee specified by resolution of the city council.

(6) Insurance.

(a) Every property owner or designee who applies for a permit to erect, alter, or maintain a sign which projects more than 12 inches over public property, shall file with the building official copies of their public liability and property damage insurance policies. These policies shall be maintained in full force and effect during the time the sign remains over public property. Public liability insurance shall be consistent with City insurance policies described in Roseburg Municipal Code, which includes accidental death to any person. The policy shall contain a requirement of notice of cancellation to the city.

(b) Any sign company erecting a sign owned by the company shall comply with Section 4.2.050.

SECTION 4.2.060 STANDARDS AND CRITERIA

a) Setbacks and Siting Standards

No sign or sign structure shall be installed within a public utility easement or right-of-way. No sign or sign structure shall be installed within a five-foot setback from the property line. The property line must set back a minimum of 15 feet from the curb in order to be considered for an exemption from the five-foot setback from any property line. No sign shall be located within the clear vision area pursuant to Section 4.4.060. All signs shall be located entirely on private property unless they are located in the Central Business District where projection over the right-of-way is permitted with the appropriate insurance requirements.

a. General. All signs shall conform to the clearance and projection requirements of this section or as specified in specific sign district.

b. Clearance From High Voltage Power Lines. Signs shall be located as specified in the current National Electric Safety Code, and by the public utility commission.

c. Clearance From Fire Escapes, Exits or Standpipes. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe.

d. Clearance and Access, Roof Signs. No sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by Uniform Building Code.

e. Sign Adjacent to Wall Openings. Signs erected within five feet of an exterior wall opening shall be constructed of non-combustible material or approved plastics.

f. Clearance Over Vehicle Use Area. The minimum clearance of all signs projecting over any portion of a vehicle use area shall be 16 feet. Bollards or other physical barriers capable of protecting all portions of the sign projecting over the vehicle use area may be used to satisfy this standard.

g. Sign proposals within the Airport Overlay shall comply with Section 2.8.020

h. All signs visible to state highways shall be reviewed by ODOT and meet basic requirements consistent with ORS 377.720

b) Residential District Sign Standards.

The following sign standards have been established for residential districts:

a) Home Occupation. Each single family or duplex dwelling unit that has received development approval for home occupation shall be allowed one non-illuminated wall sign of not more than one and one-half square feet.

b) Multifamily Dwellings, Mobile Home Parks, Day Care Facilities, Subdivisions, Residential Facilities, Parks/Playgrounds, Ambulance Service, Nursing Homes, Privately-Operated Kindergarten, and Bed and Breakfast Facilities. Each use shall be allowed one wall sign or freestanding sign at each public vehicular entrance of not more than eight (8) square feet for one face, or 16 square feet for two or more faces. The maximum height for freestanding signs shall be five feet above grade. The maximum height for wall signs shall be 20 feet above grade, provided that in no case shall a wall sign extend above the building wall. Internally illuminated signs shall be prohibited.

c) Professional Office uses authorized in a Residential District. Each approved development area shall be limited to one freestanding sign and one wall sign. The freestanding sign shall be a maximum of 16 square feet for one face and 32 square feet for two or more faces. The wall sign shall be a maximum of 16 square feet. Freestanding signs or wall signs shall not be more than eight feet above grade. Each detached building shall be permitted one additional wall sign not to exceed eight square feet. Internally lighted signs shall be prohibited.

d) Religious Institutions. Each approved development area shall be limited to two freestanding signs and one wall sign. The signs shall be a maximum of 32 square feet for one face and 64 square feet for two or more faces. Freestanding signs or wall signs shall not be more than eight feet above grade. Each detached building shall be permitted one additional wall sign not to exceed eight square feet. Neon signs are prohibited.

c) Non-Residential Zones

a) Public Reserve (PR), Limited Commercial (C1)

Each approved development area shall be allowed:

i. One (1) freestanding sign not to exceed 50 square feet per sign face, with a maximum size of 100 square feet for two or more faces. This sign cannot exceed twenty (20) feet in height above grade and shall not be internally illuminated. No roof signs shall be permitted.

ii. Two (2) wall signs, with a maximum combined area of 50 square feet and cannot exceed twenty (20) feet in total height above grade. Wall signs are also prohibited from being internally illuminated.

iii. Logos. Logos are allowed in addition to the permitted wall signs listed above provided the logo is the logo of the business residing on the premises and provided the total square footage of the permitted wall sign and the logos do not exceed a combined area of 32 square feet. A permit is required for each logo that is being installed based on the square footage of the proposed logo.

iv. Illumination from Signs on Non-Residential Property. External illumination shall be shielded so that the light source elements are not directly visible from property in a residential zone which is adjacent to or across a street from the property in the non-residential zone.

b) Community Commercial (C2)

These standards apply for all property located in C2 Districts:

i. Single Businesses. Each business shall be permitted a maximum number of four wall signs totaling 350 square feet for all faces.

ii. Freestanding and Projecting Signs. In addition to wall signs permitted above, one sign from this group may be permitted for each approved development area. The total area permitted for a freestanding sign or projecting sign shall be 100 square feet for one face or 200 square feet for two or more faces at a maximum of 20 feet above grade.

iii. Second Story Businesses and Above. Two wall signs per business shall be permitted with a maximum sign display area of 175 square feet for all faces.

iv. Logos. Logos are allowed in addition to the permitted wall signs listed above provided the logo is the logo of the business residing on the premises and provided the total square footage of the permitted wall signs

and the logos do not exceed a combined area of 350 Square feet for single story businesses and 175 square feet for second story businesses. A permit is required for each logo that is being installed based on the square footage of the proposed logo.

v. Illumination from Signs on Non-Residential Property. External illumination shall be shielded so that the light source elements are not directly visible from property in a residential zone which is adjacent to or across a street from the property in the non-residential zone.

c) Central Business District (CBD)

Each business in this district shall be limited to three signs.

i. Wall Signs. Each business shall be allowed the following:

ii. First Story Businesses. First story businesses facing a public street shall be permitted signage of three square feet per lineal foot of building wall.

iii. Second Story Businesses and Above. Second story businesses facing a public street shall be permitted signage of one and one-half square feet per lineal foot of building wall.

iv. Freestanding or Projecting Signs. Each building shall be permitted one freestanding sign or projecting sign which shall be limited to a maximum area of 50 square feet for one face and 100 square feet for two or more faces. The maximum height for freestanding signs shall be 20 feet above grade. No roof signs will be permitted.

v. Encroachment. The minimum height for all signs encroaching in the public right of way shall be eight feet above grade. The maximum encroachment into the public right of way shall be six feet, provided that no sign shall encroach within two feet of any curb or driveway line.

vi. Logos. Logos are allowed in addition to the permitted wall signs listed above provided the logo is the logo of the business residing on the premises and provided the total square footage of the permitted wall signs and the logos do not exceed a combined area of three square feet per lineal foot of building wall for first story businesses and one and one-half square feet per lineal foot of building wall for second story businesses. A permit is required for each logo that is being installed based on the square footage of the proposed logo.

vii. Illumination from Signs on Non-Residential Property. External illumination shall be shielded so that the light source elements are not directly visible from property in a residential zone which is adjacent to or across a street from the property in the non-residential zone.

d) Professional Office (PO), General Commercial (C3), Mixed Use (MU), Light Industrial (M1), Medium Industrial (M2), and Heavy Industrial (M3)

i. Maximum Height. The maximum height for all signs is 25 feet from grade to the top of the sign.

ii. Single Businesses. Each business shall be permitted a total number of four wall or projecting signs with a maximum of 350 square feet for all faces.

iii. Freestanding or Roof Sign. In addition to wall signs permitted above, one sign from this group shall be permitted for each approved development area. The total area permitted shall be 100 square feet for one face or 200 square feet for two or more faces.

iv. Directional Signs. Each approved development area of at least five acres shall be permitted one directional freestanding sign of 200 square feet for one face and 400 square feet for two or more faces.

v. Logos. Logos are allowed in addition to the permitted wall signs listed above provided the logo is the logo of the business residing on the premises and provided the total square footage of the permitted wall signs and the logos do not exceed a combined area of 350 square feet. A permit is required for each logo that is being installed based on the square footage of the proposed logo.

vi. Illumination from Signs on Non-Residential Property. External illumination shall be shielded so that the light source elements are not directly visible from property in a residential zone which is adjacent to or across a street from the property in the non-residential zone.

e) Historic District Overlay

i. The size, color, design, material, and location of all signs within the H Overlay District shall comply with the standards in Section 2.11.010 of this Ordinance.

ii. Historic House Plaques. Standards for the design, size, material, placement and content of historic house plaques shall be approved by the historic commission and kept on file with the director.

iii. One freestanding or wall sign of not more than eight square feet for one face and 16 square feet for two faces where frontage exists on a collector or an arterial street. One freestanding or wall sign of not more than four square feet for one face and 16 square feet for two faces where frontage exists along a local street.

iv. A freestanding sign shall not exceed five feet in height and a wall sign shall be no more than 20 feet above grade.

v. An addition, an entrance identification sign of not more than one and one-half square feet shall be permitted.

f) Freeway District. Commercially and Industrially zoned lots with frontage along Interstate 5 Freeway within the Harvard/I-5 (Exit 124) Garden Valley/I-5 (Exit 125), and Edenbower/I-5 (Exit 127) overlays (see Figures 4-1, 4-2 and 4-3 below).

a. Application. The Freeway District standards apply to all signs located in the geographically bound areas in Figures 4-1, 4-2, and 4-3 that includes billboards and freestanding signs not otherwise permitted in this code. All signs that are located outside the designated Freeway District or fail to meet the sign face requirements shall be considered non-conforming.

i. Prior to any site work, the applicant must provide the city with an approved permit from the state of Oregon for the placement of any sign or billboard at the specified proposed location under the Oregon Motorist Information Act of 1971 (ORS 377.700 et seq.)

b. Spacing

i. Billboards (200 sq. ft. and above) located in the Freeway District along I-5 shall be spaced a minimum of 500 feet apart.

ii. Each development area is eligible for one (1) additional freestanding sign which is less than 200 sq. ft. for one face.

c. Height.

i. Billboards shall be installed at a minimum of 16 feet, and a maximum of 30 feet in height to the bottom of the sign.

ii. The additional freestanding sign shall be a minimum of 30 feet and a maximum height of 65 feet.

d. Sign Face Requirements. All billboards installed along I-5 shall be a maximum of 500 square feet total. Double faced or one sided billboards shall be considered as one sign and each side may not exceed the allowable size as listed above.

e. Abandoned Billboards. Billboards shall be considered abandoned and shall be removed if left vacant and/or left in a state of disrepair for more than 90 days.

g) Schools.

Every public, federal or state funded school shall be allowed a maximum of three wall signs not to exceed a total combined area of 80 square feet and one freestanding sign not to exceed 40 square feet. Neon signage will not be allowed.

f. Logos. Logos are allowed in addition to the permitted wall signs listed above provided the logo is the logo of the business residing on the premises and provided the total square footage of the permitted wall signs and the logos do not exceed a combined area of 80 square feet. A permit is required for each logo that is being installed based on the square footage of the proposed logo.

g. Illumination from Signs on Non-Residential Property. External illumination shall be shielded so that the light source elements are not directly visible from property in a residential zone which is adjacent to or across a street from the property in the non-residential zone.

h) Other Uses. In cases where the standards within this Section do not specifically address a sign requested in conjunction with a permissible use, the Director shall make a written interpretation of the Ordinance, which shall be kept in the permanent record for that application.

SECTION 4.2.070 NONCONFORMING SIGNS

For the purpose of this section, a non-conforming sign shall be defined as a legal sign existing on the effective date of July 1, 2016.

1) Compliance. All on-site, non-conforming signs prohibited in this code shall be removed when the current business ceases to operate.

2) Damaged Non-Conforming Signs. Should any non-conforming sign be damaged by any means to the extent of more than 50 percent of its replacement cost or sign area at the time of damage, it shall be reconstructed in conformance with this code.

3) Enlarging Non-Conforming Signs. No non-conforming sign may be enlarged or altered in a way that would increase its nonconformity.

4) Abandoned Signs. Any sign or sign structure that remains empty for a period of 90 days shall be considered an abandoned sign. Any non-conforming sign and/or sign structure located on property previously used by a business that ceases operation shall be removed. Conforming, abandoned signs shall have the sign face covered or reversed so no sign copy is visible.

5) Annexed Areas and Areas within the Roseburg City Limits. Except as otherwise provided in this section, all signs in areas annexed to the city after the date of adoption of this code and which do not conform to the provisions of this code, shall be regarded as non-conforming signs. These signs may remain until the current business ceases to operate then they shall be removed.

6) Existing Non-Conforming Signs. When an application is made for new signs on property which has existing non-conforming signs, permits may be issued provided the proposed signs together with the existing signs do not exceed the allowable number and types of permitted signs.

SECTION 4.2.080 CONSTRUCTION AND MAINTENANCE

1) General. The supports for all signs or sign structures shall be securely built, constructed and erected in conformance with the requirements of this code.

2) Materials. Materials for construction of signs and sign structures shall be of the quality and grade as specified for buildings in the Oregon Structural Specialty Code.

3) Display Surfaces. Display surfaces may be made of metal, glass or approved plastics. Sections of approved plastics on wall signs shall not exceed 225 square feet in area. When more than one section is used, they shall be separated three feet laterally and six feet vertically.

Approved Plastics. The building official shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, the building official may approve its use.

Condition of Signs. All signs, sign structures, and components shall be maintained in good repair and in a safe and clean condition. All signs judged by the Building Official to not be in good repair and in a safe and clean condition shall be considered nuisances and subject to abatement proceedings. (Ord.3049, 9/99; Ord.3059, 1/00; Ord.3101, 2/02, Ord. 3459 7/16)

Figure 4-1: I-5 Exit 124 (Harvard Avenue)

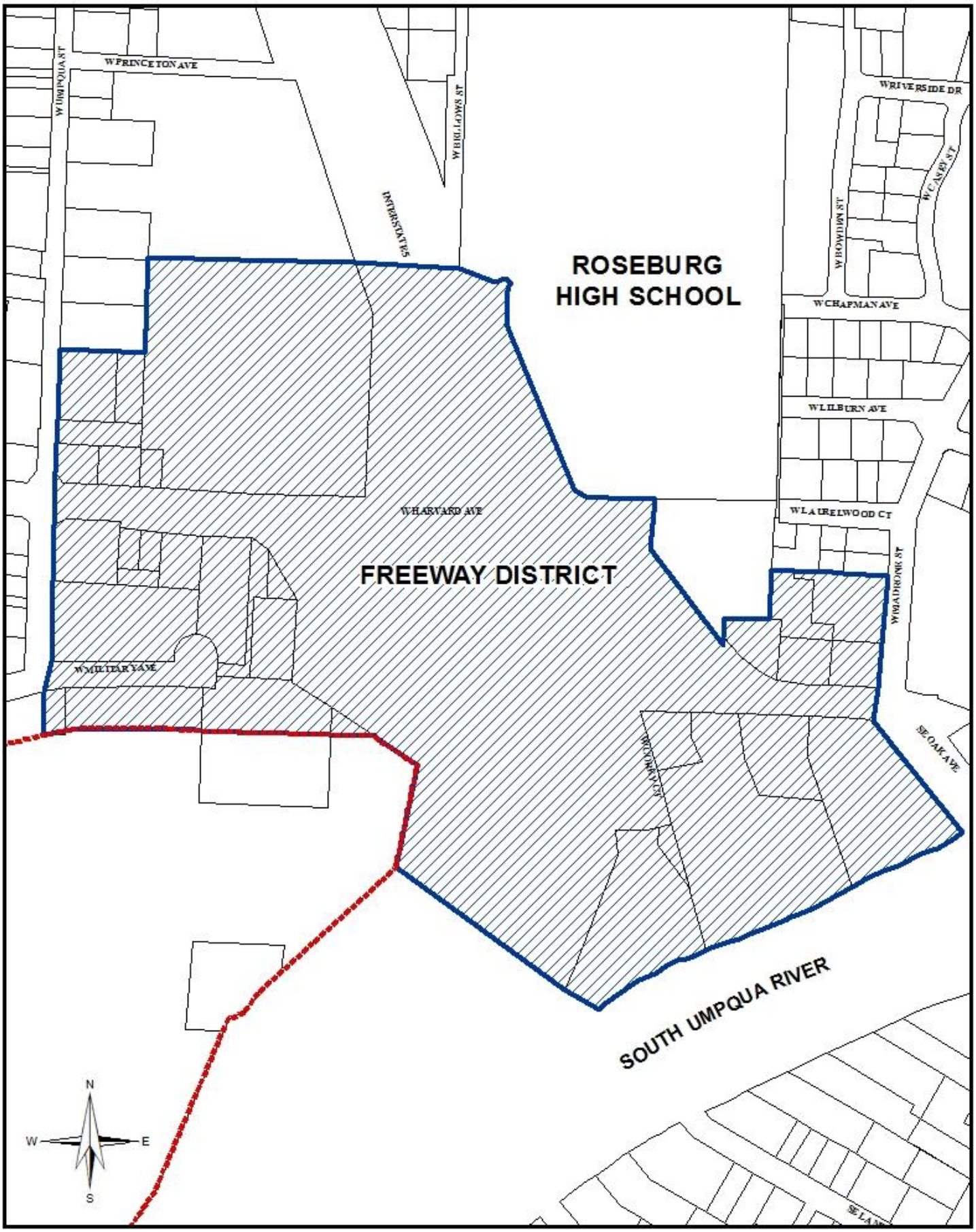


Figure 4-2: I-5 Exit 125 (Garden Valley Boulevard)

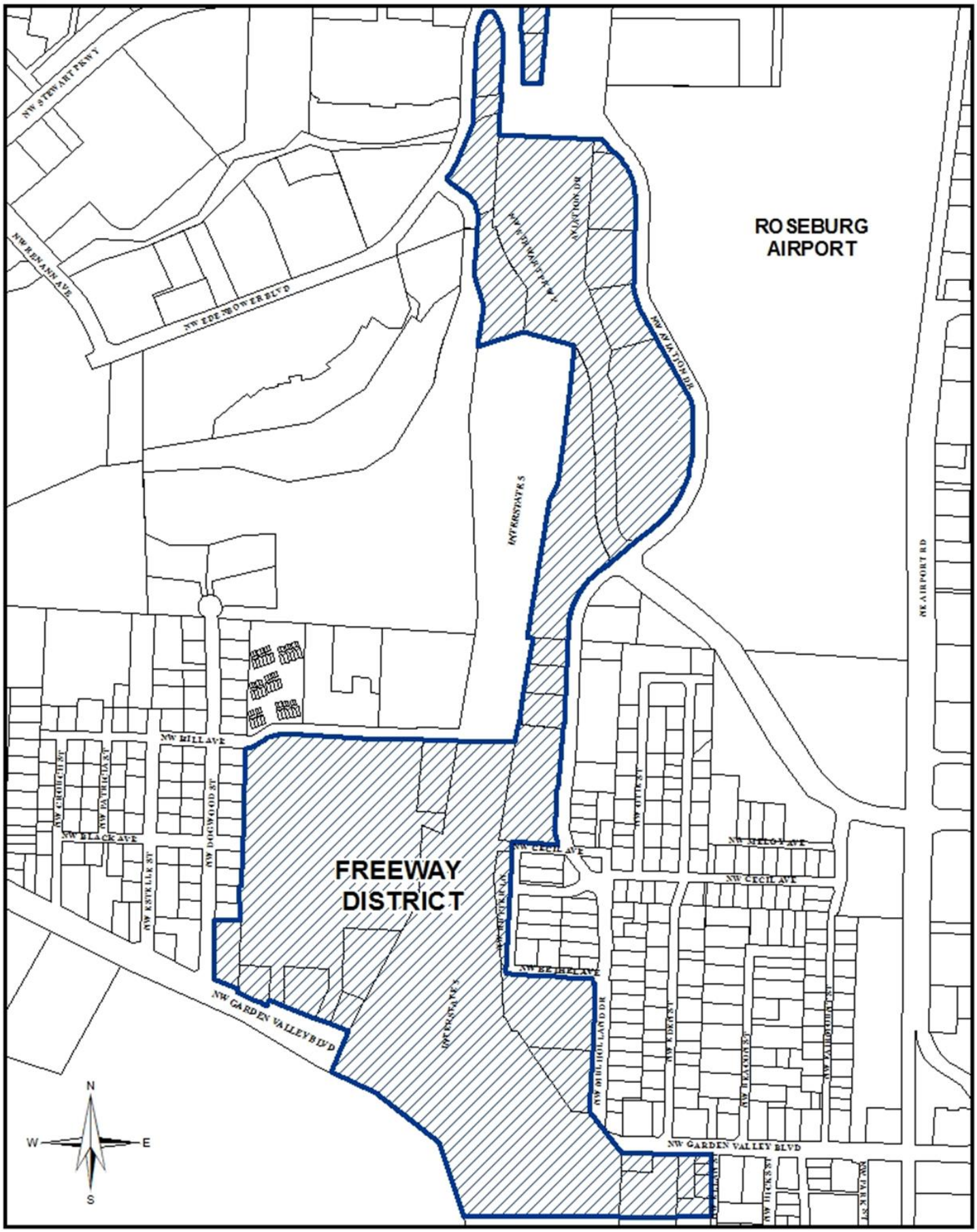
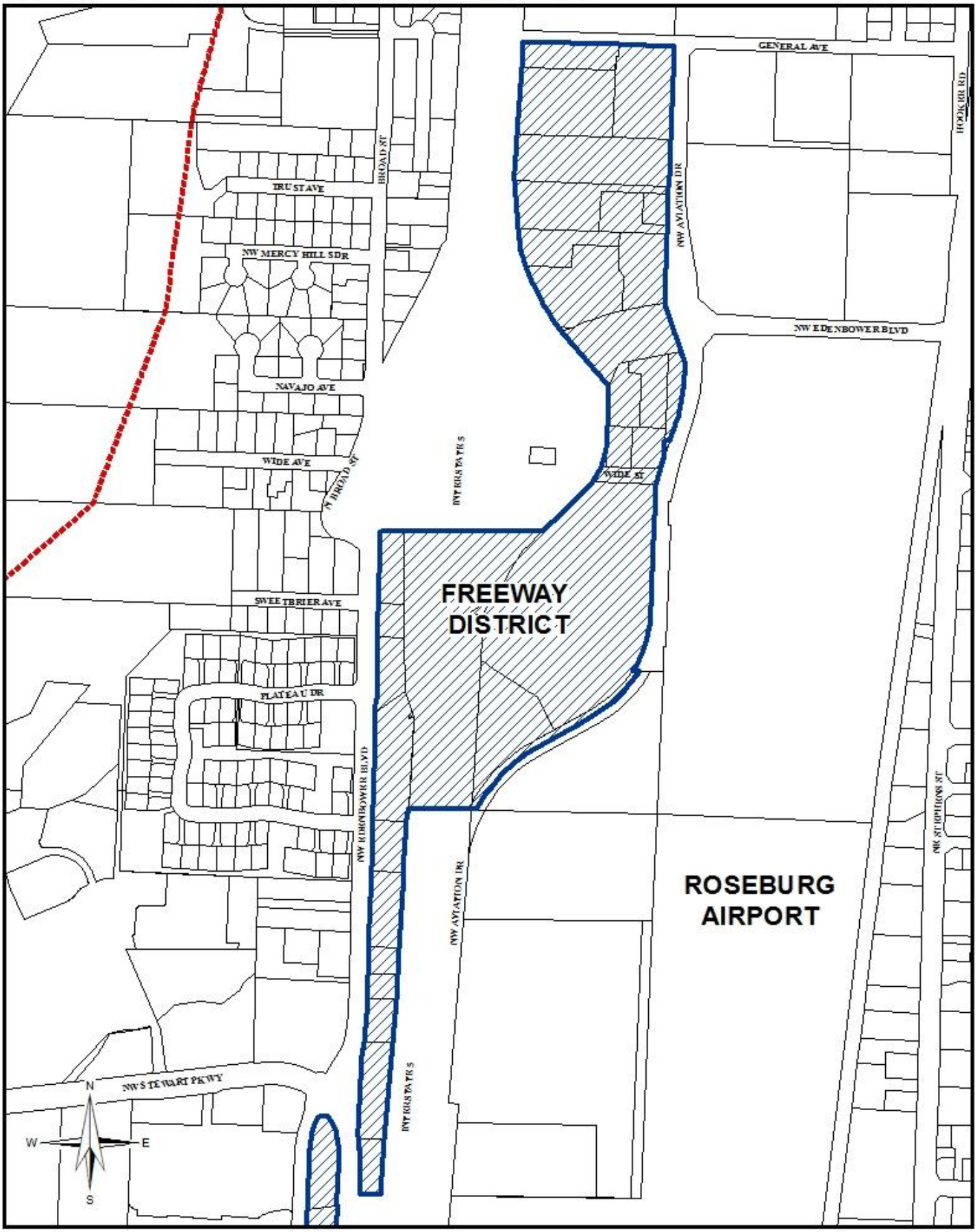


Figure 4-3: I-5 Exit 127 (Edenbower Boulevard)



ARTICLE 3:

TELECOMMUNICATION FACILITIES

SECTION 4.3.010 PURPOSE AND INTENT

The provisions of this Article are made to establish a reasoned approach for the construction, placement, modification, maintenance, and removal of telecommunication facilities. The establishment of these regulations recognizes the need of telecommunication providers to build out their systems over time to provide wireless telecommunication services to municipal residents and businesses. The specific purposes of this Article are as follows:

1) To minimize the number of transmission towers throughout the community;

2) To encourage the co-location of telecommunication facilities;

3) To encourage the use of existing buildings, structures, utility poles or water towers as opposed to the construction of new telecommunication towers;

4) To ensure that all telecommunication facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the community; and,

5) To minimize public inconvenience and disruption.

It is not the intent of the City to discriminate among providers of functionally equivalent services, or to prohibit or have the effect of prohibiting the provision of wireless services.

SECTION 4.3.020 DEFINITIONS

For the purposes of this Ordinance, the following terms and phrases shall have the following meaning. If the general definitions in Section 1.1.110 conflict, the following definitions shall control.

1) **ANCILLARY FACILITIES:** The buildings, cabinets, vaults, closures, and equipment required for operation of telecommunication facilities including but not limited to repeaters, equipment housing, and ventilation and other mechanical equipment.

2) **ANTENNA:** An electrical conductor or group of electrical conductors that transmit or receive radio waves, excluding amateur radio antennas.

3) **CO-LOCATION:** The mounting or installation of an antenna on an existing tower, or support structure for the purpose of transmitting or receiving radio frequency signals for communications purposes.

4) **PROVIDER:** A person in the business of offering telecommunication services for monetary or other consideration.

5) **STEALTH DESIGN:** A telecommunication facility that is designed or located in such a way that its appearance is not readily recognizable as telecommunications equipment.

6) **SUBSTANTIAL CHANGE:** The alteration of a telecommunication facility that would increase the overall height of the facility by more than 10%, or the addition of an appurtenance to the body of the tower or support structure that would protrude from the edge more than 50% of the width of the tower or support structure at the level of the appurtenance or protrude by more than 10 feet, whichever is less. For the purposes of this definition, measurements are based on the dimensions of the telecommunication facility that were approved as part of the original Conditional Use Permit.

7) **SUPPORT STRUCTURE:** An existing building or structure, other than a tower, to which an antenna and ancillary facilities is or will be integrated architecturally thereby effectively camouflaging or concealing.

8) **TELECOMMUNICATION FACILITY:** A facility designed or used for the purpose of transmitting, receiving, or relaying wireless voice or data signals from one or more telecommunication services, consisting of but not limited to towers, poles, antennas, or other structures.

9) **TELECOMMUNICATION SERVICE:** The business of transmission, for money or other consideration, wireless telecommunications in electromagnetic, electronic, or optical form. This includes but is not limited to cellular radiotelephones, personal communications services, enhanced/specialized mobile radios, commercial paging services, and digital television.

10) **TOWER:** Any structure built for the sole or primary purpose of supporting antennas and their associated facilities.

11) **TOWER, BROADLEAF:** A monopole tower designed to mimic a deciduous tree.

12) **TOWER, GUYED:** A tower supported by the use of permanently anchored cables (guy wires).

13) **TOWER, LATTICE:** A tower characterized by an open framework of lateral cross members that stabilize the tower.

14) **TOWER, MONOPINE**: A monopole tower designed to mimic a coniferous tree.

15) **TOWER, MONOPOLE:** A single upright pole, engineered to be self-supporting without lateral cross supports or guys.

SECTION 4.3.030 PERMIT PROCEDURES

1) Permit Required. No telecommunication facility, as defined in Section 4.3.020, shall be constructed, modified, installed, or otherwise located within the City without first gaining approval through the following types of review.

   a) Conditional Use Permit. The installation or replacement of a tower, the modification of a telecommunication facility that results in a substantial change, and a co-location onto a support structure shall require a Conditional Use Permit, the criteria for which shall be supplemented by Sections 4.3.030(3)(b-c) and 4.3.040.

   b) Site Plan Review. Pursuant to P.L. 112-96, Section 6409(a), and notwithstanding any provision of this Article to the contrary, a request for a modification of an existing telecommunication facility for the co-location of new transmission equipment shall be approved ministerially without the processing of a Conditional Use Permit provided that such modification does not substantially change the physical dimensions of such telecommunications facility, as defined by this Article, from the dimensions approved as part of the original Conditional Use Permit for the telecommunication facility.

   c) Oregon Department of Aviation Review (ODA). Any alteration of a telecommunication facility that would increase the overall height of the facility shall be reviewed by the ODA. Approval from the ODA is a prerequisite to local approval regardless of the type of local review process.

   d) Exemptions.

      i) Siting of dish antennas less than one (1) meter in diameter and solely for the benefit of persons residing on a property.

      ii) Ordinary maintenance or repair of a wireless communications facility.

      iii) Siting of temporary wireless communications facilities that are used by a public agency for emergency communications, emergency preparedness, or other public health or safety purposes.

2) Fee. The fee for any telecommunication facility that has been erected or substantially changed without an applicable permit shall be double the regular permit fee.

3) Application Requirements

   a) Co-location or Installation of Antennas. In addition to standard required application material, an applicant who proposes to collocate an antenna onto an existing tower shall submit the following information:

i) A description of the proposed antenna's location, design and overall height above grade after installation.

ii) A statement documenting whether or not placement of the antenna is designed to allow future co-location of additional antennas.

iii) Written statements from the Federal Aviation Administration, the Oregon Department of Aviation, and the Federal Communication Commission stating that the proposed wireless communication facility complies with regulations administered by that agency, or that the facility is exempt from regulation.

iv) A written statement indicating whether the frequency used by the applicant is in close proximity to the frequency used by local public safety officials. If the frequency is so close as to potentially interfere with public safety communications, the applicant shall provide a technical evaluation indicating the range of potential interference problems, shall consult with public safety officials about the evaluation, and shall agree in writing to cooperate in good faith with public safety officials to minimize interference to the greatest extent possible prior to installing its facilities.

b) Construction or Substantial Change of Telecommunication Facility. In addition to standard required application material, an applicant for the construction or substantial change of a telecommunication facility shall submit the following information:

i) A description of the proposed location, design, and height of the facility or modification thereof above grade as well as the elevation above mean sea level.

ii) The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.

iii) A signed agreement stating that the applicant will allow co-location with other users, provided that all safety, structural, and technological requirements are met. This agreement shall also state that any future owners or operators will allow co-location on the tower.

iv) A landscaping plan (if applicable), drawn to scale, of the proposed and existing landscaping, including type, spacing, size, and irrigation methods.

v) Written statements from the Federal Aviation Administration, the Oregon Department of Aviation, and the Federal Communication Commission stating that the proposed wireless communication facility complies with regulations administered by that agency, or that the facility is exempt from regulation.

c) Conditional Use Permit Applications. In addition to the application requirements specified above and criteria listed in Section 5.8.060, applications for Conditional Use Permits shall include the following information.

i) A visual impact analysis showing the appearance of the proposed tower, or ancillary facility from at least three (3) points within a one (1) mile radius. The analysis shall include the following:

A) A map of the vicinity within one (1) mile of the proposed facility that identifies the location of the vantage points from which the photo-simulations are generated;

B) Photo-simulations, elevations or other visual or graphic simulations that shows the proposed facilities in place; and,

C) An assessment of potential mitigation measures.

ii) Documentation that alternative sites within a one-mile radius of the proposed site have been considered for technological feasibility and availability. Provide documentation why other technologically feasible or available sites are unacceptable.

iii) Documentation that co-location is impractical on support structures for reasons of structural capacity, safety, available space, or failing to meet service coverage area needs.

iv) A current overall system plan for the City, showing facilities presently constructed or approved, and future expansion plans.

v) A statement explaining the need for the location, design, and height of the proposed tower or modification of substantial change.

vi) An analysis of the fall zone for the proposed tower prepared by a licensed engineer.

SECTION 4.3.040 STANDARDS AND CRITERIA

1) Setback. A tower shall be set back at least 150% of its height from the nearest public road. All measurements are from the tower base except that a guyed tower shall be measured from the guy wire ground attachment.

2) Building Code Compliance. The construction of all telecommunication facilities shall comply with Roseburg Municipal Code Chapter 10.04 and the International Building Code that is in effect at the time the building permit is approved.

3) Co-location onto Support Structure. Co-locations onto support structures shall not exceed the original height of the existing support structure attached thereto,

however, additions to the support structure may be reviewed concurrently in order for an antenna to attain necessary height, but in no case shall an antenna or ancillary facility be the highest feature.

4) Construction of New Towers. All new towers shall incorporate stealth design techniques that camouflage or conceal antennas and ancillary facilities by utilizing the faux or real structures such as clock towers, bell towers, steeples, flagpoles, advertising signs, trees, and public art. A stealth facility shall be designed and constructed in a scale substantially in conformity with and/or architecturally integrated with surrounding building designs or natural settings to minimize the adverse visual impact and ensure the facility is compatible with the environment in which it is located. The total height of a tower and any appurtenance shall be no more than 20 feet higher than structures within 100 feet. Methods of stealth design include, but are not limited to:

a) Monopine or Broadleaf Towers shall conform to the following development standards:

i) Must be located within 50 feet of a group (three or more) of similar mature trees and shall not exceed the tallest tree of the group by more than 20 feet in height (subject to other height restrictions);

ii) The pole structure must be built of steel or fiberglass and clad with faux bark. The faux bark shall start at the base of the pole and continue to the height of the first branch attachment. The balance of the pole structure and the attachments must be painted to blend with the branches;

iii) The diameter of the pole structure must not exceed thirty-six (36) inches at the base and shall taper to no greater than twenty-eight (28) inches at the top of the pole structure;

iv) All cables must be concealed within the pole structure;

v) The branches must:

A) Be constructed to a density of 2.5 branches for each one vertical foot of pole;

B) Start attachment at no greater than fifteen (15) feet above finished grade and continue to the top of the pole; and,

C) Be a minimum of eight (8) feet long around the circumference of the lower level and shall taper appropriately as the branches progress upwards.

vi) The entire length of all antenna and their attaching apparatus shall be disguised by the branches and the antenna array shall not extend more than thirty (30) inches from the structure to which it is attached;

vii) Microwave dishes shall be limited to one (1) square foot in size and must be painted the same shade of green as the branches. The attaching apparatus must also be painted the same shade of green as the branches;

viii) No more than four (4) microwave dishes are permitted on each Monopine or Broadleaf tree;

ix) No climbing pegs are permitted on the pole structure; and,

x) The installation of a monopine or broadleaf tower tree should be done in a manner that minimizes the removal of mature vegetation.

b) A freestanding sign subject to sign standards of Article 2 of this Chapter;

c) A flagpole shall be required to fly a flag in compliance with the accepted protocol for the type of flag flown. The flag and pole shall be visible from the building entrances used by the public. The diameter of the pole structure must not exceed twenty-four (24) inches;

d) Unspecified structures shall meet the definition of “stealth design” and the following design guidelines:

i) The maximum allowable width of an antenna array is four (4) feet;

ii) The antenna shall not extend more than 12 inches from the structure to which it is attached;

iii) The maximum allowable length of each antenna array is ten (10) feet;

iv) All cables must be concealed within the support structure or fully enclosed within a cable shroud;

v) Microwave dishes shall be limited to two (2) square feet in size; and,

vi) All antennas and ancillary facilities must blend into the surroundings; however, artwork (e.g. statues) may have unique colors.

5) <u>Visual Impact</u>

a) Towers and attached antennas shall be made of galvanized steel, painted in neutral shades that are compatible with the surrounding environment, or constructed according to a stealth design, as approved by the City. Ancillary

facilities shall be finished in such a way as to blend with the surrounding environment.

b) The lowest six (6) feet of the facility or tower shall be visually screened by trees, large shrubs, or a solid wall/fence.

c) Towers shall be located so that visual impacts from any point within the City to the ridgelines surrounding the City shall be minimized to the greatest possible extent.

d) Whenever co-locations are proposed on a support structure, the antennas shall be designed to appear as architectural elements, painted the same color as, or closely compatible with, the support structure, concealed to the greatest extent possible, and extend no more than 12 inches horizontally from the structure. All ancillary facilities and cables shall be completely concealed by the existing support structure or new architectural features proposed to be installed concurrent with the co-location.

6) Tower Height. Telecommunication facility towers shall be subject to the height limitations of the Zoning District in which the facility will be located as well as the height limitations in Subsection "15." The height and mass shall not exceed that which is essential for its intended use and public safety.

7) Separation between Towers. No tower shall be constructed within 2,000 feet of any existing tower, unless this requirement is specifically waived by the City for purposes of mitigating visual impact or improving compatibility with other uses of the property.

8) Co-location. Joint use of any new telecommunication tower is required whenever feasible. New towers shall be designed to accommodate co-location of additional providers. Providers who own or manage towers shall provide co-location sites for additional telecommunication service providers at a reasonable cost, to the extent practicable. All collocated facilities shall be designed in such a way as to be visually compatible with the structures on which they are placed.

9) Fencing. Telecommunication facilities shall be surrounded with protective fencing and entered through a locked gate. Barbed wire is permitted in all non-residential zoning districts.

10) Driveways. All driveways and parking areas constructed to serve telecommunication facilities shall be paved with concrete or asphalt per design standards specified in Chapter 3 and designed to support emergency equipment and of sufficient width, with approved turn-around in accordance with Uniform Fire Code rules and regulation.

11) Display. No signs, striping, graphics, or other attention-getting devices shall be permitted on towers, except that one (1) non-illuminated sign, not to exceed three

(3) square feet, is permitted to identify the owner and to provide emergency contact information.

12) Lighting. No lighting shall be permitted on towers except as required by the Federal Aviation Administration or the Oregon Department of Aviation.

13) Removal of Wireless Telecommunication Facilities. A lease agreement between the property owner(s) and the provider shall be made available including a provision establishing responsibility for the removal of a wireless telecommunication facility within one (1) year after active operation has been discontinued. The property owner(s) shall be responsible for ensuring that this provision of the lease is met. The City is an intended third party beneficiary of the lease provision and shall be recorded as such with the County Clerk as a deed covenant.

14) Maintenance. All telecommunication facilities shall be maintained in good repair and in a safe and clean condition. All telecommunication facilities determined by the Building Department to be in other than good repair or a safe and clean condition shall be considered nuisances and subject to abatement proceedings.

15) Specific Standards and Criteria by Zone. All criteria of the underlying Zoning District shall apply unless superseded by the following standards/criteria.

a) Telecommunication Facilities in Residential Zones. In the R10, R7.5, R6, MR14, MR18, MR29, and MR40 zones, telecommunication facility towers are prohibited.

b) Telecommunication Facilities in Non-Residential Zones:

i) C1, C2, C3, PO, PR, RO Zones.

The maximum height for any antenna or tower shall not exceed ten (10) feet above the tallest structure on the subject property and/or within 50 feet of the antenna or tower. If no other structures are located on the property the height shall not exceed that permitted by the underlying zoning. (Ord.3289, 9/08)

ii) CBD Zone. Co-locations on support structures shall be allowed upon Conditional Use Permit approval, subject to the following conditions:

Documentation of compliance with Section 106 of the National Historic Preservation Act and the Nationwide Programmatic Agreement for the Co-location of Wireless Antennas in the Roseburg Downtown Historic District shall be submitted with the application.

iii) MU, M1, M2, and M3 Zones. The maximum height for any antenna or tower shall not exceed 100 feet from grade.

iv) Airport District.

Co-locations on support structures are permitted upon Conditional Use Permit approval.

ARTICLE 4:

SUPPLEMENTAL PROVISIONS

SECTION 4.4.010 SIMILAR USES

The Director may permit in any zone a use not listed in this Ordinance, if the requested use is of the same general type and is similar to the uses permitted within the zone. However, the Director may request the Planning Commission's interpretation pursuant to Section 1.1.080. The decision of the Director may be reviewed by the Commission on its own motion, or appealed to the Commission pursuant to Section 5.1.170 of this Ordinance.

SECTION 4.4.020 MAINTENANCE OF MINIMUM REQUIREMENTS

No lot area, yard, or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum required for it by this Ordinance, and no lot area, yard, off-street parking, and loading area or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other open space for another use. This Section does not apply to area requirements reduced below the minimum as a result of the creation of cemetery lots.

SECTION 4.4.030 GENERAL EXCEPTION TO YARD REQUIREMENTS

The following exception to yard requirements is authorized for a lot in any Zoning District:

> If there are buildings on both abutting lots which are within 100 feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yard of the abutting lots.

SECTION 4.4.040 GENERAL EXCEPTIONS TO BUILDING HEIGHT REQUIREMENTS

Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, and similar objects not used for human occupancy or storage of materials or products are not subject to the building height limitations of this Ordinance unless otherwise specified by the regulations of the Airport Impact Overlay or of Telecommunication Facilities.

SECTION 4.4.050 PROJECTIONS FROM BUILDINGS

Architectural features such as cornices, eaves, canopies, sun-shades, gutters, chimneys, and flues shall not project more than 25 inches into a required yard unless otherwise provided for in this Ordinance.

SECTION 4.4.060 CLEAR VISION AREAS

A clear vision triangle area shall be maintained at the corner of all properties at the intersections of two (2) streets, or at a street and a railroad, alley, or driveway in accordance with subsections (a-c). The clear vision triangle area shall be free of visual obstructions between three (3) feet and twelve (12) feet in height above the finished grade of the driving surface, except as provided in items 1 through 4 below.

1) A single public utility pole;

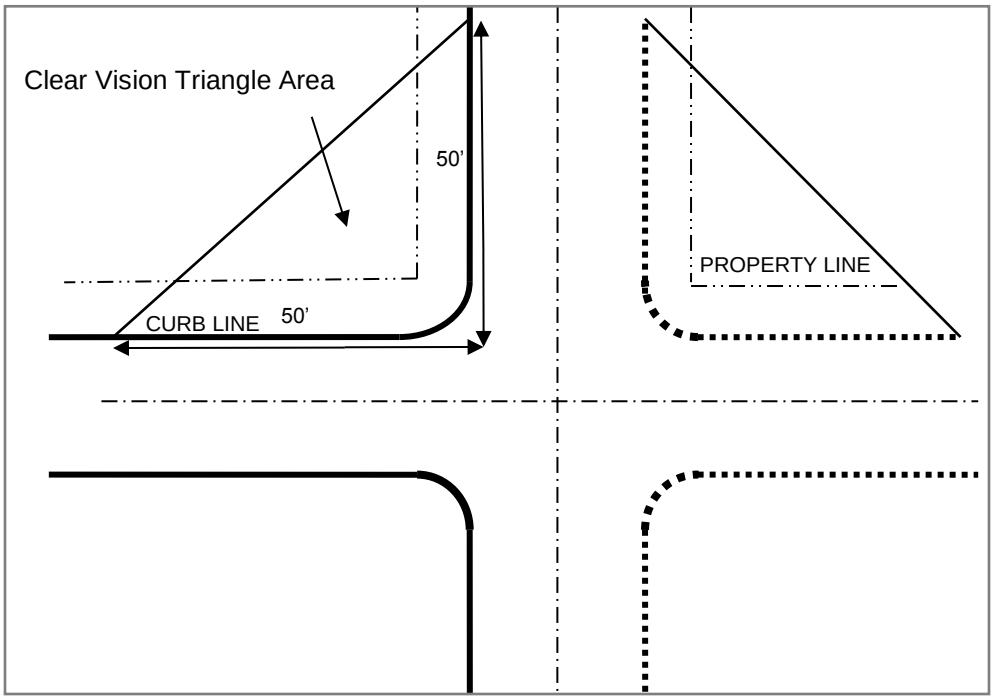
2) A single tree trimmed (to the trunk) to a line at least nine (9) feet above the finished grade of the driving surface;

3) An official street sign or signal;

4) Two (2) sign poles with a maximum cross-section of any sign pole not exceeding 12 inches; and,

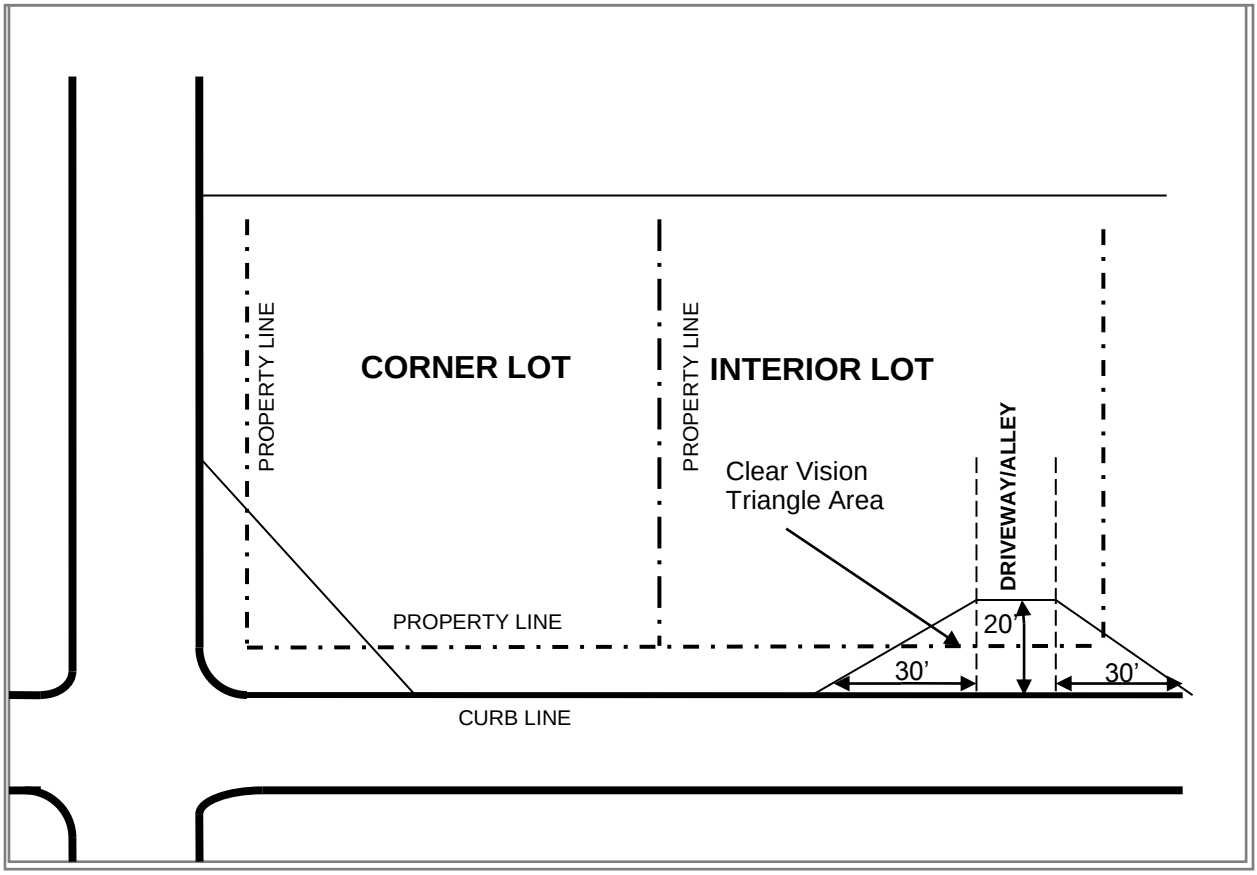
A. Street or Railroad Intersections: A clear vision triangle area shall be formed by connecting a straight line from the edge of the curb a distance of 50 feet along each street or railroad as shown in Figure 4-4. Where curbs have rounded corners, the measurement shall be based on the edge of the curb extended to the point of intersection.

FIGURE 4-4: CLEAR VISION AREA FOR STREET AND RAILROAD INTERSECTIONS



B. Alley or Driveway Intersections: A clear vision triangular area shall be maintained at the intersection of an alley and a street, a driveway and a street, two driveways, or two maneuvering aisles within a parking lot. The required clear vision triangle area shall be formed by connecting a straight line at a distance of 30 feet of each street and twenty (20) feet along the edge of the driveway or alley as shown in Figure 4-5. In the case of two internal parking lot driveways/maneuvering aisles the clear vision area shall be established by connecting a straight line at a distance of ten (10) feet deep along each driveway/aisle.

FIGURE 4-5: CLEAR VISION AREA AT A DRIVEWAY OR ALLEY



C. Supplemental Standards:

a. Additional clear vision area may be required at certain intersections, particularly those intersections with acute angles, vertical or horizontal accesses, as directed by the Public Works Director.

b. Public Works shall determine the clear vision area on a lot fronting a street without a curb by measuring from the street centerline to the assumed curb as shown in Table 4-4 above. The appropriate distance from

centerline to assumed curb shall be determined by the improved street standard found in Table 6-1.

c. Intersections with a state highway may require additional clear vision area and shall be coordinated with ODOT. If the ODOT standard is determined to be in conflict with 4.4.060(a-b), the more restrictive standard shall apply.

D. Exemptions: The Community Development Director, after receipt of a recommendation from the Director of Public Works, and relying the City's Transportation System Plan (TSP), the American Association of State Highway Transportation Officials (AASHTO), adopted Public Works standards, recognized and accepted "Best Practices," and/or other such references may reduce or eliminate the requirements at the intersection of an alley and a street or a driveway and a street in conjunction with Site Plan Review. (Ord.3289, 9/08)

SECTION 4.4.070 FENCES

Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair. Any fence that is, or has become, dangerous to the public safety, health, or welfare shall be considered a violation of this Section.

1) Barbed wire fencing and other fences constructed of sharp materials shall only be permitted at the top of a fence, which exceeds six (6) feet in height, on properties within commercial or industrial Zoning Districts. Fences in residential zones shall not be constructed of sheathing material such as plywood, particleboard, or similar materials.

2) No fence, hedge, or wall, other than a retaining wall, higher than three (3) feet shall be erected in the front yard setback or exterior side yard setback area (for corner lots), measured from the property line in any residential district. (Ord.3459, 7/16)

3) No fence or wall, other than a retaining wall, higher than seven (7) feet shall be erected in the required side or rear yard setback area in any residential district. Height shall be measured as follows:

   a) In required yards abutting a street, it shall be the effective height measured from the finished grade on the side nearest the street.

   b) In other required yards, it shall be the total effective height measured from the top of the fence directly above the finished grade of ground on the subject property.

4) There shall be no limit on the height of a fence or wall in non-residential districts, except that any fence or wall, which exceeds seven (7) feet in height, shall conform to the International Building Code.

5) Fences, hedges and walls located within required clear vision areas shall conform to height limitations and site distance requirements established in Section 4.4.070.

6) No person shall construct a berm upon which to locate a fence or wall, unless the total height of the berm plus the fence or wall would not exceed the maximum height allowable for the fence or wall if the berm was not present.

7) No fence or wall shall be erected so as to stand in, or in front of, any required landscaping unless approved at the time of approval of landscaping plans.

8) Sight-obscuring fences required by zoning standards or Chapter 3 shall be a continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.

SECTION 4.4.080 SWIMMING POOLS – FENCES OR WALLS

1) Every person in possession of land within a residential district, either as owner, purchaser under contract, lessee, tenant, or licensee, upon which is situated a swimming pool or other outside body of water designed or used for swimming, dipping, or immersion purposes of a depth of more than 24 inches, shall maintain an enclosure on the lot and completely surrounding the pool or other body of water of a minimum height of four (4) feet. The enclosure shall consist of a fence which shall be of a pattern and type which is resistant to climbing over. The enclosure may also consist of a wall not less than four (4) feet in height above the underlying ground or base. All enclosures must be incapable of being crawled under, and sufficient to make the body of water inaccessible to small children, with opening, holes or gaps therein no larger than four (4) inches in any dimension except for doors or gates. In the event a picket fence is used, the openings between the pickets shall not exceed four (4) inches in width, provided that a dwelling house or accessory building may be used as a part of an enclosure.

2) All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching devise installed at least 40 inches above the ground or base, capable of keeping such door or gate securely closed at all times when not in actual use; provided, however, that the door of any occupied dwelling forming any part of the enclosure herein above required need not be so equipped.

SECTION 4.4.090 CONDITIONALLY PERMITTED SIDEWALK CAFÉS

Conditionally permitted sidewalk cafés may be permitted to operate on a public sidewalk as defined below:

1) Limitations and Requirements. A sidewalk café may be permitted if the sidewalk café is situated adjacent to an indoor restaurant or delicatessen as specified

below, and the sidewalk café's operation is incidental to and a part of the operation of such adjacent indoor restaurant or delicatessen.

a) Existing indoor restaurants and delicatessens must conform to all Sections of the City of Roseburg Municipal Code, including LUDO, in order to be eligible for approval of sidewalk services.

b) A sidewalk café may be located on the public sidewalk immediately adjacent to and abutting the indoor restaurant or delicatessen which operates the café, provided that the area in which the sidewalk café is located extends no farther along the sidewalk's length than the actual sidewalk frontage of the operating indoor restaurant or delicatessen and all other applicable provisions of this Section are fulfilled.

c) An indoor restaurant or delicatessen may be permitted to operate only one (1) sidewalk café and each sidewalk café shall be confined to a single location on the sidewalk.

d) A sidewalk café may be permitted only where the sidewalk or porch is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the proposed café. There shall be a minimum of five (5) feet clear distance free of all obstructions, in order to allow adequate pedestrian movement.

e) All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable. Umbrellas must be secured with a minimum base of not less than 60 pounds. Outdoor heaters, amplified music, or speakers shall be reviewed at the time of application for a Conditional Use Permit.

f) No signing shall be allowed at any outdoor café except for the name of the establishment on an awning or umbrella valance.

g) A sidewalk café may serve only food and beverages prepared or stocked for sale at the adjoining indoor restaurant or delicatessen; provided that the service of beer or wine, or both, solely for on-premises consumption by customers within the area of the sidewalk café has been authorized as part of a Conditional Use Permit approval. Each of the following requirements must also be met:

h) The area in which the sidewalk café is authorized is identified in a manner, as approved by the Director, which will clearly separate and delineate it from the areas of the sidewalk, which will remain open to pedestrian traffic.

i) The sidewalk café operation is duly licensed in accordance with the Roseburg Municipal Code, or prior to the service of any beer or wine at the café, will be duly licensed, by State authorities to sell beer or wine, or both, for consumption within the area of the sidewalk café.

j) The outdoor preparation of food and busing facilities are prohibited at sidewalk cafes. The presetting of tables with utensils, glasses, napkins, condiments, and the like is prohibited. All exterior surfaces within the café shall be easily cleanable and shall be kept clean at all times by the permittee.

k) Trash and refuse storage for the sidewalk café shall not be permitted within the outdoor dining area or on adjacent sidewalk areas and the permittee shall remove all trash and litter as they accumulate. The permittee shall be responsible for maintaining the outdoor dining area, including the sidewalk surface and furniture and adjacent areas in a clean and safe condition.

l) Hours of operation shall be no greater than nor outside of normal operating hours of the indoor restaurant or delicatessen. All furniture used in the operation of an outdoor café shall be removed from the sidewalk and stored indoors whenever the indoor restaurant or delicatessen is closed.

m) The City shall have the right to prohibit the operation of a sidewalk café at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades, repairs to the street or sidewalk, or emergencies occurring in the area. To the extent possible, the permittee will be given prior written notice of any time period during which the operation of the sidewalk café will be prohibited by the City.

n) The sidewalk café shall not require the provision of additional off-street parking.

2) Findings and Conditions. In connection with approval of a Conditional Use Permit, the Director shall make findings that the proposed operation meets the limitations of this Section. The Director may impose such conditions in granting approval as deemed necessary to assure that the proposed operation will meet the operating requirements and conditions set forth in this Section and to assure that the general public health, safety and welfare will be protected.

3) Term and Renewal. A Conditional Use Permit for a sidewalk café may be approved by the Planning Commission for a maximum period of one (1) year. Thereafter, the Director, if an extension application is filed prior to any expiration date of the Conditional Use Permit, may extend the permit for additional periods, not to exceed one (1) year each, following review and approval of the café's operations. In the event the Director considers additional or revised conditions are necessary and should be imposed if the permit is to be extended or if the Director is of the opinion that the permit should not be extended at all, he or she shall refer the application to the Planning Commission which shall hold a public hearing and thereafter decide the matter. The Planning Commission may make any extension of a Conditional Use Permit subject to such additional and revised conditions and requirements as it deems appropriate or necessary and any

extension granted by the Planning Commission shall not exceed a period of one (1) year.

4) Revocation. A Conditional Use Permit may be revoked by the Director, following notice to the permittee and a public hearing, upon a finding that any of the following are true:

a) One or more conditions of the permit have been violated;

b) That one or more conditions of this Section have been violated;

c) That the sidewalk café is being operated in a manner which constitutes a nuisance; or

d) That the operation of the sidewalk café unduly impedes or restricts the movement of pedestrians past the sidewalk café.

5) Appeals. The applicant or any interested party may appeal a decision of the Director to the Planning Commission. All applications for appeal shall be accompanied by the required fee.

(Ord.3060, 1/00)

SECTION 4.4.100 HOME OCCUPATION

No person shall conduct a home occupation, as defined by this Section, without first registering as a business and completing a Statement of Compliance for Home Occupations. The statement shall be in the form of an agreement between the applicant and the City and shall contain such specifications and requirements as are contained herein.

1) Definition. A home occupation is an occupation carried on within a dwelling by members of a family occupying the dwelling with no non-family employees performing work.

2) Business Registration. The authorization to conduct a home occupation is supplementary to Roseburg's Business Registration process. Nothing in this Section is intended to supersede the Business Registration process or other applicable Ordinances or government codes.

3) Information Required. The applicant for home occupation shall state the name, location, and owner of the business and shall also describe the nature of the business to be conducted. Planning Department verification of the appropriate nature of the home occupation and zoning of the property shall be required.

4) Approval shall be a ministerial decision after which a courtesy notice will be provided to all property owners within 100 feet of the property subject to the application within at least 15 days after the decision.

5) General Requirements. A person who wishes to conduct a home occupation shall signify their willingness to comply with the provisions of this Section, including the following General Requirements, by signing a Statement of Compliance for Home Occupations. Authorization to conduct a home occupation is not transferable and a change in occupancy or the nature of the business shall require a separate authorization.

a) All aspects of a home occupation shall be contained within a completely enclosed building which shall be the same structure as the principal residence or an appropriate accessory building.

b) The occupation shall be a secondary use on the premises and shall occupy no more than 25% of the ground floor area of the principal residence, including an attached garage. The allowable floor area resulting from this calculation may be applied to any portion of the principal residence or an appropriate accessory building which is to be used for the home occupation.

c) No new construction that is undertaken for the express purpose of accommodating a home occupation shall be permitted. This restriction shall not apply to the removal of architectural barriers or construction undertaken to improve access for the handicapped.

d) There shall be no outside display or storage of merchandise or equipment on the premises.

e) A home occupation shall be primarily service oriented. Products made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers.

f) Home occupations shall be allowed one (1) non-illuminated sign, not to exceed one (1) square foot in area, which identifies the nature of the occupation and the operator thereof. The sign shall not be located in any required yard unless it is flat mounted and affixed to the structure.

g) No more than two (2) off-site parking spaces may be used in conjunction with the home occupation at any one time.

h) The home occupation shall not cause any external affect that will infringe in any manner upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes. Such external effects may include, but are not limited to: increased noise, dust, smoke, objectionable odors, traffic congestion, excessive lighting or any effect which is in violation of the Land Use and Development Ordinance, or other applicable government codes.

6) Exceptions. Garage sales or other isolated sales shall not be subject to the provisions of this Section provided that they are not conducted during any more than three (3) consecutive days of the week and a total of five (5) days during

any calendar month. Such sales are limited to merchandise that is composed of the real or personal property of the seller not acquired for the purpose of resale.

For the purpose of this Section a day care center, day care group home, or family day care home, as defined by this Ordinance, is not a home occupation. Bed and Breakfast establishments, as defined or as may be defined by this Ordinance, are not home occupations for the purpose of this Section.

SECTION 4.4.110 BED AND BREAKFAST FACILITY

1) Definition. A single-family dwelling where lodging and meals are provided for no more than six (6) travelers or transient guests. A guest shall not rent for a time period longer than 15 consecutive nights.

2) Where Permitted. Bed and Breakfast Facilities are allowed as an outright permitted use in all commercial zones. They are permitted as a conditional use in all residential zones. Bed and Breakfast Facilities are subject to the provisions of Section 5.1.120 and Article 8 of Chapter 5. In addition, the following minimum standards shall also apply:

   a) All residences used as Bed and Breakfast Facilities shall be owner-occupied.

   b) Each guest room shall have one off-street parking space, in addition to the parking required for the dwelling by the provisions of Article 2 of Chapter 3.

   c) All residences used as Bed and Breakfast Facilities shall be inspected and approved by the Community Development Director, Fire Prevention Officer, and Building Official prior to the issuance of an occupancy permit. Only rooms designed as sleeping rooms shall be used for guest rooms. Each guest room shall have a smoke detector.

   d) Signing shall be limited to one (1) non-illuminated sign, the size and location to be approved as part of the Conditional Use Permit process.

   e) All residences used as Bed and Breakfast Facilities shall maintain an up-to-date guest register listing all guests.

   f) Transfer of ownership shall be subject to issuance of a separate Conditional Use Permit.

3) Bed and Breakfast Facilities shall be inspected by the County Health Department when required by Douglas County Ordinance.

4) All residences used as Bed and Breakfast Facilities shall be subject to the provisions of Ordinance No. 2366, the Hotel-Motel Room Tax.

5) For structures on the Roseburg Historic Inventory, any external modification shall be fully compatible with the original design and shall comply with Article 11 of Chapter 2.

SECTION 4.4.120 TRANSITIONAL USES

1) Definition: A use not permitted by the applicable Zoning District yet conditionally permitted in accordance with Article 8 of Chapter 5 (Conditional Use Permits) due to the location of the property with respect to another Zoning District with the intent of providing flexibility and an appropriate transition between properties with different zoning.

2) Criteria: A Transitional Use must meet the following criteria in addition to standard Conditional Use Permit criteria:

   a) The proposed use must be permitted outright by the zoning applied to an abutting property. For the purposes of this definition an alley constitutes a shared property line.

   b) Uses permitted by Overlays that are not granted by the base zoning district shall not be considered for a Transitional Use by abutting properties. Similarly, any restrictions or standards applicable to the subject property due to an Overlay shall take precedent over a proposed Transitional Use in accordance with Section 1.1.090.

   c) A Transitional Use shall be developed and/or used in accordance with the more restrictive standards among the applicable zoning districts.

   d) Only one Transitional Use shall only be granted to any given property (i.e., multiple uses permitted by abutting zoning districts are not allowed).

   e) Exceptions: Due to their uniqueness and intent, the following zoning districts are not eligible for Transitional Uses: Airport District; Residential Open Space; Public Reserve; and Central Business District.

   (Ord.3459, 7/16)

ARTICLE 5:

SURFACE MINING OPERATIONS AND RECLAMATION

SECTION 4.5.010 COMPLIANCE STANDARDS

Issuance of a development permit for land surface mining and the continuance of existing land surface mining, including that which is a non-conforming development, shall comply with other applicable requirements of this Ordinance. These requirements are in addition to the requirements for excavation and fill activities within the Flood Plain Overlay District. If the land surface mining operation will extract more than 5,000 cubic yards of materials or affect land equivalent in area to one acre or more, the application for a development permit shall be accompanied by a site investigation report.

SECTION 4.5.020 ANNUAL VALIDATION OF MINING OPERATION

1) No land surface mining operation that will extract more than 5,000 cubic yards of minerals or affect land equivalent in area to one acre or more shall continue unless a validation of the operating authorization is in effect. The operating authorization shall be validated annually, only if the operation is being conducted in compliance with requirements.

2) A lawful surface mining operation commenced before the effective date of this Ordinance and under a permit from the state Department of Geology and Mineral Industries that was in effect on that date is validated, if it continues in accordance with the state approval, until the state permit expires or becomes due for renewal. The permittee, if desiring to continue the mining after that date, shall apply to the Director for a validation to continue the mining. The permittee shall submit with the application the reclamation plan approved by the state for mining, together with additional information to permit review of the activity and thereby establish that subsequent mining by the permittee conforms to the standards established in this Article. Reclamation completed under the state permit at the time of application for a validation shall be accepted if it complies with the plan approved by the state for that reclamation.

SECTION 4.5.030 VALIDATION PROCEDURE

1) An application for validation shall be submitted not less than 30 days before the annual date of required renewal except as follows:

   a) The information required by Subsection “2” of Section 4.5.020 shall be submitted 90 days prior to such date.

   b) When seeking removal from an inactive status, information shall be submitted not less than 30 days prior to the desired date of reactivation.

2) Validation shall be issued by the Director upon determination of continued compliance with the approved operation and reclamation program or upon determination that the operation is in an inactive status as provided by Section 4.5.040. If the application for validation indicates a change in operation conditions or practices, the Director shall refer the validation to the Approving Authority for review if the changes are within the provisions of the standards. If the changes appear to be contrary to the development permit or to be an unauthorized enlargement of a nonconforming development, the application will be advised to submit an application for a new development permit. Operations may continue as authorized for the prior year during validation processing until validation is granted or, in the case of denial, for 30 days or, if appealed, until 30 days after a decision by the appeal body.

3) The validation will be granted annually so long as the permittee maintains a satisfactory bond and otherwise complies with the conditions of the permit and with these standards.

SECTION 4.5.040 INACTIVE SURFACE MINING PERMIT

1) The Director may, upon request, classify an operating permit as inactive if the site is inactive at the time of renewal and no extractive mining activity is planned during the ensuing permit year. While inactive, the annual fee will not be collected. To be inactive, the site must be in compliance with the reclamation plan with no deficiencies to either the development or reclamation plan. The bond or other security must remain current and in effect. Reactivation of an inactive permit requires prior notice to the Director and payment of the annual fee at least 30 days before reactivation.

2) When a mining operation is classified inactive, previously stockpiled material may be removed and other materials such as rejects, oversized materials, and pit run materials not exceeding 5,000 cubic yards may be removed if the removal does not significantly alter the contours of the site. No previously un-mined areas may be disturbed and no blasting or ripping is permitted while inactive. If a deficiency develops at an inactive site, the permit must be immediately reactivated and the deficiencies corrected.

3) Violation of any of the conditions for inactive classification will result in the inactive classification being revoked by the Director. All operations shall then cease until reactivation has been approved.

SECTION 4.5.050 BACKGROUND DATA IN SURFACE MINING SITE INVESTIGATION

When a site investigation report is required for an application for a development permit for surface mining, the applicant shall submit the following background information to the Director:

1) Vertical aerial photographs or equivalent delineation of the general area where the surface mining is to take place, to a scale of at least one (1) inch to 200 feet, accurately representing the condition of the property at the time the application is made and accompanied by a signed statement that the photographs or drawings do represent that condition.

2) A boundary map of the property drawn on an assessor's map, or its equivalent, or an overlay for the photographs indicating the boundaries of the property, public roads providing access to the property and any significant natural or man-made features in the area including streams, water bodies, contours, rock outcrops, trees, vegetation, buildings, and fences.

3) If the applicant does not own the land on which the mining is to take place, a written statement from the owner containing the following:

   a) Consent of the owner for the mining to take place there.

   b) Concurrence as to the proposed subsequent development as necessary to establish the reclamation plan.

   c) Acknowledgment of the owner's obligation to see that the land reclamation is completed after the mining ceases, and consent for the Governing Body to impose on the land, if necessary as security, a lien for expense the Governing Body necessarily incurs in reclaiming the land.

SECTION 4.5.060 INVESTIGATION REPORT ANALYSIS

A site investigation report for a surface mining proposal shall be submitted to the Director and shall provide the following operations data and analysis.

1) One or more transparent overlays showing the areas for the following, together with a statement specifying the approximate acreage of each of these activities

   a) Excavation and the average thickness of overburden and topsoil in the area proposed for excavation.

   b) Proposed setback areas.

   c) Settling ponds and washing plants.

   d) Processing and stockpiling.

   e) Buildings and other structures.

   f) Facilities for resources related operation.

2) A description of materials to be extracted.

3) A general description of the modes of excavation, the types of equipment to be used, and the disposition of the overburden.

4) The starting date for the mining.

5) A reclamation plan meeting the requirements of Section 4.5.060.

6) The modes of controlling contaminants and disposing of refuse.

7) A series of typical cross-sections of excavated areas.

8) For the purpose of evaluating possible flood and erosion hazards of the proposed operation, an erosion control plan detailing ground cover plantings and other modes of controlling erosion of surfaces affected by the mining.

9) A plan for the visual screening by vegetation, walls, fences or other means to obscure operations from adjacent occupied properties and from public rights-of-way.

SECTION 4.5.070 RECLAMATION PLAN

A plan for reclaiming land used for surface mining shall be prepared by the applicant and shall state a timetable for continually protecting the land during the mining and for completion of the land reclamation. The timetable shall provide in part for initiating final reclamation work within one (1) year after mining or related activity ceases on any segment of the area where mining has occurred and for completing reclamation within three (3) years after the mining ceases. If stated in the reclamation plan, the reclamation may be for a use other than the use of the land before the mining if the use is one for which a development permit could be issued under the Zoning District within which the subject land is located. The plan shall provide for the following where applicable:

1) Rehabilitation of stream banks and channels to prevent erosion, sedimentation, and other water polluting effects of stream flow from exceeding their degree before the mining.

2) Sloping and other control to stabilize final surfaces and minimize public hazards.

3) Vegetating disturbed areas in a manner conducive to restoring them to a natural state consistent with the future use stated in the plan.

4) Preventing pools of water from becoming public nuisances or health or safety hazards.

5) Removing structures and equipment that otherwise would be abandoned after termination of the mining.

6) Otherwise minimizing the adverse impact of the mined land on the livability, value, and appropriate development of adjacent property, at least to the extent

that adjacent property could be adversely affected by other common development that is allowable on the mined property.

SECTION 4.5.080 SLOPING AND GRADING

The grading of an excavation and the final slope of the ground shall comply with the following:

1) Final surfaces shall be stabilized by sloping, benching or other ground control methods. If the reclaimed site is to contain slopes steeper than one vertical to one and one-half horizontal, the steeper slopes must be specifically approved for stability and appropriate blending into the natural land forms of the immediately surrounding terrain.

2) The bottom of an excavation shall be gradually sloped and graded to allow surface water to drain into one low area of the excavation. Where normal drainage is practicable, the excavated areas shall be graded to drain surface water.

3) A slope shall be no steeper below water level then the contours of the immediately surrounding area except that a steeper slope shall be permitted if the slope is designed to be stable by an engineer licensed in the State of Oregon.

4) If a water depth exceeding three (3) feet can occur, provisions shall be made for the safe egress from any point on the shoreline of the excavation. A shoreline that slopes at a ratio no steeper than one (1) vertical to three (3) horizontal to a water depth of five (5) feet measured from the low watermark constitutes safe egress. If the bank above water is steeper than one (1) vertical to one-and-one-half (1½) horizontal, a safety bench of more than two (2) feet below the high watermark and at least five (5) feet wide may replace the sloping shoreline. If the future use of the water-filled depression warrants omission of provisions for safe egress, protection by other means such as fencing may be used.

5) The minimum depth of an excavation extending to water-producing depth, in a location that is not subject to periodic re-depositing of extractive material by inundation of a stream or river, shall not be less than eight (8) feet below the low watermark measured in the year of excavation. Such a condition may be waived if evidence presented by the applicant shows, and the Approving Authority finds that measures shall be taken to prevent the stagnation of water and the growth of undesirable water vegetation.

SECTION 4.5.090 DRAINAGE

1) Natural flows of groundwater and surface water and storm water drainage shall be maintained so as to prevent harmful effects on surrounding property. Erosion shall be controlled in accordance with an erosion control plan.

2) Upon completion of operations in any portion of the area being mined, the condition of the land shall allow for drainage, while avoiding undue erosion and the formation of water pockets.

SECTION 4.5.100 TOPSOIL AND COVER PLANTING

1) Sufficient topsoil and overburden shall be stored on the property in a stabilized condition to restore graded or backfilled areas and shoreline slopes above the high water level. Such areas shall be covered with not less than four (4) inches of topsoil of at least equal quality to that removed, provided that, if the average depth of the topsoil prior to excavation was less than four (4) inches, then the depth required need not exceed such lesser average. If the proposed subsequent development of the reclaimed area is to be farm or forestry, greater topsoil depth may be required consistent with the future utilization of the land.

2) Upon replacement of topsoil, the operator shall provide ground cover selected by the operator adequate to control erosion, prevent undue runoff and restore the surface in a manner suitable for its future development.

SECTION 4.5.110 SCREEN LANDSCAPE

Existing trees and other natural vegetation adjacent to a public park, public road, or residential district shall be preserved for a width of 25 feet. If such trees and other vegetation are insufficient to provide a screen, screening shall be provided at the boundary of the property on which the surface mining operation is located in the form of an ornamental fence or wall, or a landscaped berm to supplement any screening due to a natural slope or vegetation. If the Approving Authority finds that natural conditions exist that, as a practical matter make screening impossible, the requirements of this Section may be waived in part or in whole.

SECTION 4.5.120 SAFETY FENCING

During operations, when an open excavation will have a depth of ten (10) feet or more, and will create a slope steeper than one (1) vertical to two (2) horizontal and is located within 200 feet of residentially occupied structures or a public road or park, a fence shall be erected at least ten (10) feet outside the edge of such excavation at least four (4) feet in height.

SECTION 4.5.130 ROAD CONDITION

1) Excavation shall not be conducted closer than 150 feet to any property boundary except where the applicant submits a plan and written proof of compliance with the following:

   a) The eventual utilization of the site shall be compatible with the smaller setback and, in addition to providing appropriate screening, excavation shall be at least 50 feet from the right-of-way of a public road and 100 feet from the boundary of an area having residential development.

b) No flood hazard increase shall result from the allowance of a smaller setback.

c) If necessary, the applicant shall refill excavated area closer than 150 feet from a property boundary. The materials shall not pollute underground waters and, unless the area is approved as a solid waste landfill, fill material shall not be decomposable.

2) Equipment for processing operations shall not be located closer than 50 feet to the boundary of the property including that along the right-of-way of a public road, except the setback shall be 150 feet from a residential district.

3) A sand or gravel stockpile or sedimentation pond shall not be located closer than 25 feet to the boundary of the property including that along the right-of-way of a public road.

4) Upon completion, the setback area shall be smoothed, all excavation debris removed and all trees which are in an unsafe condition removed.

SECTION 4.5.140 STREAM OPERATIONS

Operations in or adjacent to a stream shall conform to the following additional standards.

1) The turbidity of the stream adjacent to the operations shall not be increased by more than five (5) Jackson Turbidity Units, or such clearer turbidity required by DEQ.

2) There shall be no direct discharge of gravel washing waters into an adjacent stream.

3) Operations shall be conducted behind dikes which are of sufficient height to control turbidity during low water seasons. Where the dike forms a permanent river bank, the berm of the dike shall be of sufficient width and height to contain annual high water.

4) Equipment shall not be operated in the flowing streams except to construct or maintain berms or to make channel improvements, such improvements having been authorized by the Approving Authority.

5) The river channel shall not be diverted from its normal course unless a permanent river channel is developed to the satisfaction of the Approving Authority.

6) Any necessary permit from the Department of State Lands shall be obtained.

SECTION 4.5.150 CLEANUP AND REMOVAL OF STRUCTURES

1) During operations, the site shall be kept free of debris. Overburden shall be stockpiled or removed and stumps, brush or other debris resulting from clearing or excavating shall be removed.

2) Except for structures approved for permanent retention, within 36 months of the termination of the operation, all buildings, equipment and other structures which were used or incidental to the operation shall be dismantled and removed.

SECTION 4.5.160 NOISE

If sound from the mining exceeds the maximum permitted by the state DEQ for a new industry, a berm shall be installed near the site to reduce the sound from the site to the level permitted by the DEQ for a new industry.

CHAPTER 5:
PROCEDURES

ARTICLE 1:

DEVELOPMENT APPROVAL PROCEDURES

SECTION 5.1.010 PURPOSE

The purpose of this Article is to establish procedures for approval of development required by this Ordinance, appeals from aggrieved persons and parties, and review of any decision by a higher authority.

SECTION 5.1.020 REVIEW PROCESS

An application for development approval required by this Ordinance shall be processed by quasi-judicial public hearing or administrative action, pursuant to applicable Sections of this Ordinance. Quasi-judicial hearings shall be held on all applications, except that hearings shall not be held in those matters the Director has authority to act upon, unless appealed or referred pursuant to the provisions of this Chapter. Notwithstanding anything required by this Ordinance, when requested by the applicant, an application for development approval which is an "expedited land division" as defined by state law shall be processed according to the procedures set forth in state law and shall not be subject to this Chapter.

SECTION 5.1.030 COORDINATION OF DEVELOPMENT APPROVAL

1) The Director shall be responsible for the coordination of a development application and decision-making procedures, and shall approve or recommend that the approving authority approve developments when proper application is made and the proposed development is in compliance with the provisions of this Ordinance and the Roseburg Urban Area Comprehensive Plan. Before approving or recommending approval of any development, the Director shall be provided with information by the applicant sufficient to establish full compliance with the requirements of this Ordinance and the Plan. Before approving any development, the Director shall consider comments received from other public agencies during the comment and public hearing period.

2) After an application has been submitted, no building or occupancy permit for the proposed use shall be issued until final action has been taken. (Ord.3279 3/08)

SECTION 5.1.040 WHO MAY APPLY

Applications for development approval may be initiated by one or more of the following:

1) The owner of the property which is the subject of the application; or

2) The purchaser of such property who submits a duly executed written contract or copy thereof; or

3) A lessee in possession of such property who submits written consent of the owner to make such application; or

4) Resolution of the Governing Body.

Any of the above may be represented by an agent who submits written authorization by his/her principal to make such application.

SECTION 5.1.050 PRE-APPLICATION CONFERENCE

An applicant may request a pre-application conference prior to submitting a request for development approval. The purpose(s) of the conference may include: to acquaint the applicant with the substantive and procedural requirements of the Ordinance, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development requirements, arrange such technical and design assistance as will aid the applicant, and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development. The requirements of this Section may be waived at the discretion of the Director.

SECTION 5.1.060 APPLICATION

Application for development approval shall be made pursuant to applicable Sections of this Ordinance on forms provided by the Director. An application shall be complete, contain the information required by this Ordinance, and address the appropriate criteria for review and approval of the request. All documents or evidence relied upon by the applicant shall be submitted to the Director and be made available to the public. All applications shall be accompanied by the required fee.

An applicant may apply at one time for all development approvals required by this Ordinance for a specific single development or use. Notice of such option for a consolidated procedure shall be given to the applicant, and upon the applicant's request such a procedure shall be utilized. If the applicant elects to use such consolidated procedure, all required development approvals and the respective public hearings, public notices, and approving authority actions therefore shall be consolidated into a single public hearing process, a single public notice, and a single written findings, and decision. Such consolidated procedure shall be subject to the time limitations set out in ORS 227.178. Where the applicant chooses such consolidated procedure, and is applying for actions listed in Sections 5.1.090 and 5.1.120 and also Section 5.1.180, all such matters shall be heard by the Commission.

SECTION 5.1.070 GENERAL PROVISIONS REGARDING NOTICE

1) The records of the Douglas County Assessor's Office shall be used for notice required by this Ordinance. Persons whose names and addresses are not on file with the Assessor at the time of the filing of the application need not be notified of

the action. The failure of a person to receive notice shall not impair or invalidate the action if the City can demonstrate by affidavit that the prescribed notice was sent to the persons entitled thereto as shown by the Assessor's records.

2) Any person who requests, in writing, and pays a fee established by the Director, shall be entitled to receive copies of notices for applications for development approvals, either on an urban area wide or site-specific basis, as specified by such person.

3) Public agencies providing transportation facilities and services shall be notified of the following:

   a) Land use applications that require a public hearing;

   b) Subdivision and partition applications;

   c) Applications that involve major private access to public streets and roads, such as private streets, and large commercial and multi-family developments;

   d) Applications within the Airport Impact Overlay (Article 8 of Chapter 2). (Ord.3279, 3/08)

SECTION 5.1.080 ESTABLISHMENT OF PARTY STATUS

1) In order to have standing under this Chapter, a person shall be recognized as a party by the approving authority.

   Party status, when recognized by the approving authority, establishes the right of the person to be heard, whether orally or in writing, and to pursue a review or appeal under this Chapter.

2) Party status may be established by a written request for establishment of party status made at least eight (8) days before the date set for a quasi-judicial public hearing or administrative decision of the Director by a person filing with the Planning Department a written statement regarding the application being considered. Such statement shall include:

   a) The name, address, and telephone number of the person filing the statement;

   b) How the person qualifies as a party, as defined in Chapter 1 of this Ordinance;

   c) Comments which the party wishes to make with respect to the application under consideration; and

   d) Whether the person desires to appear and be heard at the hearing.

3) Seven (7) or more days before the date set for a public hearing, the Director shall mail the applicant any statements that have been filed to date.

4) Party status may also be established by a person or entity providing testimony at the hearing of the approving authority before the close of the evidentiary portion thereof, and providing sufficient basis for qualifying as a party, as defined in Chapter 1 of this Ordinance.

SECTION 5.1.090 LIMITED LAND USE DECISIONS BY THE DIRECTOR

The Director shall have the authority to review the following applications for administrative action, as limited land use decisions, and shall follow the procedure provided by this Ordinance and by state law to accomplish such review.

1) Partitions (Article 1 of Chapter 6)

2) Subdivisions (Article 1 of Chapter 6)

SECTION 5.1.100 MINISTERIAL DECISIONS BY THE DIRECTOR

The Director shall have the authority to review the following applications as ministerial decisions and shall follow the procedures provided by this Ordinance and by state law to accomplish such review.

1) Approval of final plat map (Section 6.1.190);

2) Common Boundary Line Adjustments (Section 6.1.210);

3) Signs Permit (Chapter 4, Article 2).

4) Home Occupations

SECTION 5.1.110 COMPREHENSIVE PLAN STANDARDS AND LIMITED LAND USE DECISIONS

1) The following comprehensive plan standards are applicable to partitions (Chapter 6) and are fully incorporated herein by this reference:

   a) Natural Resources Policies 6, 7, 8, 11, 12, 13, 14, 17, and 18;

   b) Economic Growth Policy 7;

   c) Transportation Polices 1, 4, 5, 6, 7, 10, 11, 14, and 15;

   d) Energy Conservation Policies 2 and 3;

   e) Facilities and Services Policies 2, 3, 5, 7, 8, 9, 10, and 11;

   f) Housing Policies 1, 2, 3, 4, 5, 6, 7, 8, and 10;

g) Urbanization, Land Use, and Growth Management (Urban Growth) Policies 3, 5, 6, 7, 8, 10, 11, 12, and 13;

h) Residential Development (Urban Growth) Policy 1;

i) Commercial Development (Urban Growth) Policies 6, 7, 8, 9, and 12;

j) Industrial Development (Urban Growth) Policies 1, 2, and 4;

k) Transportation Development (Urban Growth) Policies 1, 2, 3, and 4;

l) Resource Area and Hazardous Area Development (Urban Growth) Policies 2, 3, and 4.

2) The following Comprehensive Plan standards are applicable to Subdivision preliminary plat (Chapter 6) and are fully incorporated herein by this reference:

a) Natural Resources Policies 6, 7, 8, 11, 12, 13, 14, 17, and 18;

b) Economic Growth Policy 7;

c) Transportation Polices 1, 4, 5, 6, 7, 10, 11, 14, and 15;

d) Energy Conservation Policies 2 and 3;

e) Facilities and Services Policies 2, 3, 5, 7, 8, 9, 10, and 11;

f) Housing Policies 1, 2, 3, 4, 5, 6, 7, 8, and 10;

g) Urbanization, Land Use, and Growth Management (Urban Growth) Policies 3, 5, 6, 7, 8, 10, 11, 12, and 13;

h) Residential Development (Urban Growth) Policy 1;

i) Commercial Development (Urban Growth) Policies 6, 7, 8, 9, and 12;

j) Industrial Development (Urban Growth) Policies 1, 2, and 4;

k) Transportation Development (Urban Growth) Policies 1, 2, 3, and 4;

l) Resource Area and Hazardous Area Development (Urban Growth) Policies 2, 3, and 4.

SECTION 5.1.120 OTHER ADMINISTRATIVE ACTIONS

The Director shall have the authority to review the following applications for administrative action, as well as all other reviews and other actions required by other

provisions of this Ordinance constituting land use decisions and not specifically listed elsewhere in this Chapter.

1) Administrative variance, except where Planning Commission review is required by Section 5.6.030 (Chapter 5, Article 6);

2) Temporary Use Permit (Chapter 5, Article 9);

3) Alteration or Repair of a Nonconforming Use (Chapter 4, Article 1);

4) Private Road Approval (Chapter 6);

5) Conditional Use Permit (Chapter 5, Article 8);

6) Variances (Chapter 5, Article 5).

SECTION 5.1.130 NOTICE OF ADMINISTRATIVE ACTION

1) Notice of applications for administrative actions pursuant to Sections 5.1.090 and 5.1.120 shall be sent by the Director to all property owners within 100 feet of the property subject to the application at least 15 days prior to the decision.

2) Notice shall also be posted by the applicant in at least three (3) conspicuous places in the immediate vicinity of the property which is the subject of the application at least ten (10) days prior to the date of the action. An affidavit of posting shall be filed by the applicant or his/her authorized representative on a form to be provided by the Director.

3) The notice shall:

   a) Include the location, file number, and title of the file containing the request and the date such notice was sent.

   b) Include a description of the subject property, reasonably calculated to give notice as to its actual location, and for the purpose of this Section, shall include, but not be limited to, metes and bounds descriptions or the tax map designations of the Douglas County Assessor's Office.

   c) Include the deadline established for rendering a final decision.

   d) Include the deadline for filing comments on the request.

   e) Explain the nature of the application and the proposed use or uses which could be authorized.

   f) List the applicable criteria from this Ordinance and the plan that apply to the application at issue.

   g) Set forth the street address or other easily understood geographical reference to the subject property.

h) State that failure of an issue to be raised or failure to provide statements or evidence sufficient to afford the approving authority an opportunity to respond to the issue precludes appeal based on that issue.

i) Include the name of a City representative to contact and the telephone number where additional information may be obtained.

j) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

SECTION 5.1.140 ADMINISTRATIVE ACTION PROCEDURE

1) Within 45 days after accepting a completed application for administrative action pursuant to Section 5.1.090 or 5.1.120 of this Ordinance, the Director shall act on the application or refer it to the Planning Commission, unless such time limitation is extended with the consent of the applicant.

2) Within such 45 day period, the Director shall:

   a) Give notice pursuant to Section 5.1.130;

   b) Prepare a decision to approve or deny the request including findings of fact and conclusions of law or refer the application to the Planning Commission. Approvals may include conditions considered necessary to assure conformance with the purpose and intent of this Ordinance.

3) If the application does not meet the criteria, or if written objections are received, or if the applicant or the Director so desire for any reason, the Director may schedule any application for public hearing before the Commission, as if on appeal pursuant to Section 5.1.170 and the Commission shall hear and decide the matter as if the matter were listed in Section 5.1.180.

4) The Director shall provide for a register of all applications for administrative action which have been filed, all such applications which have been acted upon initially and are awaiting final decision, and all such applications which are the subject of administrative review or appeal.

SECTION 5.1.150 DECISION OF THE DIRECTOR

1) In making a decision on an administrative action under Section 5.1.090 or 5.1.120, the Director shall consider the following:

   a) The burden of proof is placed upon the applicant seeking an action pursuant to the provisions of this Chapter. Unless otherwise provided for in this Article, such burden shall be to prove:

i) The proposed action fully complies with the applicable land use map element of the Comprehensive Plan, and also the written policies of the Comprehensive Plan.

ii) The proposed action is in accordance with the applicable criteria of this Ordinance.

b) Written comments from parties.

2) In all cases, the Director shall prepare findings and conclusions to justify his/her decision.

3) If an application is denied by the Director, and no higher authority reverses such denial upon appeal, no new application for the same or substantially similar action shall be filed for at least 12 months from the date of the prior application.

SECTION 5.1.160 NOTICE OF A DECISION BY THE DIRECTOR

1) Notice of a decision by the Director shall be filed in the records of the Director, and mailed to the applicant and all parties. Notice shall also be forwarded to the Commission and the Governing Body.

2) Notice of a decision shall contain:

a) Identification of the application;

b) Where the findings of fact and decision may be found;

c) Other information pertinent to the application, if any;

d) The date of the decision of the Director;

e) Notice that any party may appeal the decision within 14 days from the date of the decision by filing a timely statement with the Director.

3) The decision of the Director shall be final unless an appeal from a party or a person or entity aggrieved by the decision is received by the Director within the 14 days after the date of a decision on an administrative action, or unless any two (2) members of the Commission or Governing Body request review within 14 days after the date of the proposed decision.

SECTION 5.1.170 APPEAL FROM DECISION OF THE DIRECTOR

1) Any action taken by the Director in the interpretation, administration, or enforcement of this Ordinance shall be subject to review by the Commission.

2) Any party or any person or entity aggrieved by the decision may appeal a decision of the Director relative to an administrative action.

3) The Commission may review the action of the Director upon written notice from two (2) members of the Commission filed within 14 days of the Director's decision, or upon receipt of a notice of appeal as prescribed herein. For the purposes of this Section, an appeal shall be filed with the Director no later than 14 days following the date of the decision or action of the Director.

4) Every notice of appeal shall contain:

   a) A reference to the application sought to be appealed.

   b) A statement as to how the petitioner qualifies as a party.

   c) The specific grounds relied upon in the petition request for review.

   d) The date of the final decision on the action.

5) The appeal shall be accompanied by the required fee. The maximum fee shall be the cost to the City of preparing for and conducting the appeal, or $500, whichever is less.

6) At least 15 days prior to the date of the Commission hearing, the Director shall give notice as provided by Section 5.1.190 of the time and place of the hearing to all parties.

7) Appeal of an action of the Director to the Commission shall be de novo and shall be conducted in accordance with Section 5.1.200.

SECTION 5.1.180 LAND USE DECISIONS OF THE COMMISSION

The following applications for development approval shall be heard by the Commission, pursuant to Section 5.1.200:

1) Planned Unit Development (Article 2 of Chapter 6).

2) Comprehensive Plan Map Amendment recommendations to the Governing Body (Article 3 of Chapter 5).

3) Revocation hearing (Section 5.13.070).

4) Reviews and appeals of actions and interpretations by the Director (Section 5.1.170).

5) Appeals of decisions of the Director (Section 5.1.170).

6) Interpretations of this Ordinance (Section 1.1.080)

7) Matters referred to the Commission by the Director pursuant to Section 5.1.140.

8) Administrative Variance as required by Section 5.6.030 (Chapter 5, Article 6).

9) Family Hardship Permit (Chapter 5, Article 10).

10) Zone Change recommendations to the Governing Body (Chapter 5, Article 4).

SECTION 5.1.190 NOTICE OF COMMISSION HEARINGS

1) At least 20 days prior to the date of a quasi-judicial public hearing under Section 5.1.180, notice shall be sent by mail to: the applicant and all owners or contract purchasers of record of the property which is the subject of the application; all owners of property within 300 feet of the property; and any affected governmental agency which has entered into an agreement with the Governing Body to coordinate planning efforts and to receive notices of such hearings.

2) Notice shall also be posted by the applicant in three (3) conspicuous places in the immediate vicinity of the property which is the subject of the application at least 15 days prior to the date of the hearing.

3) Notice shall also be given by publication in a newspaper of general circulation in the area affected at least 20 days prior to the date of the hearing. An affidavit of publication shall be made part of the record.

4) If an application would change the zone of property which includes all or part of a mobile home park, written notice shall also be given by first class mail to each existing mailing address for tenants of the mobile home park at least 20 days but not more than 40 days before the date of the first hearing on the application. The director may require the applicant for such a zone change to pay the cost of such notice.

5) The notice shall:

   a) Include the location, file number, and title of the file containing the request and the date such notice was sent.

   b) Include a description of the subject property, reasonably calculated to give notice as to its actual location, and for the purpose of this Section, shall include, but not be limited to, metes and bounds descriptions or the tax map designations of the Douglas County Assessor's Office.

   c) Include the deadline for filing comments on the request.

   d) Explain the nature of the application and the proposed use or uses which could be authorized.

   e) List the applicable criteria from this Ordinance and the plan that apply to the application at issue.

   f) Set forth the street address or other easily understood geographical reference to the subject property.

g) State the date, time, and location of the hearing.

h) State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the approving authority an opportunity to respond to the issue precludes appeal based on that issue.

i) Include the name of a City representative to contact and the telephone number where additional information may be obtained.

j) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

k) State that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost.

l) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

SECTION 5.1.200 HEARING PROCEDURE

1) Any staff report used at the hearing shall be available at least seven (7) days prior to the hearing. If additional documents or evidence are provided by any party, the approving authority may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the time limitations of ORS 227.178.

2) Any and all issues which may be the basis for an appeal shall be raised and accompanied by statements or evidence sufficient to afford the approving authority and the parties an adequate opportunity to respond to each issue.

3) In the conduct of a public hearing, the approving authority shall have the authority, pursuant to the provisions of this Ordinance, to:

   a) Dispose of procedural requirements or similar matters.

   b) Rule on offers of proof and relevancy of evidence and testimony.

   c) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, cross-examination of witnesses, and rebuttal of testimony.

   d) Take such other action appropriate for conduct commensurate with the nature of the hearing.

e) Grant, deny, or, in appropriate cases, attach conditions to the matter being heard.

4) The applicant or any party wishing to subpoena witnesses to a hearing may do so by application to the Director. Such subpoenas shall be enforceable upon proper completion and inclusion of those fees applicable to civil cases in the Douglas County Circuit Court. Payment of fees and services shall be the responsibility of the party desiring such service.

5) Order of Procedure. Unless otherwise specified, the approving authority, in the conduct of a hearing, shall:

a) At the commencement of the hearing, read a statement to those in attendance that:

i) Lists the applicable substantive criteria;

ii) States that testimony and evidence must be directed toward the criteria described in subpart (i) of this Subsection or other criteria in the plan or this Ordinance which the person believes to apply to the decision; and

iii) States that failure to raise an issue accompanied by statements or evidence sufficient to afford the approving authority and the parties an opportunity to respond to the issue precludes appeal based on that issue.

b) Announce the nature and purpose of the hearing and summarize the rules for conducting the hearing;

c) Recognize parties;

d) Request the Director to present the introductory report of the Director and explain any graphic or pictorial displays which are a part of the report. Request the Director to read findings and recommendations, if any, and provide such other information as may be requested by the approving authority;

e) Allow the applicant to be heard first, on his/her own behalf, or by representative;

f) Allow parties or witnesses in favor of the applicant's proposal to be heard;

g) Allow other parties or witnesses to be heard next in the same manner as in the case of the applicant.

6) Questions may be asked at any time by the approving authority. Questions by the parties or Director may be allowed by the approving authority upon request. Upon recognition by the approving authority, questions may be submitted directly

to the witnesses or parties. The witnesses or parties shall be given a reasonable amount of time to respond solely to the questions.

7) Prior to the conclusion of the hearing, any party may request an opportunity to present additional evidence or testimony regarding the application. The approving authority shall grant such requests by continuing the hearing pursuant to paragraph "a" of this Subsection or leaving the record open for additional written evidence or testimony pursuant to paragraph "b" of this Subsection.

   a) If the approving authority grants a continuance, the hearing shall be continued to a date, time, and place certain at least seven (7) days later. An opportunity shall be provided at the continued hearing for parties to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any party may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven (7) days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.

   b) If the approving authority leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven (7) days. Any party may file a written request with the approving authority for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the approving authority shall reopen the record pursuant to Subsection "8" of this Section.

   c) A continuance or extension granted pursuant to this Subsection shall be subject to the limitations of ORS 227.178, unless the continuance or extension is requested or agreed to by the applicant.

   d) Unless waived by the applicant, the approving authority shall allow the applicant at least seven (7) days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.

8) When the approving authority reopens the record to admit new evidence or testimony, any party may raise new issues which relate to the new evidence, testimony, or criteria for decision-making which apply to the matter at issue.

9) <u>For purposes of this Section</u>:

   a) "Argument" means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed by the proponent relevant to the decision. "Argument" does not include facts.

b) “Evidence” means facts, documents, data, or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

10) At the conclusion of the hearing, the approving authority shall either make a decision and state findings which may incorporate findings proposed by any party, or the Director, or may take the matter under advisement. The approving authority may request proposed findings and conclusions from any party to the hearing. The approving authority, before finally adopting findings and conclusions, may circulate the same in proposed form to the parties for written comment. All actions taken by the approving authority pursuant to adopting findings and conclusions shall be made a part of the record. The decision and findings and conclusions which support the decision of the approving authority shall not be final until reduced to writing and signed by the approving authority. The approving authority shall grant, deny, or, in appropriate cases, attach conditions to the proposal being heard, and the Director shall notify by mail the parties of the decision.

11) General Conduct of Hearing. The following rules apply to the general conduct of the hearing:

a) No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.

b) No person shall testify without first receiving recognition from the approving authority and stating his/her full name and address.

c) No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence. Formal rules of evidence as used in courts of law shall not apply. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs.

d) Audience demonstrations such as applause, cheering, and display of signs, or other conduct disruptive of the hearing, shall not be permitted. Any such conduct may be cause for immediate suspension of the hearing.

SECTION 5.1.210 QUASI-JUDICIAL HEARINGS – CHALLENGES TO IMPARTIALITY

1) Any party to a matter to be heard under this Article and any member of the approving authority or of the Governing Body may challenge the qualification of any other member of that authority or body to participate in the hearing and decision regarding the matter. The challenge shall state by affidavit the facts relied upon by the challenger as the basis for the challenge.

a) Except for good cause shown, the challenge shall be delivered by personal service to the City Recorder and the person whose qualification is challenged, not less than 48 hours preceding the time set for the hearing.

b) The challenge shall be made a part of the record of the hearing.

2) No member of the approving authority or of the Governing Body may discuss or vote on a matter when:

a) Any of the following has a direct or substantial pecuniary interest in the matter: the member of his or her spouse, brother, sister, child, parent, father-in-law, or mother-in-law; any organization in which the member is then serving as an officer or director or has so served within the previous two (2) years; or any business with which the member is negotiating for or has an arrangement or understanding concerning a prospective partnership, employment, or other business affiliation.

b) The member owns all or a portion of the property that is the subject of the matter before the approving authority or Governing Body or owns abutting or adjacent property.

c) The member has a direct personal interest in the matter or for any other reason cannot participate in the hearing and decision impartially. This includes matters where by past conduct or statements the member: has a bias which in the exercise of sound judgment the member cannot vote upon the matter impartially and without prejudice to the substantial rights of the challenging party; owes a present or future fiduciary duty to one of the parties; shares the member's residence with a party which has a pecuniary interest in the matter; or has a personal bias or prejudice against a party.

3) Because of the importance of preserving public confidence in decisions made by the approving authority or Governing Body, a member of that authority or body may elect to abstain from a particular hearing when in fact the member is not disqualified but simply desires to avoid the mere appearance of partiality. Abstention in such an instance shall be solely a matter of the member's own judgment. A member who feels that abstention may be necessary or desirable under this Section shall seek the advice of the authority or body and then state the member's decision and the reasons therefore.

4) No other officer or employee of the City who has a financial or other private interest in a matter before the approving authority or Governing Body may participate in discussion of the matter with, or give an official opinion on the matter to the authority or body without first declaring for the record the nature and extent of that interest.

5) At the commencement of the hearing on a matter, members of the approving authority or of the Governing Body shall reveal all significant pre-hearing and ex parte contacts they have had about the matter. If the contacts have not impaired the member's impartiality, the member shall so state that fact and participate or

abstain in accordance with Subsection “4” of this Section and with the member’s own judgment.

6) Notwithstanding any other rule, an abstaining or disqualified member shall constitute part of a quorum and may represent the member’s interest at a hearing, provided the member joins the audience, makes full disclosure of the member’s status and position when addressing the approving authority or Governing Body and abstains from discussion and from voting on the matter as a member of the authority or body.

7) Whenever the qualifications of a member of the approving authority or of the Governing Body are challenged, the presiding officer of the authority or body shall give precedence to the challenge by first giving the challenged member an opportunity to respond and then, if necessary, putting the challenge to the authority or board for decision.

8) Disqualification for reasons set forth in Subsections “1, 2, 3, or 5” of this Section may be ordered by a majority of the approving authority or Governing Body. The member who is the subject of the motion for disqualification may not vote on the motion.

9) If all members of the body abstain or are disqualified and consequently cannot reach a decision while so abstaining or disqualified, all members present, after stating their reasons for abstention or disqualification, shall by so doing be re-qualified and proceed to resolve the issues.

10) A member absent during the presentation of any evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless he or she has reviewed the evidence received.

SECTION 5.1.220 OFFICIAL NOTICE

1) The approving authority may take official notice of the following:

   a) All facts which are judicially noticeable. Judicially noticed facts shall be stated and made part of the record.

   b) The Comprehensive Plan and other officially adopted plans, Ordinances, rules and regulations.

2) Matters officially noticed need not be established by evidence, and may be considered by the approving authority in the determination of the application.

SECTION 5.1.230 RECORD OF PROCEEDING

1) A verbatim record of the proceeding shall be made by stenographic or mechanical means. It shall not be necessary to transcribe testimony except as

provided for in Section 5.1.240. In all cases, the tape, transcript of testimony, or other evidence of the proceedings shall be part of the record.

2) All exhibits received shall be marked so as to provide identification upon review.

SECTION 5.1.240 REVIEW OF DECISIONS OF COMMISSION

Fifteen (15) days from the date of a written decision of the Commission, the decision shall become effective, unless review is sought pursuant to this Section.

1) Review of the decision of the Commission

   a) Shall be made by the Governing Body upon any party filing a Notice of Review with the Director within 14 days of the date of the written decision sought to be reviewed. Review by the Governing Body shall be conducted pursuant to Section 5.1.250.

   b) May be made by the Governing Body on any two (2) members of the Governing Body giving written notice to the City Manager within 14 days of the date of the written decision sought to be reviewed. Review by the Governing Body shall be conducted pursuant to Section 5.1.250.

2) Notice of the time and place of the review, together with any Notice of Review filed, shall be mailed to parties at least ten (10) days prior to the date of review.

3) A record of the review shall be the same as that required at the hearing before the Commission, pursuant to Section 5.1.230.

4) Every Notice of Review shall contain:

   a) A reference to the decision sought to be reviewed;

   b) A statement as to how the petitioner qualifies as a party;

   c) The specific grounds relied upon in the petition request for review;

   d) The date of the decision sought to be reviewed.

5) Except when filed by members of the Governing Body, a Notice of Review shall be accompanied by a fee established by the Governing Body.

   a) If the reviewing body does not desire a transcript, the applicant or any party may request a transcript. Any such transcript request shall be paid for by the person requesting it in the manner provided in this Section. The estimated cost of the transcript shall be specified by the Director. Within five (5) days of such estimate, the person making the request for a transcript shall deposit the estimated cost with the Director. Any deposit excess shall be returned to the depositing person.

b) Failure to comply with this Subsection shall be a jurisdictional defect.

c) If a transcript is desired by the Governing Body, the costs shall be borne by the Governing Body.

SECTION 5.1.250 REVIEW BY GOVERNING BODY

1) Except upon the election of the Governing Body to take additional evidence, the review of a decision of the Commission by the Governing Body shall be confined to the record of the proceeding, which will include the following:

a) All materials, pleadings, memoranda, stipulations, and motions submitted by any party to the proceeding and received or considered by the Commission as evidence;

b) All materials in the record submitted by the Director with respect to the application;

c) The transcript of the hearing, if required by the Governing Body or otherwise provided, or the tape recording or other evidence of the proceeding of the hearing and review by the Commission;

d) The findings and conclusions of the Commission;

e) Argument by the applicant or parties or their legal representatives upon the record at the time of review by the Governing Body.

2) Except upon the election of the Governing Body communicated to the parties with reasonable time to prepare, review by the Governing Body upon appeal by a party shall be limited to the grounds relied upon in the petition request for review.

3) The Governing Body may affirm, reverse, modify, or remand the action of the Commission, and may approve or deny the request, or grant approval subject to conditions necessary to carry out the purpose and intent of this Ordinance.

a) For all cases, the Governing Body shall make findings and conclusions, and make a decision based on the record before it as justification for its final action.

b) The Governing Body shall enter such findings, conclusions, and final orders upon the close of its hearings or upon continuance of the matter to a time certain.

c) The Governing Body shall cause copies of a final order to be sent to all parties participating in the review before it.

4) The Governing Body may remand the matter to the Commission if it is satisfied that testimony or other evidence essential to the Governing Body's decision was not presented at the initial hearing.

5) Only those members of the Governing Body reviewing the entire record may act on the matter reviewed. The agreement of a majority of those reviewing is necessary to amend, reverse, or remand the action of the Commission. Upon failure of a majority of those reviewing to agree, the decision of the Commission shall stand.

ARTICLE 2:

LEGISLATIVE ACTIONS PROCEDURES

SECTION 5.2.010 PURPOSE

The purpose of Sections 5.2.010 through 5.2.090 is to establish procedures for considering legislative proposals and actions, including but not limited to legislative amendments of the Roseburg Urban Area Comprehensive Plan text or map, legislative amendments to the text of this Ordinance, and legislative zone changes.

SECTION 5.2.020 DETERMINATION OF APPLICABLE PROCESS

The Director, in consultation with the City Attorney, shall be responsible for determining if a particular proposal is a legislative action under applicable law or an application for development approval. A legislative action shall be processed according to this Article. An application for development approval shall be processed by quasi-judicial public hearing or administrative action, pursuant to the Development Approval Procedures set forth in Article 1 of Chapter 5 of this Ordinance. The determination of the Director as to whether a particular proposal is a legislative action shall be subject to review by the Commission and the Governing Body.

SECTION 5.2.030 WHO MAY INITIATE

Proposals for legislative actions may only be initiated by the Director, the Commission, the Governing Body, or any individual member of the Governing Body.

SECTION 5.2.040 NOTICE AND HEARING BY COMMISSION

The Commission shall hold a public hearing on any proposed legislative action after publishing notice of the hearing at least ten (10) days prior to the hearing in a newspaper of general circulation published in the area affected by the proposed legislative action. The notice shall contain the time, place, and purpose of the hearing and a description of the land to be subject to the proposed legislative action.

SECTION 5.2.050 HEARING PROCEDURE

1) In the conduct of public hearings pursuant to this Article, the Commission and the Governing Body shall have the authority to:

    a) Rule on procedural questions;

    b) Impose reasonable limitations on the time for public testimony, and to restrict irrelevant or repetitive testimony and presentations;

    c) Prohibit persons from being disorderly, abusive, or disruptive of the orderly conduct of the hearing;

d) Prohibit persons from testifying without first receiving recognition and stating their full name and address;

e) Prohibit persons from presenting irrelevant, immaterial, or unduly repetitious testimony;

f) Prohibit audience demonstrations such as applause, cheering, and display of signs or other conduct disruptive of the hearing. Any such conduct may be cause for immediate suspension or termination of the hearing.

2) Order of procedure. Unless otherwise specified, the Commission or the Governing Body, in the conduct of hearings, shall:

a) At the commencement of the hearing, announce the nature and purpose of the hearing and summarize the rules for conducting the hearing;

b) Request the Director to present the introductory report of the Director;

c) Allow members of the public to speak about the proposal and to submit relevant documents.

3) At the conclusion of the hearing, the Commission or Governing Body may, at its sole discretion, continue the hearing or leave the record open for a time during which any person may submit additional documents or written evidence or testimony.

SECTION 5.2.060 RECOMMENDATION BY COMMISSION

1) At the conclusion of a hearing by the Commission, and following any continuances or period in which the record remains open, the Commission may: make a decision recommending approval or disapproval of the proposal and transmit such recommendation to the Governing Body; or may recommend modification or approval with conditions; or may take the matter under advisement. If the Commission's recommendation has not been received by the Governing Body prior to the expiration of 60 days after the conclusion of the Commission's initial hearing, the Governing Body may consider the proposal without recommendation of the Commission thereon.

2) The recommendation of the Commission shall be supported by written Findings and Conclusions. In addition to any other substantive criteria that may be deemed to apply, all legislative action proposals shall be analyzed for consistency with the policies of the Plan, Statewide Planning Goals, and other provisions of this Ordinance. All actions taken by the Commission in adopting Findings and Conclusions shall be made a part of the record.

SECTION 5.2.070 CONSIDERATION BY GOVERNING BODY

1) Upon receiving the Commission's recommendation, or upon the expiration of the 60 day period abovementioned, the Governing Body shall hold a public hearing after providing notice to all established parties. The same rules of procedure which applied to the hearing by the Commission shall apply to the hearing by the Governing Body. The Governing Body may approve or disapprove the proposal or modify it or grant approval subject to conditions. For all cases, the Governing Body shall make written Findings and Conclusions, addressing the criteria mentioned in Subsection 5.2.060(2) above or incorporating the Findings and Conclusions of the Commission regarding such criteria. The Governing Body may remand the matter to the Commission if it deems it helpful to obtain further consideration or recommendations from the Commission on the matter.

2) Upon adoption or amendment of any Ordinance or regulation to which ORS 92.044 or 92.046 applies, the Governing Body shall comply with ORS 92.048, including the requirement of filing with the recording officer of the County.

3) The Director shall send notice of any legislative action proposal to the State as required under ORS 197.610 and, upon adoption, as required under ORS 197.615.

SECTION 5.2.080 CONFLICTS OF INTEREST

Section 5.1.210 of this Ordinance shall be applicable to proceedings to consider legislative action proposals under this Article, except where the context otherwise indicates, and except that there shall be no prohibition against or requirement for disclosure of ex parte contacts.

SECTION 5.2.090 ZONING TEXT AMENDMENTS

It may be necessary from time to time to amend the text of this Ordinance in order to conform to the Comprehensive Plan, or to meet other changes in circumstances and conditions. An amendment to the text of this Ordinance is, as is original zoning, a legislative act solely within the authority of the Governing Body and shall be processed pursuant to this Article.

ARTICLE 3:

QUASI-JUDICIAL PLAN AMENDMENT

SECTION 5.3.010 PURPOSE

This Article provides the substantive requirements for quasi-judicial amendments of the Roseburg Urban Area Comprehensive plan. Procedural provisions for such plan amendments are set forth in this Chapter.

A quasi-judicial amendment is a change in the Comprehensive Plan Map for a particular parcel or limited number of parcels of land. Legislative amendments of the Plan or Map shall be processed pursuant to Article 2 of this Chapter.

SECTION 5.3.020 INITIATION OF AMENDMENT

A quasi-judicial plan amendment may be initiated by an application as provided in Section 5.1.040 of this Ordinance.

SECTION 5.3.030 APPLICATION AND HEARING DATES

Applications for a quasi-judicial plan amendment may be submitted to the City Community Development Director at any time. Quasi-judicial plan amendment hearings shall be scheduled and conducted only on the first regular meeting dates in the months of April and October.

The City Planning Commission may schedule a quasi-judicial plan amendment hearing on any other date if it finds the provision of this Section would result in an undue hardship on the applicant. Hearing dates may be continued by the Planning Commission upon its own motion or upon request of continuance by the applicant.

All quasi-judicial plan amendment applications shall be filed with the Community Development Director at least 60 days prior to a hearing date. Application shall be made on forms provided by the Director, and shall be accompanied by the required fee.

SECTION 5.3.040 APPLICATION FORM AND CONTENT AND AMENDMENT STANDARDS

1) The City Community Development Director shall prescribe forms for applications for quasi-judicial plan amendments which, when completed, shall be sufficient to describe the nature and effect of the proposed amendment.

2) The application shall address the following requirements, which shall be the standard for amendment.

    a) That the amendment complies with the Statewide Planning Goals adopted by the Land Conservation and Development Commission, pursuant to ORS 197.240, or as revised pursuant to ORS 197.245. If it appears that it is not possible to apply an appropriate goal to specific properties or situations, then

the application shall set forth the proposed exception to such goal as provided in Statewide Planning Goal 2, Part II. Compelling reasons and facts shall be given why an exception should be adopted, including:

i) Why the proposed use should be provided for;

ii) What alternative locations within the area could be used for the proposed use;

iii) What are the long-term environmental, economic, social and energy consequences to the locality, the region or the State from not applying the goal or permitting the proposed use; and

iv) How the proposed use will be compatible with other adjacent uses.

b) That the amendment complies with applicable policies of the Comprehensive Plan.

c) That there is a public need for a change of the kind in question.

d) That such need will be best served by changing the Plan designation of the particular piece of property in question as compared with other available property.

3) Applications for quasi-judicial plan amendments may be combined with an application, on the same property, for an administrative action. If a combined application is made, the time periods in this Article shall apply, even if such periods conflict with time periods set forth in other Articles of this Ordinance.

SECTION 5.3.050 NOTICE

1) Prior to the hearing by the City Planning Commission, notice thereof shall be given as provided in ORS 197.610 – Notice to State Department of Land Conservation and Development (DLCD) – Notice of Proposed Amendment. Thereafter, notice of further proceeding shall be given as provided in this Chapter. (Ord.3289, 9/08)

2) If the application proposes an exception to a goal as described in Section 5.3.040(2)(a), such exception shall specifically be noted in the notice.

SECTION 5.3.060 NOTIFICATION OF COUNTY PLANNING COMMISSION

Within 15 days of receipt of an application for a quasi-judicial plan amendment for property lying partly or wholly within the unincorporated area of Douglas County, the City shall forward written notice of the proposed amendment to Douglas County. The County shall conduct its proceedings to review and act on the application in accordance with the process established by the Urban Growth Management Agreement.

SECTION 5.3.070 HEARING BY PLANNING COMMISSION

The City Planning Commission shall conduct a public hearing upon the proposed plan amendment, and, if the proposed amendment is combined with an application for administrative action, the Commission shall conduct any required hearing at the same time. The hearing shall be conducted pursuant to the provisions of this Chapter.

The City Planning Commission shall hear and consider all evidence, comments and recommendations presented by: the applicant or his/her authorized agent; the public or any other body; the County Planning Commission; and the Director.

After the close of the hearing, the Commission shall recommend approval, conditioned approval or denial of the application, and shall adopt findings of fact and conclusions of law supporting its recommendation.

SECTION 5.3.080 PUBLIC HEARING BY CITY COUNCIL

Within 30 days of the decision of the Commission, a public hearing shall be scheduled before the City Council.

The Council shall conduct a public hearing within 60 days of the decision of the Planning Commission upon all matters requiring Council approval. If a Notice of Review is filed with the Director, the Council shall conduct a hearing pursuant to this Chapter. If there is no request for review of the Commission's action, the Council may adopt the findings and conclusions, and initial decision, at a regular public business meeting. If the Council elects to review the Commission's initial decision, either on its own motion or otherwise pursuant to Section 5.1.250 of this Ordinance, notice of the hearing shall be given pursuant to this Chapter. The public hearing shall be confined to the record of the proceeding before the Commission, which shall include those matters contained in Section 5.3.040 of this Article, and, in addition, argument by the parties or their legal representatives at the time of review before the Council.

SECTION 5.3.090 DECISION OF CITY COUNCIL

After the close of the hearing, the Council shall adopt, amend, deny, or remand to the Commission the application heard by it, and shall adopt written findings and conclusions and a decision supporting its action.

SECTION 5.3.100 RESOLUTION OF CONFLICT

Resolutions of conflict between the City and County on Plan Amendments concerning lands in the unincorporated area within the Urban Growth Boundary shall be resolved by utilization of the steps prescribed in the Urban Growth Management Agreement.

SECTION 5.3.110 LIMITATION

Except when the Commission finds new substantial evidence is now available which the applicant could not have presented with due diligence, or finds a change of circumstance warrants it, no application for a quasi-judicial plan amendment shall be

considered while a previous decision on such request is being appealed as provided by this Ordinance and state law or considered within the 12 month period immediately following the filing of the application, whichever last occurs.

SECTION 5.3.120 APPEAL

Appeal of the final action of the Council relative to an application for a quasi-judicial plan amendment may be pursued in the manner prescribed by statute.

ARTICLE 4:

ZONE CHANGE

SECTION 5.4.010 PURPOSE

This Article provides the criteria for amending the boundaries of any Zoning District delineated on the official zoning map. Zoning shall be consistent with the Comprehensive Plan and maintain the general purpose of this Ordinance and specific purpose of the applicable zone classification. Application of Overlay Districts to any property requires a zone change application per Section 2.1.070.

SECTION 5.4.020 NOTICE REQUIREMENTS FOR MOBILE HOME PARKS

If an application would change the zone of property which includes all or part of a mobile home park, written notice shall also be given by first class mail to each existing mailing address for tenants of the mobile home park at least 20 days but not more than 40 days before the date of the first hearing on the application. The Director may require the applicant for such a zone change to pay the cost of such notice. Procedure shall otherwise to be followed subject to Section 5.1.200.

SECTION 5.4.030 CRITERIA FOR ZONE CHANGE

The approving authority may grant a zone change only if the following circumstances are found to exist:

1) The rezoning will conform to the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

2) The site is suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area.

3) The rezone is consistent with the safety and performance measures of the transportation system. (Ord.3279, 3/08)

SECTION 5.4.040 ZONE CHANGE – CONDITIONS OF APPROVAL

Reasonable conditions may be imposed, as are necessary to ensure the compatibility of a zone change to surrounding uses and as are necessary to fulfill the general and specific purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

1) Special yards and spaces;

2) Fences and walls;

3) Special parking and/or loading provisions;

4) Street dedication and improvements or traffic control devices or facilities or bonds or other monetary contributions in lieu of improvements; (Ord.3279, 3/08)

5) Control of points of vehicular ingress and egress;

6) Special provisions for signs;

7) Lighting, landscaping, and maintenance of grounds;

8) Control of noise, vibration, odors, or other similar nuisances.

SECTION 5.4.050 GRANT OF AUTHORITY FOR ZONE CHANGE

1) The Governing Body shall have the authority to order a change in the official map to effectuate the rezoning of property as provided by the provisions of this Ordinance.

2) The Governing Body shall order a change in the official map within ten (10) days of the date the decision becomes final.

SECTION 5.4.060 ZONING OF ANNEXED AREAS

Areas annexed to the City shall retain their existing zoning classifications until they are rezoned by the City. The Governing Body may rezone such area(s) to City zoning classification(s) concurrent with the effective date of the annexation(s). At the option of the Governing Body such rezoning may be heard by the Commission pursuant to Section 5.1.200, or the choice of zoning classification(s) for such area(s) may be done as legislative act(s) within the authority of the Governing Body pursuant to Article 2 of this Chapter. In either event, the Governing Body may seek recommendations from the Commission regarding such zoning classifications. Such classifications shall conform to the criteria set forth in Section 5.4.010, conditions may be imposed as provided in Section 5.4.040, and the official map shall be changed as provided in Section 5.4.050.

ARTICLE 5:

VARIANCES

SECTION 5.5.010 PURPOSE

A variance may be granted whenever the strict application of a requirement of this Ordinance would impose unusual practical difficulty on the applicant. Practical difficulty may result from the size, shape, or dimensions of a site or the location of existing structures thereon, geographic, topographic, or other physical conditions on the site or in the immediate vicinity, or street location or traffic conditions in the immediate vicinity. The authority to grant variances does not extend to use regulations. In granting a variance, conditions may be imposed which are necessary to protect surrounding uses and otherwise achieve the purpose of this Ordinance.

SECTION 5.5.020 CRITERIA FOR DECISION

A variance to the requirements of this Ordinance may be granted with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences, and walls, and other dimensional requirements only if, on the basis of the application, investigation and evidence submitted, all of the following circumstances are found to exist:

1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography, or other circumstances over which the property owner since the enactment of this Ordinance has had no control.

2) The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.

3) The variance would not conflict with the purposes of this Ordinance and would not be materially detrimental to property in the vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.

4) The variance requested is the minimum variance which would alleviate the difficulty.

5) The need for the variance is not the result of a practical difficulty created by the actions of the current owner or previous owner.

SECTION 5.5.030 INVALIDATION OF VARIANCE

A variance will become invalid without special action if the variance is not exercised within one (1) year of the date of approval.

SECTION 5.5.040 GRANTING OF EXTENSIONS

An applicant may request an extension of the validity of a variance approval. Such request shall be considered an administrative action, and shall be submitted to the Director prior to the expiration of such approval, in writing, stating the reason why an extension should be granted.

The Director may grant an extension of up to 12 months in the validity of the variance approval if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from exercising the variance within the original time limitation.

ARTICLE 6:

ADMINISTRATIVE VARIANCES

SECTION 5.6.010 BUILDING SETBACK VARIANCE

An administrative variance from regulations covering any building setback requirements may be authorized by the Director, pursuant to the administrative action process of Section 5.1.060, of up to a maximum of 50% of the requirement, provided the variance does not result in a setback of less than four (4) feet.

SECTION 5.6.020 FENCE HEIGHT VARIANCE

An administrative variance from regulations covering limitations on fence height as established in Section 4.4.070 may be authorized by the Director, pursuant to the administrative action process of Section 5.1.060.

SECTION 5.6.030 OFF-STREET PARKING VARIANCE

An administrative variance from regulations covering parking requirements (automobile or bicycle parking) may be authorized by the Director, pursuant to the administrative variance action process of Section 5.1.060, provided the requested amount of reduction in parking from that required by Article 2 of Chapter 3 is 25% or less. Where the reduction will exceed 25%, the request will be heard by the Planning Commission at a public meeting.

SECTION 5.6.040 CRITERIA FOR ADMINISTRATIVE VARIANCE

An administrative variance, as authorized by this Article, may be granted only if, on the basis of the application, investigation and evidence submitted, all of the following circumstances are found to exist:

1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography, or other circumstances over which the property owner since the enactment of this Ordinance has had no control.

2) The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.

3) The variance would not conflict with the purposes of this Ordinance and would not be materially detrimental to property in the vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.

4) The variance requested is the minimum variance which would alleviate the difficulty.

5) The need for the variance is not the result of a practical difficulty created by the actions of the current owner or previous owners.

SECTION 5.6.050 CRITERIA FOR ADMINISTRATIVE PARKING VARIANCE

An administrative variance to the off-street parking requirements, as authorized by this Article, may be granted only if, on the basis of the application, investigation and evidence submitted, all of the following circumstances are found to exist:

1) The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.

2) The variance would not conflict with the purposes of this Ordinance and would not be materially detrimental to property in the vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.

3) The variance requested is the minimum variance which would alleviate the difficulty.

4) Circumstances (1), (2), and (3) above are found to be met with respect to the following:

   a) The nature of the use, the number of parking spaces required, and the anticipated frequency of turn-over of parking;

   b) The number of spaces which are or could be provided onsite;

   c) The number of employees expected to be onsite at one time;

   d) Availability of parking available under the provisions of Sections 3.2.090 and 3.2.110 of this Ordinance;

   e) General parking and congestion in the vicinity of the site;

   f) Other uses allowed on the site which would satisfy or be more in compliance with the parking regulations;

   g) Anticipated impacts to neighboring properties resulting from not providing parking in accordance with the parking regulations.

5) Sufficient parking appropriate to the circumstances can be provided by one or more of the following alternative solutions:

   a) Offsite parking which is provided by recorded agreement and is convenient to client use, and does not require pedestrian access across a street classified

as a collector or higher classification unless adequate provision for pedestrian crossing is made;

b) On-street parking readily available in the immediate vicinity, or public off-street parking provided in a convenient location;

c) Payment into a public parking fund at a rate per space established by resolution of the City Council.

SECTION 5.6.060 INVALIDATION OF ADMINISTRATIVE VARIANCE

An administrative variance will become invalid if:

1) An administrative variance is void if it conflicts with any restrictive covenant applicable to the property at the time such variance is granted.

2) The variance is not exercised within one (1) year of the date of the approval.

SECTION 5.6.070 GRANTING OF EXTENSIONS

An applicant may request an extension of the validity of an administrative variance. Such request shall be considered an administrative action, and shall be submitted to the Director prior to the expiration of such approval, in writing, stating the reason why an extension should be granted.

The Director may grant an extension of up to 12 months in the validity of the variance approval if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from exercising the variance within the original time limitation.

ARTICLE 7:

OCCUPANCY PERMITS

SECTION 5.7.010 GENERAL

No lot or parcel in any District established under the provisions of this Ordinance shall hereafter be occupied or used, and no building or structure hereafter shall be used or occupied until an occupancy permit is issued therefor by the Building Official, except as otherwise exempted from the requirements of this Article.

SECTION 5.7.020 EXCEPTIONS

The provisions of this Article shall not apply to a dwelling where such dwelling is a permitted use in the applicable District and the use of the dwelling is for residential purposes, nor shall the provisions of this Article apply to agricultural and resource management activities where the applicable District permits such activities. Uses and activities which lawfully exist at the time this Ordinance becomes effective shall be exempt from the provisions of this Article until such time as a change in use or occupancy occurs as specified in Section 5.7.010 of this Article.

SECTION 5.7.030 APPLICATION

Application for an occupancy permit for a new use, a change in land use, for a new building or structure, or for an existing building or structure shall be made to the Building Official before any such building, structure, or land is occupied or used.

SECTION 5.7.040 ISSUANCE

An occupancy permit shall be issued within five (5) working days after:

1) Written notice is received by the Building Official that the premises are ready for use or occupancy; and

2) Inspection by the Building Official indicates that the building or use is in conformity with this Ordinance and other applicable laws and regulations of the jurisdiction and the State of Oregon.

SECTION 5.7.050 RECORDS

The Building Official shall maintain a current record of all occupancy permits issued under the provisions of this Article.

ARTICLE 8:

CONDITIONAL USE PERMITS

SECTION 5.8.010 DESCRIPTION AND PURPOSE

Uses identified in this Ordinance as requiring Conditional Use Permits may be permitted, enlarged or altered in accordance with the provisions of this Article. In addition, where a proposed use or similar use is not listed in Chapter 2, or where ambiguity exists concerning the appropriate classification of a particular use or type of development within this Ordinance, said use or type of development may be established by a Conditional Use Permit in accordance with this Article.

The purpose of Conditional Use Permits is to allow determination of the appropriateness and compatibility of certain uses proposed to be located in areas not specifically designated for such uses and which may only be suitable for location in such areas with application of special conditions as allowed by this Article.

SECTION 5.8.020 APPLICATION PROCEDURE

An application for a Conditional Use Permit shall be processed as an administrative action by the Director. The Conditional Use Permit application shall be prepared and submitted by the owner of the subject property or authorized agent on a form prescribed by the Community Development Department and shall be accompanied by the prescribed fee and evidence demonstrating compliance with the criteria stated in Section 5.8.060. An application for a Conditional Use Permit and for Site Plan Review may be combined in a single application. When so combined the requirements of Article 7 and Article 8 of this Chapter shall apply, except appeals shall be governed by Section 5.8.030.

SECTION 5.8.030 APPEAL PROCEDURE

The Director's decision regarding an application for a Conditional Use Permit may be appealed to the Commission as provided in Section 5.1.170. The decision by the Commission shall be final and no party shall be entitled to review by the governing body under Sections 5.1.240 and 5.1.250 unless the governing body votes to allow review as provided in Section 5.8.040.

SECTION 5.8.040 REVIEW BY GOVERNING BODY

1) Any party seeking to obtain review of a decision of the Commission under Section 5.8.030 shall file a request for review within 14 days of the filing of the written decision sought to be reviewed.

2) Every request for review shall contain:

   a) A reference to the decision sought to be reviewed;

b) The date of the decision sought to be reviewed;

c) A statement as to how the petitioner qualifies as a party;

d) The specific grounds relied upon in the request for review, including a concise statement of each reason asserted for reversal or modification of the decision of the Commission;

e) A statement of specific reasons, apart from those asserted for review, why the issues presented have importance beyond the particular case and require decision by the governing body.

3) A request for review shall be allowed if a majority of the governing body present at the time of consideration of the request for review vote to allow it.

4) If the governing body accepts review, it may limit the questions on review. If review is not so limited, the questions before the governing body include all questions properly before the Commission that the request for review claims were erroneously decided by the Commission.

5) Except where otherwise specified in this Section, review by the governing body shall be conducted according to the procedures set forth in Section 5.1.250.

SECTION 5.8.050 PLAN REQUIREMENTS

The applicant for a Conditional Use Permit shall submit to the Director plans consisting of maps, drawings, written descriptions, or other materials necessary and appropriate for the Director to determine that the proposed development will conform to the general requirements of this Article and the specific requirements of this Ordinance. The Director may require an applicant proposing to site a residential facility within the City to supply the City with a copy of the entire application and supporting documentation for state licensing of the facility, except for information which is exempt from public disclosure under ORS 192.496 to 192.530. However, the Director shall not require independent proof of the same conditions that have been required by the Department of Human Resources for licensing of a residential facility.

SECTION 5.8.060 CRITERIA

A Conditional Use Permit shall be granted only if the approval authority finds that the proposal conforms to all five of the following criteria, the conditions set forth in Article 1 of Chapter 3, Site Plan Review, and any additional criteria made applicable by other Sections of this Ordinance:

1) That the proposed development is compatible with the existing or anticipated uses in terms of scale, bulk, coverage, density, architectural, and aesthetic design;

2) That the development is consistent with the purpose of the base zone and enhances the operation characteristics of the particular neighborhood;

3) That the site for the proposed development is served by streets and highways which are adequate in width, construction, and placement to safely carry the quantity and kind of traffic generated by the proposed use;

4) That the proposed development will not have an adverse physical effect on the development or use of abutting or contiguous property; and

5) The proposed development will conform to the policies of the Comprehensive Plan and adopted plans and policies of the Governing Body.

SECTION 5.8.070 CONDITIONS

In addition to the requirements of Site Plan Review detailed in Article 1 of Chapter 3, the approval authority may designate conditions in granting a Conditional Use Permit as it deems necessary to secure the purpose of this Article and may require guarantees and evidence that such conditions shall be met. Such conditions may include:

1) Regulation of uses;

2) Special yards and spaces;

3) Fences and walls;

4) Street right-of-way dedications and street improvements;

5) Regulation of points of vehicular ingress and egress;

6) Regulation of signs;

7) Landscaping, screening, and buffering where necessary to increase compatibility with adjoining uses;

8) Regulation of noise, vibration, odors, or other similar nuisances;

9) Regulation of hours for certain activities;

10) Time period within which the proposed shall be completed;

11) Duration of use;

12) Regulation of building textures, colors, architectural features and height;

13) Preservation of natural vegetative growth and open space;

14) Transportation improvements to mitigate the impact of increased traffic and to protect transportation facilities. (Ord.3279, 3/08)

SECTION 5.8.080 LIMITATIONS ON CONDITIONAL APPROVAL

The following limitations shall be applicable to Conditional Use Permit approvals:

1) Conditions shall be fulfilled within the time limitations set forth in the approval.

2) Such conditions shall be reasonably conceived to fulfill public needs emanating from the proposed land use as set forth in the application in the following respects:

   a) Protection of the public from the potentially deleterious effects of the proposed use; or

   b) Fulfillment of the need for public service demands created by the proposed use.

3) Changes or alterations of conditions shall be processed as a new administrative action.

4) The conditional approval may require the owner of the property to sign a contract with the City for enforcement of the conditions. Such contract shall be executed within 30 days after conditional approval is granted, provided, however, the Director may grant time extensions for practical difficulty. The Director shall have the authority to execute such contracts on behalf of the City. If a contract is required by a conditional approval, no building permit shall be issued for the use covered by the application until the executed contract is recorded in the real property records of Douglas County. Such contract shall not restrict the power of subsequent administrative action with or without conditions. Such contracts shall be enforceable against the signing parties, their heirs, successors and assigns.

5) Failure to fulfill any conditions of approval within the time limitations provided may be grounds for revocation of approval.

6) A bond, in a form acceptable to the Director, or, upon appeal or review by the Commission, or a cash deposit from the property owners or contract purchasers in such an amount as will assure compliance with the conditions imposed pursuant to this Article may be required. Such bond or deposit shall be posted at the same time the contract containing the conditions of approval is filed with the Douglas County Clerk.

SECTION 5.8.090 INVALIDATION OF CONDITIONAL USE PERMIT

A Conditional Use Permit is site-specific yet transferrable between owners. The Permit is automatically revoked when:

1) The permit is not exercised within one (1) year of the date of approval.

2) The use approved by the Conditional Use Permit is discontinued for any reason for more than one (1) year.

ARTICLE 9:

TEMPORARY USE PERMITS

SECTION 5.9.010 PURPOSE

A Temporary Use Permit may be approved to allow uses and activities which are temporary or seasonal in nature and do not conflict with the zoning district in which they are located. No Temporary Use Permit shall be issued which would have the effect of permanently rezoning or granting a special privilege not shared by other properties in the same zoning district.

SECTION 5.9.020 PERMITTED TEMPORARY USES

Temporary structures, activities, or uses may be permitted, pursuant to Section 5.1.060 of this Ordinance, as necessary to provide for housing of personnel, storage and use of supplies and equipment, or to provide for temporary uses. Uses may include temporary signs, outdoor gatherings, short-term uses, roadside stands, or other uses not specified in this Ordinance and not so recurrent as to require a specific or general regulation to control them. Exempt from an Administrative Approval process is the use of a lot for the temporary sales of seasonal items such as pumpkins and Christmas trees. (Ord.3289, 9/08)

SECTION 5.9.030 CRITERIA FOR DECISION

No temporary permits shall be issued except upon a finding that the proposed structure, activity or use would not permit the permanent establishment within a Zoning District of any use which is not permitted within the Zoning District, or any use for which a Conditional Use Permit is required.

SECTION 5.9.040 TEMPORARY USE PERMITS – CONDITIONS OF APPROVAL

1) Reasonable conditions may be imposed pursuant to Section 5.8.070 by the approving authority in connection with the Temporary Use Permit to minimize the potential impact of the proposed use to other uses in the vicinity. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, the following:

   a) Special yards and spaces;

   b) Fences or walls;

   c) Control of points of vehicular ingress and egress;

   d) Special provisions on signs;

   e) Landscaping and maintenance thereof;

   f) Maintenance of the grounds;

   g) Control of noise, odors, or other nuisances;

h) Limitation of time for certain activities;

i) Any temporary permit shall clearly set forth the conditions under which the permit is granted, and shall clearly indicate the time period for which the permit is issued. No Temporary Use Permit shall be transferable to any other owner or occupant, but may be renewable through the administrative action process.

2) All structures for which a Temporary Use Permit is issued:

a) Shall meet all other requirements of the Zoning District in which they are located;

b) Shall meet all applicable health and sanitation requirements;

c) Shall meet all applicable building code requirements;

d) Shall be removed upon expiration of the Temporary Use Permit unless renewed by the Director or converted to a permitted use.

SECTION 5.9.050 ISSUANCE OF PERMITS

1) Temporary permits shall be issued for the time period specified by the approving authority, but may be renewed upon expiration by an administrative action if all applicable conditions can again be met. In no case shall a temporary permit be issued for a period exceeding one (1) year, unless the temporary permit is renewed.

2) Renewal of a temporary permit shall follow the same procedure as the initial application.

ARTICLE 10:

FAMILY HARDSHIP PERMITS

SECTION 5.10.010 PURPOSE

When a family hardship exists because a medical condition which relates to and is caused by handicap or infirmity or relates to a person otherwise incapable of maintaining a separate residence, the hearings body may authorize the placement of a mobile home on a lot in addition to a principal residence. Such authorizations shall be considered similar to Conditional Use Permits and the hearings body shall attach conditions to approval as it may deem necessary to assure minimization of adverse impact on neighboring properties.

SECTION 5.10.020 APPLICATION

Requests for a temporary mobile home permit must be submitted on a completed Planning Department application form which shall include the names and addresses, and telephone numbers of the property owner, the resident if different from the owner, the applicant if different from the owner or resident, the proposed occupant of the mobile home and their relationship to the resident, and the estimated period of time that the hardship will necessitate the use of the mobile home. Property information and a site plan will also be required.

The applicant is also required to file with the permit application a written statement describing any infirmity, debility, or other reason why the additional dwelling is necessary. Reasons for not utilizing the existing residence for such accommodation must be included. The applicant must arrange for a physician to submit a written statement detailing the medical necessity for such an accommodation and stating why the person with the handicap or infirmity is incapable of maintaining a separate residence.

The hearings body may require the applicant to provide other such evidence deemed necessary for just consideration of the request.

SECTION 5.10.030 EXPIRATION AND REAPPLICATION

1) The temporary permit shall expire upon termination of the hardship or two (2) years from the date of issuance whichever comes first. Renewals of the permit will require reapplication in writing to the Community Development Department two months prior to the expiration date.

2) For reapplications or where the Director has reason to believe the terms of the permit have been violated or there are other adverse impacts to the neighborhood, notice shall be sent to property owners as specified in Section 5.1.070, 5.1.130, and 5.1.190. If:

a) Written objections are received;

b) The Director or the applicant so desire, or

c) Three years have elapsed since the last hearing,

the matter shall be scheduled for public hearing as if the matter were listed in Section 5.1.120.

3) The permits are not transferable. If ownership of the property is transferred or the occupant changes, the permit is void. If the person who is the subject of the hardship relocates, the permit is void and a new application must be submitted for any new hardship or any new location.

4) The mobile home must be removed within 30 days of the expiration of the permit.

SECTION 5.10.040 STANDARDS AND CONDITIONS

1) The person(s) residing in the additional dwelling shall be member(s) of the immediate family of the resident(s) of the permanent residence.

2) There shall be no compensation involved in the hardship case.

3) The mobile home shall:

a) Meet the requirements of and be approved by the Building Department;

b) Be connected to the public sewer and water systems as directed by the Director of Public Works and shall pay fees for such connections as required by City Ordinance;

c) Have a permanent electrical installation;

d) Meet all setbacks and coverage requirements pertaining to the zone and shall be a minimum of six (6) feet from the main building and all other buildings;

e) Be manufactured after June 15, 1976, and exhibit the “Oregon Department of Commerce Insignia of Compliance”;

f) Not be structurally connected to the principal residence;

g) Have skirting as required by Section 5.11.040.

4) The mobile home and accessory building foundations, pads, and support blocking shall be sufficient strength to support the required live-loads and actual dead-loads imposed by the mobile home and any attached or supported structure based on accepted engineering design standards. Foundations, tie-downs or other supports shall be provided to withstand the specified horizontal,

up-lift and overturning and wind forces on the mobile home and any attached or supported structures based on accepted engineering design standards.

SECTION 5.10.050 PERMIT TO BE A DEED RESTRICTION

The requirements of this Article and any conditions imposed by the hearings body shall be recorded with the County Clerk and made a deed restriction. This shall be required prior to installation of the additional dwelling.

ARTICLE 11:

MOBILE HOME SUBDIVISIONS – GENERAL PROVISIONS

SECTION 5.11.010 PURPOSE

It is the intent of this Article to provide manufactured home residents with an alternative to renting space in a mobile home park; provide the opportunity for smaller groupings of manufactured homes in areas where land development constraints do not permit mobile home park development of an adequate size to be financially feasible; establish standards for permanent installation of manufactured homes in subdivisions; and establish certain design features enabling manufactured homes to blend with conventional housing.

SECTION 5.11.020 WHERE PERMITTED

Manufactured home subdivisions may be established in MR14, MR18, MR29 or MR40 Zoning District.

SECTION 5.11.030 DEVELOPMENT STANDARDS – GENERAL

The establishment and development of a mobile home subdivision shall follow the procedures established in Chapter 6 of this Ordinance, and shall conform to all standards therein, except that where the special development standards established in Section 5.11.040 of this Article impose additional special development requirements, such additional special requirements shall apply.

Mobile Home subdivisions may be established and developed as a Planned Unit Development (PUD) in accordance with the procedures and standards established in Chapter 6 of this Ordinance, in addition to the special standards established in this Article.

SECTION 5.11.040 DEVELOPMENT STANDARDS – SPECIAL

1) Dwelling Type Permitted. All manufactured homes in a manufactured home subdivision shall be used as permanent residences and conform to the standards established in this Section as well as the standards applicable to single-family dwellings.

2) Dwelling Standards. All dwellings in a manufactured home subdivision shall be:

   a) Equipped with skirting which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home, unless the manufactured home is anchored to a permanent, continuous concrete or block foundation. Such skirting or foundation, or both, shall be such that there are no gaps or openings between the unit and the ground, except for windows or vents.

b) Covered by a roof pitched at a minimum slope of two (2) inches in twelve (12) inches, which is finished in non-reflective paint or permanently covered with non-reflective material.

3) Minimum Width. Manufactured homes shall be a minimum of 20 feet in width for a minimum of 20% of its length measurement.

4) Manufactured Home and Accessory Building Support and Tie-Down. Manufactured home and accessory building foundations, pads, and support blocking, shall be sufficient strength to support the required live-loads and actual dead-loads imposed by the manufactured home and any attached or supported structure based on accepted engineering design standards. Foundations, tie-downs or other supports shall be provided to withstand the specified horizontal, up-lift and overturning and wind forces on the manufactured home and any attached or supported structures based on accepted engineering design standards.

5) Manufactured homes in manufactured home subdivisions shall conform in all respects to local, state and federal requirements in effect at the time of their installation.

SECTION 5.11.050 CONFORMANCE TO ZONING DISTRICT

In addition to the provisions of this Article, the provisions of the zoning district within which the manufactured home subdivision is located, with respect to use, area, coverage, setbacks, height and parking, shall apply.

ARTICLE 12:

MOBILE HOME PARKS

SECTION 5.12.010 ADMINISTRATIVE REVIEW

In addition to the general provisions of this Ordinance, special provisions for the establishment of a new mobile home park or the expansion of an existing mobile home park are required. No mobile home park shall be established or expanded without first receiving approval of the approving authority. The approving authority may grant such approval only after reviewing preliminary site plans for the proposed mobile home park.

SECTION 5.12.020 PRELIMINARY SITE PLAN SUBMISSION REQUIREMENTS

The application for a preliminary site plan review for a mobile home park shall be filed with the Planning Department in the form prescribed by the Director, and shall be accompanied by a site plan showing the general layout of the entire mobile home park and drawn to a scale not smaller than one (1) inch representing 50 feet. The drawing shall show the following information:

1) Name of the property owner, applicant, and person who prepared the plan.

2) Name of the mobile home park and address.

3) Scale and North point of the plan.

4) Vicinity map showing relationship of mobile home park to adjacent properties.

5) Boundaries and dimensions of the mobile home park.

6) Location and dimensions of each mobile home site; each site designated by number, letter, or name.

7) Location and dimensions of each existing or proposed structure.

8) Location and width of park streets.

9) Location and width of walkways.

10) Location of each lighting fixture for lighting the mobile home park.

11) Location of recreational areas and buildings, and area of recreational space.

12) Location and type of landscaping plantings, fence, wall, or combination of any of these or other screening materials.

13) Location of point where mobile home park water system connects with public system.

14) Location of available fire and irrigation hydrants.

15) Location of public telephone service for the park.

16) Enlarged plot plan of a typical mobile home site, showing location of the pad, patio, storage space, parking, sidewalk, utility connections, and landscaping.

17) Location of recycling containers required by Section 3.1.040(14).

SECTION 5.12.030 FINAL SITE PLAN SUBMISSION REQUIREMENTS

At the time of application for final approval to construct a new mobile home park or expansion of an existing mobile home park, the applicant shall submit copies of the following required detailed plans to the appropriate reviewing departments and agencies as required by law or Ordinance:

1) New structures;

2) Water supply and sanitary sewer facilities;

3) Electrical systems;

4) Road, sidewalk and patio construction;

5) Drainage system;

6) Recreational area improvements.

SECTION 5.12.040 GENERAL STANDARDS FOR MOBILE HOME PARK DEVELOPMENT

1) Access. A mobile home park shall not be established on any site that does not have frontage on or direct access to a publicly-owned and maintained street that has a minimum right-of-way width of 60 feet. No park entrance shall be located closer than 100 feet away from any intersection of public streets.

2) Park Street. A park street shall connect each mobile home site to a public street or road. The park street shall be a minimum of 30 feet in width, with a surface width of at least 20 feet if no parking is allowed, and 30 feet if parking is allowed on one side only.

3) Walkways. Walkways of not less than three (3) feet in width shall be provided from each mobile home site to any service building or recreation area.

4) Paving. Park streets and walkways shall be paved with a crushed rock base and asphaltic or concrete surfacing, according to the structural specifications established for streets.

5) Off-Street Parking

a) Two (2) parking spaces shall be provided for each mobile home site, either on the site or within 200 feet thereof in the mobile home park, which shall be not less than nine (9) by eighteen (18) feet in size and paved with asphaltic macadam or concrete surfacing.

b) Guest parking shall also be provided in every mobile home park, based on a ratio of one (1) parking space for each four (4) mobile home sites. Such parking shall be paved with asphaltic macadam or concrete surfacing, and shall be clearly defined and identified.

6) Fencing and Landscaping

a) Every mobile home park shall provide a sight-obscuring fence, wall, evergreen or other suitable screen/planting along all boundaries of the mobile home park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress.

b) Walls or fences shall be six (6) feet in height. Evergreen plantings used in perimeter screening shall not be less than five (5) feet in height, and shall be maintained in a healthy, living condition for the life of the mobile home park. No fence, hedge or wall, other than a retaining wall, higher than three (3) feet shall be located within the required clear vision area on a corner lot.

c) There shall be suitable landscaping provided within the front and side yard setback areas, and all open areas in the mobile home park not otherwise used.

7) Area

a) Size of mobile home park site. No mobile home park shall be created on a lot or parcel of land containing less than two-and-one-half (2 ½) acres.

b) Mobile home sites. The average area of all mobile home sites within a mobile home park shall not be less than 3,000 square feet per site, and in no case shall any one mobile home site be less than 2,500 square feet.

c) Setbacks. No mobile home or access thereto shall be located any closer than 25 feet from a park property line abutting on a public street or road, five (5) feet from all other park property lines and ten (10) feet from any such areas as a park street, a common parking area, or a common walkway.

d) Spacing. A mobile home shall be separated from an adjoining mobile home and its accessories by a minimum of 15 feet.

e) Overnight spaces. Not more than five percent (5%) of the total mobile home park area may be used to accommodate persons wishing to park their mobile homes or camping vehicles overnight.

8) Other Site Requirements

a) Recreational area. An average of 200 square feet of recreational area shall be provided for each mobile home site. This area may be in one (1) or more locations in the park, and shall be suitably improved and maintained for recreational purposes.

b) Pad improvements. Mobile home pads or stands shall be paved with asphaltic or concrete surfacing, or with crushed rock.

c) Skirting. Every mobile home located on a mobile home site shall be equipped with skirting which in design, color, and texture appears to be an integral part of the adjacent exterior wall of the mobile home.

d) Accessories. Accessory structures located on a mobile home site shall be limited to the normal accessories, such as an awning, cabana, ramada, patio, carport, garage, or storage building. No other structural additions shall be built onto or become part of any mobile home, and no mobile home shall support any building in any manner.

e) Utilities. Each mobile home site shall be provided with a connection to a community sanitary sewer system and a community water supply system. All utilities within a mobile home park shall be underground.

f) Storage yards. Storage yards in parks for boats, campers, and recreational vehicle equipment shall be constructed of a dust-free all-weather surface, and shall be enclosed by a six (6) foot high sight-obscuring decorative fence and gate. Wash racks, if provided, shall be located in the storage yard, with adequate drainage. Except for temporarily locating the same in a storage yard, no mobile home shall be hauled to and stored in a mobile home park unless it is properly installed on a lot or site.

g) State requirements. Rules and regulations governing mobile home facilities as contained in Oregon Revised Statutes Chapter 446, and "Rules and Regulations Governing the Construction and Statutory Operation of Travelers' Accommodations and Tourist Parks," adopted by the Oregon State Department of Human Resources, Health Division, shall be applicable in the development and operation of a mobile home park, provided that the provisions of this Ordinance shall prevail where said provisions are more stringent than those imposed by State law, rules or regulations.

9) Recycling Container Location. A mobile home park with five (5) or more manufactured dwellings shall provide a separate location for adequate recycling containers for at least four (4) of the principal recyclable materials identified as in the Roseburg Municipal Code. The requirements of Section 3.1.040(14) as modified shall be required in conjunction with formal approval from the local designated refuse collector.

ARTICLE 13:

ADMINISTRATION AND ENFORCEMENT

SECTION 5.13.010 ADMINISTRATION

It shall be the duty of the Director to enforce the provisions of this Ordinance pertaining to land use and to the construction, erection, location or enlargement of any structure located within the Roseburg Urban Growth Boundary under the jurisdiction of this Ordinance as prescribed in the City-County Urban Growth Management Agreement.

SECTION 5.13.020 BUILDING PERMITS

No permit shall be issued by the Building Official or any government agency for the construction, erection, location, enlargement, or the change of use of a building, structure or lot that does not conform to the requirements of this Ordinance.

SECTION 5.13.030 AUTHORITY

Whenever necessary to enforce the provisions of this Ordinance, the Director shall have recourse to every remedy provided by law. The Director shall recommend to legal counsel for the governing body a recommended course of action. Legal counsel shall review the entire case and make the final decision on appropriate enforcement of the Ordinance.

SECTION 5.13.040 VIOLATION OF ORDINANCE AS A NUISANCE

The construction, erection, location, enlargement, or use or change in use or uses of any structure or property in violation of this Ordinance or those conditions and limitations approved pursuant to the provisions of this Ordinance shall be deemed a nuisance and may be enjoined, abated or removed.

SECTION 5.13.050 REVOCATION FOR FALSE STATEMENT

The Commission may revoke any permit granted pursuant to the provisions of this Ordinance, if it is determined that the permit was issued on account of false statements contained in the application form or false representations made at a public hearing.

SECTION 5.13.060 REVOCATION FOR NONCONFORMANCE

The Commission may revoke any permit granted pursuant to the provisions of this Ordinance for failure to comply with those conditions and limitations placed upon the exercise of the permit.

SECTION 5.13.070 REVOCATION HEARING

No permit shall be revoked without a public hearing held pursuant to the provisions of this Chapter.

SECTION 5.13.080 WHO MAY REQUEST REVOCATION HEARING

A revocation hearing shall be held by the Commission at the request of the Governing Body. The Commission may hold a revocation hearing on its own motion or at the request of an interested person when it has reasonable cause to believe that the provisions of this Ordinance have been violated.

SECTION 5.13.090 LIMITATIONS ON RE-FILING

No application for an administrative action which has been denied wholly or in part shall be resubmitted for a period of 12 months from the date of the original application.

SECTION 5.13.100 PENALTIES FOR VIOLATION OF THIS ORDINANCE

1) A fine of not more than $500 for each day of violation where the offense is a continuing offense, but such fine may not exceed $10,000.

2) A fine of not more than $5,000 where the offense is not continuing offense.

SECTION 5.13.110 ENFORCEMENT

Notwithstanding the foregoing and regardless of whether a permit has been revoked, a person who violates this Ordinance may be charged in the appropriate court of law.

CHAPTER 6:
LAND DIVISIONS

ARTICLE 1:

PARTITIONS AND SUBDIVISIONS

SECTION 6.1.010 LAND DIVISIONS

As authorized by law, including ORS Chapters 92, 197, and 227, subdivisions, partitions and streets created for the purpose of partitioning land and lot line adjustments shall be approved in accordance with this Chapter. This Chapter applies to all incorporated land within the City of Roseburg. A person desiring to subdivide land, to partition land, to accomplish a common boundary line adjustment, or to create a street or road shall submit preliminary plans and final documents for approval as provided in this Chapter and State statutes. Licensed engineers and surveyors shall be engaged to perform appropriate services as set forth in applicable State statutes.

SECTION 6.1.020 PURPOSE

Any person desiring to divide land or accomplish a common boundary line adjustment within the City of Roseburg shall submit preliminary plans and final plats or maps for such subdivisions and partitions and common boundary line adjustments to the City Community Development Director for review. Such review of proposed subdivisions and partitions and common boundary line adjustments is necessary in order that the City of Roseburg provide for the proper width and arrangement of streets and thoroughfares and their relation to existing or planned streets and thoroughfares; provide for conformity with the Comprehensive Plan regarding patterns for the development and improvement of Roseburg; for recreation, safety, and health; provide for the orderly development of centers of population; and promote the public health, safety, and general welfare, as defined in ORS Chapters 92, 197 and 227. Land divisions shall be designed to help improve the health of Roseburg's citizens and encourage the availability of a variety of transportation choices for moving people with a balanced transportation system that supports walking, bicycling and transit, that avoids principal reliance upon any one mode of transportation, and that encourages residents to achieve recommended levels of exercise. (Ord.3279, 3/08)

SECTION 6.1.030 DEFINITIONS

The definitions set forth in Section 1.1.110 of this Ordinance shall be utilized for the purpose of this Chapter.

SECTION 6.1.040 HILLSIDE DEVELOPMENTS

In the case where standards and criteria in Article 10 of Chapter 2: Hillside Development Overlay of this Ordinance conflict with provisions in this Chapter, development shall conform to Article 10 of Chapter 2. (Ord.3274, 8/07)

SECTION 6.1.050 REQUIREMENTS AND STANDARDS FOR PRELIMINARY PLANS

The following are the requirements and standards to which the preliminary plan and improvement plan of a subdivision or partition or common boundary line adjustment must conform.

1) Conformity with the Comprehensive Plan. All divisions of land and common boundary line adjustments shall conform to the Roseburg Urban Area Comprehensive Plan with respect to the type and intensity of use, population densities, locations, and sizes of public areas, rights-of-way and improvements of streets, and any other aspects governed by comprehensive plan goals, policies or maps.

2) Conformity with Zoning Chapter. All divisions of land and common boundary line adjustments, regardless of the number of lots or parcels, shall comply with all specifications authorized by Chapter 2 of this Ordinance.

3) Variance from Subdivision Provisions. Variance from the strict application of the standards and provisions of this Chapter may be granted by the approving authority when such standards and provisions would impose unusual practical difficulty on the applicant. Application for a variance as authorized by this Section shall be heard by the approving authority concurrently with the proceedings for preliminary plat approval. The criteria for granting a variance shall be the same as that required in Section 5.5.020. However, if the variance is a modification to the standards of Sections 6.1.060, 6.1.070, 6.1.090, and 6.1.120, the variance shall also address the following criteria:

   a) Physical or topographic conditions make it impractical to satisfy the street or walkway connection requirements of this Chapter. These conditions include, but are not limited to, controlled access streets, steep slopes, wetlands, flood plains, or water bodies where a connection could not reasonably be provided. Grades too steep for streets may provide an accessway.

   b) Buildings or other existing development on adjacent lands physically preclude a street or accessway connection now or in the future considering the potential for redevelopment.

   c) Streets or accessways would violate provisions of existing leases, easements, agency access standards, or similar restrictions that are demonstrated to be legally beyond the control of and not entered into by the applicant, developer, or property owner.

d) Abutting undeveloped or underdeveloped property is within the 100-year flood plain. (Ord.3279, 3/08)

4) Relation to Adjoining Street System and Bicycle System. A subdivision or partition shall provide for the continuation of major and secondary streets existing in adjoining subdivisions or partitions, or for their proper projection when adjoining property is not subdivided or partitioned, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations. The connecting street network shall have capacity to support the proposed land uses. Connections shall also be made for pedestrian, bicycle, and vehicle access to schools, parks, employment, and recreation areas. Where the approving authority finds that topographic conditions make such continuation or conformity impractical, appropriate exceptions to this requirement shall be made. (Ord.3279, 3/08)

5) Conform with requirements of Section 2.9.240 Subdivision and Partitioning Proposals.

6) Future Subdivision or Partition of Lots or Parcels. Where the subdivision or partition will result in a lot or parcel which in the judgment of the approving authority is likely to be further divided in the future, the approving authority may require that the location of lot and parcel lines and other details of layout be such that future division may readily be made without violating the requirements of this Ordinance and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record by having a deed restriction filed with the County Clerk.

a) If a subdivision or partition is created which contains lots or parcels of sufficient size to otherwise qualify for future re-division, and the approving authority does not require special provisions for future re-division as specified in this Subsection, the approving authority may attach a condition to such subdivision or partition preventing any future re-division of the lots or parcels. Such condition shall be a special deed restriction and shall be filed with the County Clerk.

7) Access

a) Every lot or parcel created by partition or subdivision or common boundary adjustment shall have direct access to a public street or road except as provided in this Section.

A lot or parcel shall be considered to have direct access to a public street or road if:

i) The lot or parcel abuts a public street or road; and

ii) The public street or road abutting the lot or parcel provides actual, practical and usable physical access to the lot or parcel.

b) Access to a lot or parcel created by partition or subdivision or common boundary line adjustment may be accomplished by a private easement of way established by deed, if:

i) The approving authority finds that such private easement is the only reasonable method of providing sufficient access to the rear portion of an unusually narrow and deep lot, otherwise large enough to warrant partitioning.

ii) There is an express grant or reservation of an easement in a document recorded in the office of the County Clerk.

iii) No more than one (1) lot or parcel will be provided access via the easement.

iv) Residential use of a lot or parcel provided access via an easement will be limited to a single-family dwelling.

v) Commercial uses establish common access points in order to reduce the number of access points to streets. Construction of common access points must be preceded by recording of joint access and maintenance easements.

8) Special Investigations Required. In addition to the information and data submitted in fulfillment of other Sections of this Ordinance, subdivider may be required to accomplish special investigations, studies and reports concerning soil, geologic and foundation conditions, floodplain elevation and other conditions determined by the approving authority to be of concern. Such information, reports, etc. shall be submitted for review by the approving authority. The information and findings may form the basis for conditions to be applied by the approving authority to the subdivision plan and improvements.

SECTION 6.1.060 PLATTING AND MAPPING STANDARDS – STREETS AND ROADS

(Ord.3005, 10/97)

1) General

a) Dedication. The approving authority may require right-of-way for adequate and proper streets, including arterials, collector streets, local streets, and other streets, and any necessary open space for recreation to be dedicated to the public by the applicant of such design and in such location as are necessary to facilitate provision for the transportation, access and open space needs of the community and the subject area in accordance with the purpose of this Ordinance. The street system and public open space shall accommodate bicycle and pedestrian facilities within the public right-of-way. (Ord.3279, 3/08)

b) Special Safety Requirements. Where necessary to ensure safety, reduce traffic hazards, and promote the welfare of the general public and residents of the subject area, the approving authority may require that local streets be so designed as to discourage their use by non-local traffic.

Traffic-calming features such as traffic circles, roundabouts, curb extensions, speed humps on residential streets, chicanes and other special paving treatments may be required by the approving authority to slow traffic and discourage use of local streets by non-local traffic. (Ord.3279, 3/08)

c) Transportation System Plan. Any such adopted plan and amendments thereto shall be considered as the correct designation of the transportation, access and safety needs of the Roseburg Urban Area or sub-areas included with respect to the streets designated thereon, for the purpose of determining design and location of streets to be required under Subsections “a” and “b” above, unless convincing evidence to the contrary is presented to the approving authority. (Ord.3279, 3/08)

2) Width

a) Generally. Widths of street right-of-way and paving design for streets shall be not less than those set forth in Table 6-1: Standard Street Widths, below.

b) New Street Adjoining Undeveloped Land. For a street abutting land not in the subdivision or partition area, a lesser width than shown in the table may be allowed at the discretion of the approving authority where the applicant presents a satisfactory plan for ultimate expansion of the street to the width otherwise required.

c) Existing Adjacent Street. The widths of street right-of-way provided in the table below shall be the minimum widths of right-of-way for streets existing along and adjacent to any boundary of the subdivision or partition, and the applicant shall dedicate additional right-of-way, as determined by the approving authority in accordance with such table, for any such adjacent street where the existing width of right-of-way for such street is less than the minimum in said table.

d) Slope Easements. The approving authority may require special slope easements which shall be dedicated in accordance with the specifications and procedures established by this Ordinance.

3) Reserve Strips. The approving authority may require the land divider to create a reserve strip controlling the access to a street, said strip to be deeded to the Governing Body when the approving authority determines that a strip is necessary:

a) To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street (also known as a “street plug”).

b) To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in Table 6-1: Standard Street Widths, above.

c) To prevent access to land abutting a street of the partition or subdivision, but not within the partition or subdivision itself.

TABLE 6-1: STANDARD STREET WIDTHS

(Streets in Hillside areas may use Street Standards shown in Section 2.10.040)

TYPE OF STREET	MINIMUM RIGHT-OF-WAY WIDTH		
Arterials **[3][4][5]**	70' -120' **[1]**		
Collector Streets and All Business Streets Other than Arterials **[3][4][5]**	60’-70' **[2]**		
Local Streets in Single-Family Density Areas **[3]**	60'		
Circular Ends of Cul-de-Sacs where allowed under Section 6.1.060(7)	96’ Diameter		
All Streets Not Specifically Provided for Above	60’		
STANDARD STREET PAVEMENT WIDTH AND DESIGN FEATURES			
TYPE OF STREET	**PARKING BOTH SIDES**	**PARKING ONE SIDE**	**NO PARKING**
Local **[3]**	34-36’	26-28’*	20’*
Collector **[3]**	48-50’	40-42’	32-34’
Arterial **[4][5][6]**	N/A	N/A	
3 lane			48-50’
5 lane			70-74’
* Where allowed			

[1] The approving authority may require a width within the limits shown, based upon adjacent physical conditions, safety of the public and the traffic needs of the community, sidewalk width, and in accordance with other specifications of this Ordinance.
[2] Right-of-way to 70 feet may be required with wider sidewalks; where other design features are included, additional right-of-way may be required.
[3] Pavement width in excess of that shown may be required for other road configurations, such as for turn lanes, etc.
[4] Collector and arterial streets require bike lanes. Local streets utilize shared lanes.
[5] Freight route shall have minimum lane width of 12 feet.
[6] Bus route shall have minimum lane width of 11 feet.

(Ord.3279, 3/08)

4) Intersections of Streets

a) Angles. Streets shall intersect one another at an angle as near to a right angle as is practicable, considering topography of the area and previous adjacent layout, but in no case at an angle less than 60 degrees. The right-of-way and street paving within the acute angle shall have a minimum of 30 feet centerline radius.

b) Offsets. With the exception of residential zones intersections shall be so designed that no offset dangerous to the traveling public is created as a result of staggering intersections; and with the exception of residential zones, shall there be an offset of less than 200 feet from centerline to centerline. Larger offsets may be required for major arterials and collector streets if traffic circulation is adversely impacted

5) Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of Section 6.1.020 of this Ordinance.

6) Future Extension of Streets. Where the subdivision or partition is adjacent to land likely to be divided in the future, streets shall continue through to the boundary lines of the area under the same ownership of which the subdivision or partition is a part, where the approving authority determines that such continuation is necessary to provide for the orderly division of such adjacent land, or the transportation and access needs of the community. A temporary all-weather turn-around of asphalt concrete shall be provided at the end of any such street, together with any necessary easements. It shall be the responsibility of the developer extending the street in the future to remove the turn-around and construct necessary pavement, curbs and gutters, and sidewalks.

7) Cul-de-Sacs. Cul-de-Sacs and other permanent dead-end streets shall be prohibited unless the approving authority finds:

a) The configuration with the cul-de-sac is the minimum necessary to address the constraint;

b) The application of the standard is impractical due to one or more of the following circumstances:

i) Physical or topographic conditions make it impractical to satisfy the street connection requirements of this Chapter. These conditions include, but are not limited to, controlled access streets, steep slopes, wetlands, flood plains, or water bodies where a connection could not reasonably be provided. Grades too steep for a street may not be too steep for an accessway.

ii) Buildings or other existing development on adjacent lands physically preclude a street or accessway connection now or in the future considering the potential for redevelopment.

iii) Streets or accessways would violate provisions of existing leases, easements, agency access standards, or similar restrictions that are demonstrated to be legally beyond the control of and not entered into by the applicant, developer, or property owner.

iv) Abutting undeveloped or underdeveloped property is within the 100-year flood plain.

c) If a determination is made under Section 6.1.060(7)(a-b) that a permanent dead-end street is necessary, it shall provide adequate access for emergency vehicles, as determined by the Fire Chief, and it shall not serve more than 20 single-family dwellings, or multi-family or commercial uses generating more than 200 vehicles per weekday. (Ord.3279, 3/08)

8) Street Names. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for streets that are not in alignment with existing streets are subject to approval by the Director, and shall not unnecessarily duplicate or resemble the name of any existing platted street in the greater Roseburg area.

9) Grades and Curves. Unless otherwise approved by the approving authority because topographical conditions will not reasonably permit, grades shall not exceed six percent (6%) on arterials, ten percent (10%) on collector streets, and fifteen percent (15%) on all other streets. When it can be shown that steeper grades cannot be avoided by different street alignment and redesign of the preliminary plan, grades not exceeding 20% may be permitted for short steep pitches not exceeding 300 feet in length. For street grades steeper than six percent (6%), a centerline profile shall be included in the preliminary plan. No street grades flatter than five-tenths percent (.5%) shall be used. Improvement plans shall include top of curb profiles of all curbs. Centerline radii on curves shall not be less than 300 feet on arterials and high traffic collector industrial streets, 200 feet on other collector streets, or 100 feet on all other streets.

10) Subdivision Adjacent to Arterial and Collector Street. Where a subdivision abuts or contains an existing or proposed collector or arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

11) Traffic Impact Study. A Traffic Impact Study shall be submitted as required by Section 3.1.040(4). (Ord.3279, 3/08)

SECTION 6.1.070 PLATTING AND MAPPING STANDARDS – ALLEYS

1) Dedication. The approving authority may require in other than the RO, R10, R7.5, and R6 zones adequate and proper alleys to be dedicated to the public by the land divider of such design and in such location as necessary to provide for the access needs of the subdivision or partition in accordance with the purpose of Section 6.1.020.

2) Width. Width of right-of-way and paving design for alleys shall be no greater than 20 feet, except that for an alley abutting land not in the subdivision or partition, a lesser width may be allowed in the discretion of the approving authority where the land divider presents a satisfactory plan whereby such alley will be expanded to the width otherwise required. (Ord.3289, 9/08)

3) Corner Radius. Where two (2) alleys intersect, right-of-way corners shall have a radius of not less than twelve (12) feet.

4) Grades and Curves. Unless otherwise approved by the approving authority where topographical conditions will not reasonably permit, grades shall not exceed 12% on alleys, and centerline radii on curves shall be not less than 100 feet.

5) Other Requirements. All provisions and requirements with respect to streets in Section 6.1.060(3)(4)(5) and (6) shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys," respectively.

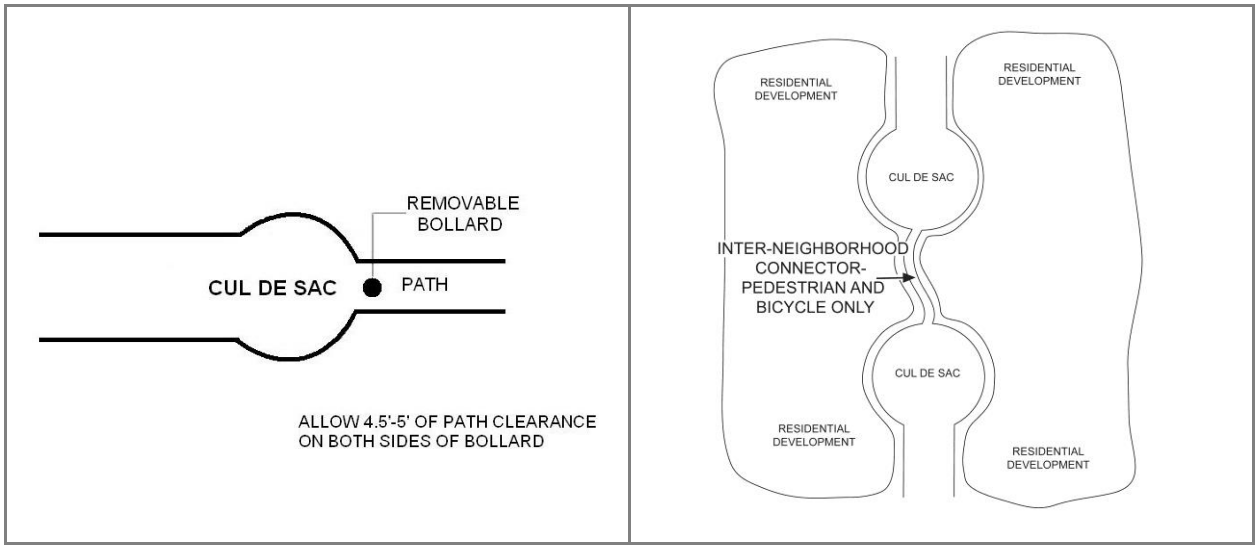
SECTION 6.1.080 GRADING PLAN

Where the developer proposes to grade, cut or fill, or change existing ground contours in areas of the subdivision or partition outside the limits of street construction or within the Special Flood Hazard Area (SFHA), the approving authority may require submittal of a grading plan as part of the preliminary plan or improvement plans in order to evaluate impact of the work on drainage, soil stability, driveways, access, foundation conditions, etc. A grading plan may also be required to evaluate impact of street construction cuts and fills, probable lot grading by subsequent buyers to achieve building sites or access, or to evaluate borrow or spoil areas.

SECTION 6.1.090 WALKWAYS AND PUBLIC ACCESSWAYS

Pathways (i.e., for both bicycles and/or pedestrians) shall be provided at or near mid-block where the block length exceeds 500 feet (the maximum length allowable under Section 6.1.120). Pathways shall also be provided where cul-de-sacs or dead-end streets are planned that would exceed the maximum length allowable under Section 6.1.120. Pathways shall connect the ends of the streets together, connect to other streets, and/or connect to other developments, as shown below in Figure 6-1: Pathways.

FIGURE 6-1: PATHWAYS



Pathways used to comply with this Section shall meet all of the following criteria:

1) Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface. The paved width of pathways shall be no less than six (6) feet wide, and shall conform to ADA requirements. Multi-use pathways shall be no less than ten (10) feet wide.

2) If the streets within a subdivision or neighborhood are lighted, the pathways shall also be lighted.

3) Stairs or switchbacks in a narrower paved width may be required in lieu of a multi-use pathway where grades are steep. Troughs for bicycle tires shall be provided where stairs are used.

4) Landscaping or fencing is required along the pathway to protect the privacy of adjoining properties. (Ord.3279, 3/08)

SECTION 6.1.100 OFF-SITE IMPROVEMENTS REQUIRED

The approving authority may determine that the proposed subdivision or partition may result in impacts extending beyond the boundaries of the area to be divided, and in order to provide for the health and welfare of the broader neighborhood area, or the urban area as a whole, may require the developer to construct or participate in the construction of improvements or facilities to alleviate those impacts. Included may be street repair, widening, extension, drainage improvements, measures to facilitate traffic flow, traffic signals, sewer improvements, etc. It is the intent of these requirements to cause development to proceed in an orderly and timely manner, and to avoid overburdening existing facilities and creating hardship for other users of the public facilities that may result if the proposed development proceeded without correcting or participating in correction of deficiencies.

SECTION 6.1.110 EASEMENTS

1) Public Easements. Dedication to the public of easements for storm drains, sanitary sewers, and other public utilities, and for access, walkways, and other public access needs, may be required. Widths shall be sufficient for the intended purpose, and may vary to suit the need as determined by the approving authority. Required easements will normally be located along lot or parcel lines, but may also be located elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the Comprehensive Plan and purpose of this Ordinance.

   Easements shall be shown on the preliminary map or plat and on the final plat or map with proper language for dedication included in the narrative, and with proper notation on the map as to the purpose (e.g., Public Utility Easement, Public Access Easement, etc.). Temporary easements shall be so noted. Dimensioning of easement boundaries on the map shall be sufficient to allow proper field location from survey monuments.

   If a subdivision or partition is or will be periodically subject to accumulation of surface water or is traversed by a water course, drainage way, channel stream, creek or river, there shall be dedicated to the public storm drain easements approved as adequate by the approving authority to provide for present and future drainage needs of the area, including access for maintenance. Where the approving authority determines that the public need would be better served by dedication of rights-of-way rather than easement, the map/plat shall so indicate, and the land shall be conveyed to public ownership by instrument. In the layout of the subdivision or partition, streets or parkways or walkways parallel and adjacent to water courses may be required.

   In addition to being shown and dedicated on the map, all public easements shall be conveyed to the Governing Body by properly executed and recorded standard grant of easement instruments with purpose of the easement and agency rights clearly described. No building, structure, retaining wall, or fill in excess of three (3) feet shall be placed or located on or in the public easement. The time of recording may precede or accompany the map or plat recording, but all easement instruments shall be prepared and approved for recording before the approving authority acts to approve a final map or plat.

2) Private Easements. Easements may be required on the map or plat to provide for private drainage, sewer, or other private utility purposes, or for private access purposes. Such easements shall be shown, dimensioned, and adequately labeled and described to show clearly the private purpose and to whose benefit the easement is being granted (e.g., a Storm Drain Easement to serve Lot 1, Block 1).

SECTION 6.1.120 PLATTING AND MAPPING STANDARDS - BLOCKS

1) General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width, and shall recognize the limitations of the topography.

2) Size. For local streets, no blocks shall be more than 500 feet in length between street corner lines unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along a collector street is 1,000 feet. The recommended minimum length of blocks along an arterial street is 1,800 feet. (Ord.3279, 3/08)

SECTION 6.1.130 PLATTING AND MAPPING STANDARDS – LOTS AND PARCELS

1) General Size and Frontage Requirements

a) Width. Each lot and parcel shall have an average width between the side lot lines of not less than 60 feet, or as otherwise stipulated in the Zoning District where located. Each corner lot and parcel shall have an average width between the side lot lines of not less than 65 feet.

b) Depth. Each lot and parcel shall have an average depth between the front and rear lot lines of not less than 80 feet and not more than two-and-one-half (2½) times the average width between the side lines. Each double frontage lot and parcel shall have an average depth between the front and rear lot lines of not less than 120 feet unless a lesser depth is approved by the approving authority necessitated by unusual topographical conditions.

c) The approving authority may authorize the reversal of average minimum lot and parcel dimension with respect to width and depth upon a finding that such reversal is necessitated by unusual topographic conditions or that such reversal would facilitate improved subdivision or partition design.

d) Area. Each lot shall comprise a minimum of 6,000 square feet, or as otherwise stipulated in the Zoning District where located. Except, however, the approving authority shall allow a maximum of 30% of the lots in a subdivision to contain less than the minimum lot area otherwise required in the applicable zoning district, provided that the average area of all lots in the subdivision must be at least the minimum specified in the applicable Zoning District, but in no case shall any lot contain less than 85% of the minimum area specified for the applicable Zoning District.

NOTE: The minimum areas required in this and other Sections of this Ordinance are intended to be ultimate minimums which may often be impractical and impossible in terrain which presents development difficulties, such as steep slopes. In such cases, the requirements of suitability of access

and buildability of each lot, which must be adequately demonstrated in the review process, will often rule out the possibility of approval of lots at the absolute minimum, and as a result, a larger lot size may be required.

e) Frontage. Except as otherwise permitted for townhouses, each lot and parcel shall have frontage of not less than 60 feet upon a street having a proposed right-of-way width of at least 50 feet, except that a lot or parcel on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 35 feet upon a street, measured on the arc. In the case of flag lots or partitioning of odd-shaped lots with narrow frontages, the minimum lot frontage shall be 25 feet, provided minimum average lot width is maintained. (Ord.3279, 3/08)

f) Exceptions

i) Subdivisions Developed as a Planned Unit. The approving authority may use discretion to authorize the relaxation of lot and parcel size and frontage requirements as specified herein where the applicant presents a plan satisfactory to the approving authority whereby the entire subdivision will be designed and developed in accordance with the provisions of Article 2 of this Chapter.

ii) Designated Duplex Lots. In Zoning Districts within which duplexes are permitted conditionally, the approving authority may allow up to a maximum of 25% of the lots in a subdivision to be designated as Duplex Lots. Such Duplex Lots shall contain at least ten percent (10%) more lot area than the minimum specified by the applicable zoning district. Designated Duplex Lots shall allow duplex or single-family dwellings, and the lot designations shall be reviewed by the approving authority concurrently with review of the tentative plat. After final subdivision approval, designated Duplex Lots will be considered fixed, and shall be identified on the final plat.

iii) Land Zoned for Commercial Use. The approving authority may use discretion to authorize relaxation of the lot or parcel size and frontage requirements specified herein in the case of land zoned for commercial use, where such relaxation is necessary in consideration of the suitability of the land for such use, and in accordance with the purpose of this Ordinance.

iv) Lot or Parcel Retained for Future Subdivision or Partition. The approving authority may use discretion to waive frontage requirements where a lot or parcel will be retained by the applicant, and future subdivision or partition of such lot or parcel will be the highest and best use thereof, and such use will be best protected by the creation of a reserve strip separating such lot or parcel from any street.

v) Open Space in a Subdivision. The approving authority may use discretion

to waive the minimum lot size requirement for any lot that is created for the dedication of a public park or open space where the total net area equal to at least 10% of the land affected by the subdivision equals less than the minimum lot size for the underlying zone. Such lots so designated shall be protected from future development by either a deed restriction or a conservation easement and plainly indicated as such on the final plat.

2) Lot and Parcel Side Lines. As far as is practicable, lot and parcel side lines shall run at right angles to the street upon which the lots or parcels face, except that on curved streets, they shall be radial to the curve.

3) Suitability for Intended Use. All lots and parcels shall be suitable for the purpose for which they are intended to be used. No lot or parcel shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the subdivision or partition, or of such lot or parcel, as determined by the approving authority in accordance with the purpose of this Ordinance.

4) Open Space

a) Open space shall be provided and dedicated to the City when a need is identified in the Comprehensive Parks Master Plan. All open space to be dedicated to the City shall be deemed suitable, conveniently situated, and shall conform as nearly as possible to the recommendations in the Comprehensive Parks Master Plan prior to being accepted by the City.

i) Except as hereinafter provided, in subdivisions; such open space shall have a total net area equal to at least 10% of the land affected by the subdivision. Such areas so designated shall be protected from future development by either a deed restriction or a conservation easement.

1) Open space areas shall abut a public street or have direct access to a public property through a right of way.

2) The open space shall be accessible to all residents by sidewalks and/or pedestrian walkways.

3) The developer shall submit a separate landscape plan for the proposed open space areas which clearly displays the type of signs, fencing, play apparatus, trails, and outdoor furniture;

b) Where a proposed park or playground, school or other public use shown on the Parks Master Plan, or an existing school site is located in whole or in part in a subdivision, then in such case the open space shall be located within the designated area or immediately adjacent to the existing public use.

SECTION 6.1.140 PLATTING AND MAPPING STANDARDS – RAILROADS

1) Crossings. Special requirements may be imposed by the approving authority, including, but not limited to, provisions for separation of street and railroad grades, in connection with any railroad crossing which will immediately affect the safety of the residents of the subdivision or partition, for the protection of such residents and the safety of the general public in accordance with the purpose of this Ordinance. The distance from the railroad to intersection on the cross street shall be determined to provide minimum distance required for approach grades to grade separation. Crossing street rights-of-way and setbacks to buildings shall allow for the grade separation.

2) Streets Parallel to Railroad. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way to be set back at a distance suitable for the appropriate use of the land between the streets and the railroad, including sufficient lot depth to allow screen planting along the railroad right-of-way.

SECTION 6.1.150 PLATTING AND MAPPING STANDARDS – MASTER DEVELOPMENT PLANS

Where the subdivision or partition includes only part of the area owned by the applicant, the approving authority shall determine the remaining area for which a Master Development Plan of future development shall be submitted by the subdivider or developer showing streets, tentative uses, and lots, drainage, major utilities, and other features that will have a bearing on and guide future development of the property in question and surrounding areas. The property may be proposed for development in phases, and the limits of each phase shall be shown on the Master Development Plan. The approved Master Development Plan may be revised by the subdivider or developer from time to time, or with each phase, but it shall serve the purpose of providing comprehensive guidance to the overall development of the property to facilitate and achieve optimum street design and traffic circulation, proper storm drainage, integrated utilities, etc.

The Master Development Plan shall be reviewed by the approving authority and with necessary and appropriate revisions and conditions shall be approved as the plan to which future development of the subject property shall conform. The adopted Master Development Plan shall apply to development of the subject property, regardless of change in applicant. Changes desired by a new applicant must be approved by the approving authority, and in no case shall a subdivision or partition be approved that is not in conformance to the latest approved Master Development Plan.

SECTION 6.1.160 IMPROVEMENT PROCEDURES

1) The subdivider shall engage the services of properly licensed professional engineers and surveyors to perform the work of designing, supervising construction of and surveying the improvements. The engineer shall be

responsible for subdivision planning and design, preparation of plans and specifications, and, in the event of bonding, cost estimates.

2) The applicant shall have a contact person who shall have authority to control the work of the engineer, surveyor and contractor constructing the improvements, and who shall be responsible for coordination with agency representatives through the project. The applicant or his/her engineer(s) are in the best position to perform this role.

3) The developer's engineer shall design the improvements according to the standards and specifications of the approving authority. Full plans and specifications shall be prepared and submitted for the approving authority's review, comment, and approval, and for approval by any other agency having authority over the work. Plans shall be prepared on stable base polyester film to generally accepted engineering standards. All revisions and changes resulting from review and comments shall be made on the original plans before prints are made for construction. The City Engineer shall stamp five (5) sets of approved plans before any construction is undertaken.

4) Advance notice shall be provided to the affected agency that work to be approved and inspected by that agency is to begin. Initial notice shall be 48 hours in advance of work, and if work that has been discontinued is to resume, a 24 hour advance notice shall be provided. Notice shall be considered to have been made when it is confirmed by the agency person responsible for construction inspection.

5) All work to construct improvements in conformance with approved plans shall be inspected and approved by the agency person responsible for such construction inspection within two (2) working days of a written request for such inspection. The approving authority may refuse to accept and allow occupancy of any part of the subdivision if improvements have not been inspected, or if they do not conform in all respects to the standards and specifications of the affected agency as to workmanship, materials, equipment, etc. It is the responsibility of the developer to see that all phases of the work are inspected before proceeding to the next phase. Weather conditions, change in work schedules, and other circumstances beyond the control of the affected agency do not excuse the developer from necessary inspections.

6) Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will obviate the necessity for disturbing street improvements when service connections are made.

7) In the event unusual or changed conditions occur during construction which in the opinion of the Director of Public Works differ from original design

assumptions and conclusions such that they will result in a project not in conformance with the development standards in effect at the time of initial preliminary plat approval, or be in the public interest, the Director of Public Works may require changes in the design, layout, details, materials, or any applicable part of the work to accommodate the changed conditions. Where such changes require revision of the design and plans prepared by the developer's engineer, such revisions shall be accomplished by that engineer.

8) The developer and his/her contractor shall carry out the improvements in a manner that will not damage or disturb the lands or improvements of adjoining owners. Special conditions may be required by the approving authority to prevent damage, inconvenience, disruption or other infringement from erosion, dust, noise, blasting, construction traffic, drainage, or other impacts resulting from the work. The developer is solely responsible for the action of his/her contractor in carrying out the work.

9) The developer and his/her contractor may be required to submit specific plans or outline measures to be taken to deal with and carry out solutions to problems. If construction activity is to take place in the winter months October through April, or if any part of the uncompleted work is to "winter over" before completion and acceptance by the Governing Body, the developer may be required to receive approval for and carry out a plan to control erosion and damage, both onsite and off-site, until the work is complete, including reconstruction of damaged areas. Exposed earth slopes may be required to be seeded if native grasses will not develop before erosion can occur.

10) A complete set of "as-built" plans on stable base polyester film shall be filed with the Director of Public Works and with other affected agencies upon completion of the improvements.

SECTION 6.1.170 IMPROVEMENT REQUIREMENTS

Improvements to be installed at the expense of the subdivider shall be as follows and shall comply with Floodplain requirements in LUDO Section 2.9.240:

1) Streets. Streets within or partially within the subdivision, and the extension of such streets to a point of conformance with existing streets with which such streets intersect, shall be improved to the following minimum standards:

   a) The street shall be brought to proper grade, including portions outside the roadway where necessary to serve pedestrians, to protect the roadway, or to serve abutting property.

   b) Standard concrete curbs and gutters shall be constructed along the edge of the roadway.

c) Roadway base and concrete or asphaltic concrete surfacing of sufficient width to meet local street design shall be installed to adopted design standards.

d) Sidewalks and walkways shall be constructed to adopted design standards required by Section 3.2.050 and 3.3.230.

2) Monuments

a) Permanent iron pipe monuments shall be set at each boundary corner of the subdivision, along exterior boundaries at intervals of not over 500 feet, and at other points as may be required by the approving authority.

b) Concrete monuments depressed below street grade shall be set at intersections of street centerline tangents or offsets therefrom, and where such intersect on private property, at the beginning and end of the centerline curve or offsets therefrom. The exact location of all monuments shall be shown on the final map before approval is requested.

c) A permanent monument shall be established and maintained on land partitioned or subdivided, showing the elevation in feet above mean sea level, NAVD 88. The location of such monument shall be shown on the final partition map or subdivision plat.

d) Any monument required by this Ordinance that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider.

3) Storm Drains. Excepting as is hereinafter provided, storm drains shall be constructed in the easement or drainage right-of-way areas specified in Section 6.1.120, or in dedicated streets. Storm drain design shall conform to the standards of design set by the Director of Public Works, but in no case shall facilities provide for carrying less than the ten (10) year storm runoff with one-and-a-quarter (1.25) feet of freeboard to the top of curb or top of channel. Requirements for major storm drains (trunk mains) may be increased commensurate with their importance and function in providing for public safety. Offsite drainage shall be provided for, and each lot shall be capable of being drained in a reasonably practical manner. Drainage easements shall be dedicated or granted where necessary to provide for present or future needs.

4) Sewers. Sanitary sewer lines to serve the subdivision or partition and to connect the subdivision or partition to existing mains shall be designed and installed according to requirements of the sewer utility serving the area and the State Department of Environmental Quality. All systems shall be gravity, except in special circumstances reviewed and approved by the approving authority and the affected agency. Pumping of sewage where facilities are to be privately owned and maintained may be approved, provided the owner is clearly aware of his/her responsibilities. Provisions for maintenance must be assured, and ownership clearly defined. Pumping of sewage where facilities are to be publicly owned and

maintained may be approved if it is clear that the area can never be served by a gravity system that would be extended to the area over time as development occurs pursuant to the adopted Comprehensive Plan. Long-term costs and maintenance shall be among factors considered in establishing the minimum size of pump facility which the affected agency would accept for ownership and maintenance.

5) Water System. Water lines with valves and fire hydrants to serve the subdivision or partition and to connect the subdivision or partition to existing mains shall be designed and installed according to requirements of the water utility serving the area.

6) Deposit Required for Improvements and Services. The developer shall deposit with the affected agencies a sum of money determined to be sufficient to cover the cost of construction inspection services, street sign installation, barricades and other miscellaneous items provided or installed by the affected agencies as part of completing the subdivision. The balance of the deposit that is unexpended after completion of the work shall be returned to the developer. The developer shall pay any amounts exceeding the deposit before approval of the plat or acceptance of the improvements, whichever occurs last.

7) Underground Utilities

a) All permanent utility service to lots shall be provided from underground facilities, and no overhead utility facilities in connection with permanent utility service to a subdivision shall be permitted, except that in the case of a partition in an area where underground utility service is not presently provided, permanent service may be supplied by means of overhead wires or cables.

b) The developer's engineer shall prepare a utility plan showing the coordinated location of all new and existing utilities, and shall have the responsibility to coordinate utility location. The plan shall be the product of a coordinated effort among the affected agencies, so as to allow conflicts to be resolved and locations to be settled before construction begins. Copies of the plan shall be submitted with improvement plans for approval, and shall be given to all affected agencies and the Director of Public Works before construction begins.

c) The applicant shall be responsible for complying with the requirements of this Section, and shall make all necessary arrangements with the utility companies and other persons or corporations affected by installation of such underground facilities in accordance with the rules and regulations of the Public Utility Commissioner of the State of Oregon.

8) Street Lights. The subdivider shall enter into an agreement with the electric utility for the installation of street lights at such locations as determined by the Director of Public Works.

9) Open Space. Signs, fencing, play apparatus, walkways, outdoor furniture, and other improvements within dedicated park space shall be installed at the expense of the subdivider prior to the recording of the Final Plat.

SECTION 6.1.180 PRELIMINARY SUBDIVISION PLAN APPROVAL

The approval of a preliminary subdivision plan is an administrative action subject to the provisions of Section 5.1.060 of this Ordinance.

1) Application for Preliminary Subdivision Plan Approval.

   a) An application for preliminary subdivision plan approval shall be initiated as provided in Chapter 5 of this Ordinance.

   b) The applicant shall file with the Director a preliminary subdivision plan and five (5) additional copies, together with such other data and plans as may be required by other Subsections of this Ordinance, or the approving authority, and together with other supplementary information required by Subsection "2" of this Section to demonstrate the design and objectives of the subdivision.

   c) The preliminary plan shall be clearly and legibly drawn. It shall show all required information to scale so that the approving authority may have an adequate understanding of what is proposed. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals 100 feet, or one (1) inch equals 50 feet.

   d) The Community Development Director shall notify the applicant within 30 working days if it is found that the application for preliminary subdivision plan approval is incomplete or if additional information is needed.

2) Information Required in the Preliminary Subdivision Plan

   a) The proposed name of the subdivision.

   b) North point, scale, and date of the drawing.

   c) Appropriate identification clearly stating the map is a preliminary plan.

   d) Names and addresses of the landowners, subdivider, and the engineer, surveyor, land planner, or landscape architect responsible for designing the subdivision.

   e) The tract designation or other description according to the real estate records of Douglas County (Township, Range, Section, Tax Lot Number, Assessor's

Tax Account Number, Lot Number, Block Number, and Subdivision or metes and bounds description).

f) The boundary line (accurate in scale) of the tract to be subdivided and approximate acreage of the property.

g) Contour lines based upon USGS data having the following intervals:

   i) One (1) foot contour intervals for ground slopes up to five percent (5%).

   ii) Two (2) foot contour intervals for ground slopes between five percent (5%) and ten percent (10%).

   iii) Five (5) foot contour intervals for ground slopes exceeding ten percent (10%).

h) 100-year flood elevation data shall be provided and shown on the preliminary partition and subdivision plats. Applicant shall show boundaries of the 100-year flood and floodway on preliminary and final partition and subdivision plats.

i) The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of un-subdivided land.

j) The location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features, such as section lines, political subdivision boundary lines, and school district boundaries.

k) Existing sewers, water mains, culverts, drainage ways, or other underground utilities or structures within the tract or immediately adjacent thereto, together with pipe sizes, grades and locations indicated.

l) Location, acreage, and dimensions of parcels of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservations, if any.

m) Proposed plan for draining surface water from the development and accepting offsite runoff water, and a description of any effects on adjacent properties.

n) The proposed street pattern or layout showing the name and widths of proposed streets and alleys, and curve radii of centerline and rights-of-way.

o) Private streets and all restrictions or reservations relating to such private streets.

p) Easements, together with their dimensions, purpose, and restrictions on use.

q) List proposed suppliers of utility services and show locations of proposed facilities for sanitary sewer, storm drain, water lines, electric/telephone, fire hydrants, street lights, etc.

r) Proposed blocks, numbered in consecutive order.

s) Proposed lots, approximate dimensions, size and boundaries. Residential lots shall be numbered consecutively. Lots that are to be used for other than residential purposes shall be identified with letter designations.

t) Sites, if any, for residences other than single-family dwellings.

u) Parks, playgrounds, recreation areas, parkways, walkways, bikeways, signs, landscaping, and open space for public use, and any other special features that are proposed to be part of the subdivision.

v) Zoning classification of the land and Comprehensive Plan Map designation.

w) Draft of proposed restrictions and covenants affecting the plat.

x) Predominant natural features such as water courses and their flows, marshes, rock outcroppings, and areas subject to flooding, sliding or other natural hazards.

y) Show minimum setback lines if more restrictive than provided for in this Ordinance.

3) Development Phasing (Ord.3289, 9/08)

a) A preliminary subdivision plan may provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.

b) Time limitations for the various phases must meet the following requirements:

i) Phase 1 final plat shall be approved within 24 months of preliminary approval.

ii) Phase 2 final plat shall be approved within 24 months of final approval of Phase 1.

iii) Phase 3 final plat shall be approved within 24 months of final approval of Phase 2.

iv) In no case shall the preliminary approval of any phase last longer than ten (10) years beyond the preliminary approval in compliance with ORS.

4) Criteria for Approval of Preliminary Subdivision Plan

a) A decision on the preliminary subdivision plan application shall be made by the approving authority as provided in Chapter 5 of this Ordinance, within 180 days of filing a complete application.

b) The preliminary subdivision plan shall be approved if the approving authority finds the following:

i) The information required by this Chapter has been provided;

ii) The design and development standards of this Chapter have been met; and;

iii) If the preliminary plan provides for development in more than one phase, the approving authority makes findings and conclusions that such phasing is necessary due to the nature of the development, and that the applicant will be able to comply with the proposed time limitations.

c) Should the approving authority find that conditions of approval are necessary to ensure that the preliminary plan will meet all applicable standards, it shall approve the plan with conditions in cases where the necessary conditions of approval can be applied with sufficient specificity.

d) Should the approving authority find that the preliminary plan submitted cannot be reasonably approved with conditions of sufficient specificity so as to ensure that the plan will meet all applicable standards, it shall deny the submitted plan with a statement indicating the areas of deficiency.

5) Duration of Preliminary Subdivision Plan Approval (Ord.3289, 9/08)

a) Approval of a preliminary subdivision plan shall be valid for 36 months from the date of approval of the preliminary plan, provided that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of Section 6.1.180(3) of this Ordinance.

b) If any time limitation is exceeded, approval of the preliminary subdivision plan, or of the phase of the preliminary subdivision plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property shall require new administrative action.

6) Granting of Extensions (Ord.3289, 9/08)

a) An applicant may request an extension of a preliminary subdivision plan approval, or, if the preliminary plan provides for phased development, an extension of preliminary approval with respect to the phase the applicant is

then developing. Such request shall be considered a limited land use decision, and shall be submitted to the approving authority in writing, stating the reason why an extension should be granted.

b) The approving authority may grant an extension of up to 36 months of a preliminary subdivision plan approval, or if the preliminary plan provides for phased development, an extension of up to 12 months of a preliminary subdivision plan approval with respect to the phase then being developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation. Further extensions of up to one (1) year each may be granted by the approving authority if extraordinary circumstances are shown by the applicant. However, in no case shall the preliminary approval extend beyond ten (10) years in compliance with ORS.

SECTION 6.1.190 FINAL SUBDIVISION PLAT APPROVAL

Action upon a final subdivision plat by the approving authority is a ministerial action, and must be undertaken within 30 days of receipt of the final plat.

1) Application for Final Subdivision Plat Approval

a) Before expiration of the preliminary subdivision plan approval obtained pursuant to Section 6.1.180 of this Ordinance, the applicant shall cause an Oregon licensed land surveyor to survey the subdivision and to prepare a final plat, in conformance with the approved preliminary plan.

b) The applicant shall initiate a request for final plat approval by filing with the approving authority a final plat, other supporting documents as described in Subsections “2” to “6” of this Section, and the appropriate fees as established by the Governing Body.

2) Final Subdivision Plat Requirements

a) A preliminary subdivision guarantee report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interests in the premises, shall be submitted with the final subdivision plat prior to final approval.

b) Prior to submission for final approval, the final subdivision plat shall be signed by all persons who own land in the subdivision, and their mortgagees, or by their authorized representatives or any titleholder. The plat shall bear the signature and seal of the licensed land surveyor responsible for its preparation and certification that the plat has been correctly surveyed and properly monumented. All signatures must be with permanent black ink, not ball point.

c) A certificate by the Director of Public Works certifying that the subdivider has installed improvements in accordance with the requirements of these regulations, other required standards, and with the action of the approving authority giving conditional approval of the preliminary plat; or a certificate by the County Clerk that an agreement has been recorded as provided in Section 6.1.190(5) to ensure completion of required improvements.

d) A copy of the covenants, if any, that will be placed on the subdivision.

e) A copy of all documents relating to establishment and maintenance of private facilities, common areas, and easements, including the volume and page of recording with the Douglas County Clerk.

f) A copy of all documents relating to additional requirements or restrictions required by the approving authority as a condition of approval.

g) Declaration. A notarized certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.

h) Dedication. A notarized certificate, signed, and acknowledged by all parties having any record title interest in the land dedicating all land intended for public use and common improvements, including, but not limited to, streets, roads, parks, sewage disposal, and water supply systems, the dedication of which was made a condition of approval of the preliminary plan.

i) Certification line by the Douglas County Tax Collector certifying that taxes and assessments on the tract are paid to date.

3) Information Required on the Final Subdivision Plat. The following information shall be included on the final plat or in the supporting documents, and the plat shall otherwise comply with ORS 209.250:

a) Name of subdivision.

b) North arrow, scale, and date the plat was prepared.

c) Legal description of the subdivision boundaries, area of the subdivision in acres, and the location of the subdivision by Quarter Section, Township, and Range.

d) Names and addresses of the subdivider, owner, mortgagee, if any, and the person preparing the plat.

e) Subdivision block and lot boundary lines and street right-of-way and centerlines with dimensions to the nearest 1/100th of a foot, bearings or deflection angles, radii, arcs, points of curvature, chord bearings and

distances, and tangent bearings. Subdivision boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings.

f) Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated.

g) Easements denoted by fine dotted lines, clearly identified, and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

h) Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets and along the edge of partial width streets on the boundary of the subdivision.

i) Ties to any City, County, condominium, or adjacent subdivision boundary lines, and geodetic control monuments as required by ORS 92.050.

j) Numbering of blocks and lots, as follows:

   i) Any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name that has previously used block numbers or letters.

   ii) Block numbers continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as to not obliterate any figure or lot numbers. In an addition to a subdivision of the same name, numbers shall be a continuation of the numbering in the original subdivision.

   iii) Lot numbers beginning with the number "1" and numbered consecutively or consecutively within each block.

k) Zoning classification of the property within the subdivision.

l) The course of all lines traced or established, giving the basis of bearing and the distance and course to a Section Corner, Quarter Corner, Sixteenth Corner, or Donation Land Claim Corner in Township and Range, a lot corner of a recorded subdivision, a boundary corner of a recorded condominium, or a parcel corner of a recorded partition.

m) 100-year flood elevation data shall be provided and shown on final subdivision plats. Applicant must also show boundaries of the 100-year flood and floodway on final subdivision plat.

n) Space for date and signature of the officials specified in Section 6.1.190(10).

o) Any conditions specified by the approving authority upon granting preliminary approval.

p) A narrative pursuant to the provisions of ORS 209.250(2).

q) Dedications and/or declarations shall be notarized.

r) A copy of the covenants, if any, that will be placed on the partition, including the volume and page of recording with the Douglas County Clerk.

s) Planning Department File Number.

t) The plat shall conform to the requirements of ORS 92 and ORS 209.250.

u) Except for a plat subject to ORS 92.110, a statement of water rights and a copy of the acknowledgment from the State Water Resources Department if this statement indicates a water right is appurtenant.

4) Survey Requirements for Final Plat

a) Format. All plats shall be drawn with a good quality black ink, approved by the County Surveyor, on .003 inch thick polyester based transparent drafting film, or an equivalent, matted on both sides, 18 inches by 24 inches in size, with a three (3) inch extension at the left end (overall size shall be 18" x 27") that is suitable for binding and copying purposes. The quality of said drafting film and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used. No drafting shall come nearer any edge than one (1) inch and no nearer the left or binding edge than four (4) inches.

b) Scale. The plat shall be drawn to a scale of 1" = 100'. Any deviation from this scale shall be allowed only with the approval of the County Surveyor.

c) Survey Accuracy

i) Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot or within 1/5,000 of the distance shown on the subdivision plat, whichever is greater.

ii) The survey for the plat shall be of such accuracy that the error of closure shall not exceed 1 foot in 5,000 feet. Any lesser accuracy shall be allowed only with the approval of the County Surveyor.

iii) The dimensions shown on the plat shall be of such accuracy that the error of closure of any portion shall not exceed 1 foot in 10,000 feet.

d) Measurements. The plat shall contain the following measurements:

i) The boundary lines with distances, bearings, and the exact location and width of existing or recorded streets intersecting the boundary. Distances shall be to the nearest 1/100th of a foot and bearings or angles to the nearest second.

ii) The lengths of arcs, radii, internal angles, lengths, and bearings of tangents and lengths and bearings of chords and the central angle.

iii) Block indications, lot numbers, and lot lines with dimensions and bearings and/or angles to street and alley lines.

iv) The area of each lot in either acres to the nearest 1/100th of an acre, or square feet.

v) All bearings or measured angles and distances separately indicated from those of record.

vi) All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included, and all monuments set shall be separately indicated from those found.

vii) Any additional information shall be typed or printed in narrative form.

e) Monuments

i) The plat shall contain the location, material, and approximate size of all monuments which have been set. A monument shall be set at every angle point along the boundary lines, any exceptions shall be allowed only with the approval of the County Surveyor. All monuments for the exterior boundaries of a subdivision shall be set and referenced on the plat before the plat is offered for approval. Interior monuments need not be set prior to the approval of the plat. Special symbols shall be used to designate and describe points where such interior monuments will be set.

ii) Monuments shall meet the specifications of The County Surveyor, and shall be no less than those required by ORS 92.060.

iii) If the interior monuments are not set prior to the approval of the plat:

A) The person performing the survey work shall, by affidavit, certify that the interior monuments will be set by a date specified by them, such a date not to exceed one year from the date of submission of the plat for approval. The County Surveyor may extend the one-year period, and such extension shall be in writing. The County Surveyor shall submit a written copy of the extension to the approving authority.

B) The subdivider shall furnish to the Douglas County Surveyor's Office a bond, cash deposit, or other security at the option of the Douglas County Surveyor's Office, in an amount equal to not more than 120% of the County Surveyor's estimate of the cost to perform the work for the interior monumentation.

C) Space will be provided on the face of the plat for endorsement of the recording reference to the plat copy to be filed upon completion of such interior monumentation.

D) Upon completion of the interior monumentation, the person performing the survey shall notify the County Surveyor within five (5) days.

E) The County Surveyor shall check the interior monumentation, and, if the conditions required on the tentative plan have been complied with, he shall so certify on the subdivision plat in the County Clerk's Office on the exact copy filed in the County Surveyor's Office.

F) Upon approval of the work by the County Surveyor, the person performing the work shall reference the monuments on the subdivision plat in the Clerk's Office and the exact copy filed in the County Surveyor's Office.

G) The person performing the survey work shall certify by affidavit on the plat that he has correctly surveyed and marked with proper monuments the land as represented.

iv) <u>Flood Plain Monumentation for Subdivisions and Partitions</u>. For subdivisions and partitions involving land in a flood plain, the following specifications shall apply:

A) A permanent monument shall be established and maintained on land partitioned or subdivided, showing the elevation in feet above mean sea level, NAVD 88. The location of such monument shall be shown on the final partition map or subdivision plat.

B) A standard Bench Mark shall be a minimum of 36 inches in depth and eight (8) inches in diameter, constructed of concrete with a brass cap set in the center. The brass cap shall bear the name of the Bench Mark, the year set and the agency or Registered Land Surveyor's

license number. The Bench Mark shall be set at least 30 inches in the ground in a stable, protected area of the partition or subdivision. The elevation established shall be third order or higher.

C) The Bench Mark location shall be indicated on the face of the plat or final survey map, along with its name and elevation and the name, year and elevation of the Bench Mark upon which the elevation is based.

D) The level notes or a copy thereof shall be filed with the final map.

Any exceptions shall be allowed only with the approval of the County Surveyor.

f) Field Notes and Closure Copies to County Surveyor

i) Copies of all lot closures, block closures, and plat closures of the subdivision shall be furnished to the County Surveyor upon his/her request.

ii) If the interior monuments are not set prior to the approval of the plat, the field notes or legible copies for the original survey of the subdivision shall be furnished to the County Surveyor upon his/her request.

g) County Surveyor Fees. The subdivider shall pay a fee to the County Surveyor as provided in ORS 92.100(2). If the interior monuments are not set prior to the approval of the plat, the subdivider shall pay an additional fee to the County Surveyor equal to 50% of that fee provided in ORS 92.100(2) to cover the second field check as provided in most monumentation. In the event a second field and/or office check becomes necessary because of substantial discrepancies found in the first check, the County Surveyor may, at his/her discretion, charge a second fee or partial fee.

5) Agreement for Improvements

a) Before approval of the final subdivision plat, the applicant shall install the improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the subdivision. The developer may execute an agreement between the property owner and the City for deferring the construction of sidewalks for a period not to exceed five (5) years from the time the final plat is recorded within which required improvements and repairs will be completed. The agreement may provide for the construction of the required improvements in phases. The agreement shall provide that if work is not completed within the period specified, the Governing Body may complete the work and recover the full cost and expense thereof from the property owner.

b) An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for administrative action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for them to fulfill the agreement within the original time limits.

6) Performance Bond

a) To assure full performance of the improvement agreement, an applicant shall provide one of the following:

i) A surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the Governing Body; or

ii) Cash deposit with the Governing Body

b) Such assurance of full and faithful performance shall be for a sum determined by the Director of Public Works to be sufficient to cover the cost of the improvements and repairs that may be required prior to approval of the final plat, including related engineering, administration, inspection, utilities, fees, and other incidental expenses to obtain finished streets and saleable lots, and may include an additional percentage as determined by the Director of Public Works to cover any inflationary costs which may be incurred during the construction period prior to the full and final completion of the project.

c) If the applicant fails to carry out provisions of the improvement agreement, and the Governing Body has reimbursed costs or expenses resulting from such failure, the Governing Body shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the applicant shall be liable to the Governing Body.

d) The subdivider and his/her contractor shall provide a guarantee of one (1) year extending from the date of final plat approval, or certification by the engineer that improvements are complete and the bond can be released. The guarantee shall cover workmanship and materials, during which time the subdivider and his/her contractor are responsible for and must make good any defects through faulty, improper or inferior workmanship or materials, arising from or discovered in any part of his/her work during this time.

e) Upon completion of the improvements, the Director of Public Works shall inspect the work and all other requirements and conditions for conformity with the preliminary plan, and if complete and acceptable and all accounts are settled or satisfactory provisions are made for settlement, he shall certify the

work complete and ready for acceptance by the approving authority, after which the final plat may be approved, or the bond on improvements released.

7) Development Phasing. If the preliminary subdivision plan approval pursuant to Section 6.1.180 of this Ordinance provided for phasing of development, the applicant may request final plat approval for an individual phase of the subdivision by filing with the Director a final plat and supporting documents, as provided in Subsections "1" through "6" of this Section, for that phase only.

8) Review of Final Plat. The official plat for final approval shall be delivered to the Director for final review and approval. The Director shall cause the final map and other data to be reviewed by appropriate agencies and officials, who shall examine them to determine that the subdivision as shown substantially conforms to the approved preliminary plan as conditionally approved.

If the Director determines that substantial conformity to the preliminary plat with conditions has not been made, he shall advise the subdivider and shall afford them an opportunity to make such changes or additions necessary to comply with the preliminary plat as conditionally approved.

9) Standards for Final Subdivision Plat Approval

a) The Director shall grant final subdivision plat approval if he determines that the final plat and supporting documents are in substantial conformance with the approved preliminary plan, including any conditions imposed by the approving authority. Substantial conformance means that any differences between the preliminary and final plans are "minor amendments," as defined in Section 6.1.220(1)(a) of this Ordinance.

b) The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary subdivision plan.

10) Filing and Recording of Final Plat

a) After final plat approval, the applicant shall submit without delay the final plat for signatures of the following officials, in the order listed:

i) Planning Commission Chairman;

ii) Community Development Director;

iii) Public Works Director;

iv) Surveyor, in accordance with the provisions of ORS 92.100;

v) Assessor;

vi) Board of County Commissioners;

vii) County Clerk.

b) At least two (2) members of the Board of County Commissioners shall sign the plat prior to its submission to the County Clerk.

The final plat shall be recorded within 30 days of the date that signatures and approvals required by Subsections “8” and “9” of this Section were obtained, or the approval shall be null and void.

c) Upon filing the final plat, the applicant shall submit to the Director three (3) prints of the final plat as filed.

d) Following approval of the final plat, the Recorder shall certify such to the State Real Estate Commission, as required by that office.

SECTION 6.1.200 LAND PARTITIONING APPROVAL

1) Approval of Preliminary Partition Plans. Approval of a preliminary partition plan is an administrative action subject to the provisions of Section 5.1.060 of this Ordinance.

a) An application for preliminary partition plan approval shall be initiated as provided in Chapter 5 of this Ordinance. Applicants shall file with the Director five (5) copies of the preliminary plan. The Director shall notify the applicant within 30 working days if it is found that the application for preliminary partition plan approval is incomplete or if additional information is needed.

b) A preliminary partition plan and supporting documents shall include the following:

i) An identifying name or title of the partition;

ii) A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways and other land parcels;

iii) North arrow, scale, and date;

iv) A plan of the proposed partitioning, showing tract dimensions, bearings of all lines, area of each tract, and the names of existing and proposed streets or roads and walkways; (Ord.3279, 3/08)

v) Existing or proposed private streets or roads and walkways and all restrictions or reservations relating to such private streets roads, and walkways;

vi) Easements to be conveyed or dedicated, indicating width, location, purpose, affected agencies, etc.;

vii) Name and address of the landowners, the applicant and the surveyor, if any, employed to make necessary surveys and prepare the description of each tract involved;

viii) Names of adjacent owners and property identification;

ix) Proposed means and location of water supply and sewage disposal for each tract;

x) Proposed drainage plan;

xi) Zoning classification of the land and Comprehensive Plan Map designation;

xii) Predominant natural features, such as water courses and their flows, marshes, rock outcroppings and areas subject to flooding, sliding, or other natural hazards;

xiii) Existing structures and distances from all existing and proposed property lines;

xiv) Contours as called for on preliminary subdivision plats;

xv) Draft of any proposed restrictions and covenants affecting the partitioned land.

c) Standards for approval of a preliminary partition plan:

i) A decision on a preliminary partition plan application shall be made by the approving authority as provided in Chapter 5 of this Ordinance.

ii) The preliminary partition plan shall be approved if the approving authority finds that the information required by this Subsection has been provided, and if the design and development standards of this Chapter and the Comprehensive Plan have been met.

d) The approving authority may require dedication or reservation of land and utility or drainage easements, and may impose conditions promoting redevelopment of the parcels, if, in view of the zoning and Comprehensive Plan Map designation, the acreage of the parcel or parcels in contiguous ownership makes additional partitioning of the subject property feasible.

2) Land Partition Plat Requirements

a) Conformance to Tentative Plan. The plat shall substantially conform to the tentative plan as approved.

b) Conformance to State Law. In addition to the requirements of this Subsection, the plat shall conform to all requirements of state law.

c) Preparation. All plats shall be prepared by a professional land surveyor registered with the State of Oregon and shall otherwise comply with ORS 209.250.

d) Format. All plats shall be drawn with good quality black ink approved by the County Surveyor, on .003 inch thick polyester based transparent drafting film, or an equivalent, matted on both sides, 18 inches by 24 inches in size with a three (3) inch extension at the left end (overall size shall be 18 inches by 27 inches) that is suitable for binding and copying purposes. The quality of said drafting film and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used. No drafting shall come nearer any edge than one (1) inch and no nearer the left or binding edge than four (4) inches.

e) Scale. The partition plat shall be drawn to a scale of 1"=100' or to such other scale, approved by the County Surveyor.

f) Survey Accuracy

i) Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot to within 1/5,000 of the distance shown on the partition plat, whichever is greater.

ii) The survey for the plat shall be of such accuracy that the error of closure shall not exceed one (1) foot in 10,000 feet. Any lesser accuracy shall be allowed only with the approval of the County Surveyor.

iii) The dimensions shown on the plat shall be of such accuracy that the error of closure on any portion shall not exceed one (1) foot in 10,000 feet.

g) Measurements. The plat shall contain the following measurements:

i) The boundary lines with distance bearings, and the exact location and width of existing or recorded streets intersecting the boundary of the parcel. Distances shall be to the nearest 1/100th of a foot and bearings or angles to the nearest second.

ii) The lengths of arcs, radii, internal angles, lengths and bearings of the tangents and lengths and bearings of chords and the central angle.

iii) The area of each parcel in either acres to the nearest 1/100th of an acre, or square feet.

iv) All bearings or measured angles and distances separately indicated from those of record.

v) All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.

Any additional information shall be typed or printed in narrative form.

h) Monuments

i) The plat shall contain the location, material, and approximate size of all monuments which have been set. A monument shall be set at every angle point along the boundary lines, any exceptions shall be allowed only with the approval of the County Surveyor. All monuments shall be set and referenced on the plat before the plat is offered for approval.

ii) Monuments shall meet the specifications of the County Surveyor and shall be no less than those required by ORS 92.060.

iii) For partitions involving land in a flood plain, the provisions of Section 6.1.190(4)(e)(5) shall apply.

iv) A permanent monument shall be established and maintained on land partitioned or subdivided, showing the elevation in feet above mean sea level, NAVD 88, The location of such monument shall be shown on the final partition map or subdivision plat.

i) General Information. The plat shall comply with ORS 209.250, and shall contain the following information:

i) Location of the parcel by Quarter Section, Township, and Range;

ii) Names and addresses of the partitioner, owner, mortgagee, if any, and the person preparing the plat;

iii) North arrow, scale, and date submitted;

iv) The names of any streets intersecting or within the parcels. In the event any streets are created or dedicated, data as required in Section 6.1.190(3)(e-f) shall be provided;

v) Easements provided for public services or utilities and any limitations of the easements, as required in Section 6.1.190(3)(g);

vi) Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets and along the edge of partial width streets on the boundary of the partition;

vii) 100-year flood elevation data shall be provided and shown on final partition plats. Applicant must also show boundaries of the 100-year flood and floodway on final partition plat;

viii) A copy of the covenants, if any, that will be placed on the partition, including the volume and page of recording with the Douglas County Clerk;

ix) A copy of all documents relating to establishment and maintenance of private facilities, common areas and easements, including the volume and page of recording with the Douglas County Clerk;

x) Declaration. A notarized certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the partition;

xi) Dedication. A notarized certificate, signed and acknowledged by all parties having any record title interest in the land, dedicating all land intended for public use and common improvements, including, but not limited to streets, roads, parks, sewage disposal, and water supply systems the donation of which was made a condition of the approval of the preliminary partition;

xii) Zoning classification;

xiii) The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-quarter corner, one sixteenth corner or Donation Land Claim corner in Township and Range, a lot corner of a recorded subdivision, boundary corner of a condominium or a parcel corner of a recorded partition;

xiv) Space for date and signatures of the following officials for plats of partitions:

A) Community Development Director;

B) Public Works Director;

C) County Surveyor.

xv) Narrative per ORS 209.250.;

xvi) Any additional information made a condition of approval of the tentative plan;

xvii) A surveyor's certificate per ORS 92.070 and written legal description of the boundary of all land contained in the land partition. Each parcel shall be identified with a parcel designation;

xviii) When parcels are not required to be monumented or surveyed, a schematic diagram shall be included on the face of the final partition plat showing the exterior boundaries of all parcels and their relationship with the parcel(s) requiring monumentation and surveying;

xix) Tie to geodetic control monument as required by ORS 92.050;

xx) Planning Department File number;

xxi) The partitioner shall pay a fee to the County Surveyor for checking partition plats and such fee shall be established by the County Surveyor;

xxii) Certification line for the Douglas County Tax Collector certifying that taxes and assessments on the tract are paid to date

3) <u>Approval of Final Partition Plat</u>

a) The applicant shall initiate a request for final partition plat approval by filing with the Director a final plat prepared in accordance with those standards specified in Section 6.1.190(3).

b) If the parcel of land to be partitioned exceeds five (5) acres, and within a year is being partitioned into more than two (2) parcels any one of which is less than one (1) acre, full compliance with all requirements for subdivision may be required if the approving authority should determine, in its judgment, that the entire parcel being partitioned is in the process of being divided into small parcels.

c) The approval of a final partition plat by the Director is a ministerial action. The Director shall grant final approval within 180 days if he determines that:

i) The final plat and any supporting documents are in substantial conformance with the approved preliminary partition plan;

ii) Any conditions imposed by the approving authority have been met.

Substantial conformance means that any differences between the preliminary and final plans are "minor amendments," as defined in Section 6.1.200(1)(a) of this Ordinance.

d) Every lot or parcel created by a partition shall conform to the access requirements specified in Section 6.1.050(6).

e) The granting of final plat approval shall not be affected by a change in the zone or plan plat designation of the subject property made after approval of the preliminary partition plan.

f) After approval of the final partition plat, the Director and the County Surveyor shall endorse their approval on the plat. The plat shall be recorded with the County Clerk.

g) Upon filing the final partition plat, the applicant shall submit to the Director three (3) prints of the final partition plat.

SECTION 6.1.210 COMMON BOUNDARY LINE ADJUSTMENTS

1) Application for Approval of Common Boundary Line Adjustments. Approval of a common boundary line adjustment is an administrative action subject to the provisions of Section 5.1.090 of this Ordinance. (Ord.3289, 9/08)

a) An application for common boundary line adjustment approval shall be initiated as provided in Chapter 5 of this Ordinance.

b) An application for common boundary line adjustment approval shall include the following:

i) An identifying name or title of the common boundary line adjustment;

ii) A vicinity map locating the proposed common boundary line adjustment in relation to adjacent land parcels and roadways;

iii) North arrow, scale and date.

iv) A plan of the proposed common boundary line adjustment, showing all affected lots, boundaries to be adjusted, parcel dimensions, areas of each parcel, all streets or roads both public and private, existing structures with dimensions and distances from all existing and proposed property lines, driveways, and location of utilities (gas, sewer, water, electricity, and any others) with appropriate dimensions;

v) Easements to be conveyed or dedicated, indicating width, location, purpose, affected agencies, etc.;

vi) Name and address of landowners, the applicant, and the surveyor, if any, employed to make necessary surveys and prepare the description of each tract involved;

vii) Names of adjacent owners and property identification;

viii) A notarized certificate signed and acknowledged by all parties having any record title interest in any affected units of land, consenting to the preparation and recording of the common boundary line adjustment. The certificate shall include legal descriptions of all adjusted lots prepared at the applicant's expense;

ix) Space for date and signature of the Director;

x) Any additional information made a condition of approval;

xi) A non-refundable filing fee in an amount determined by Ordinance or resolution of the governing body;

xii) Map and Monuments Required:

A) For any resulting lot or parcel ten (10) acres or less, a survey map that complies with ORS 209.250 shall be prepared.

B) The survey map shall show all structures within ten (10) feet of the adjusted line.

C) The survey shall establish monuments to mark the adjusted line.

2) <u>Standards for Approval</u>:

a) A decision on a common boundary line adjustment application shall be made by the approving authority as provided in Chapter 5 of this Ordinance.

b) The common boundary line adjustment shall be approved if the approving authority finds that:

i) The information required by this Section has been provided;

ii) The design and development standards of this Ordinance and the Comprehensive Plan have been met;

iii) All adjusted lots will be no more non-conforming than the original lots with respect to minimum lot area, dimensions, and building set back requirements for the given zone;

iv) All adjustments are within a given zone and not among differing zones;

v) No substandard lots shall be created;

vi) The adjustment will not affect or impede the public right of way or any recorded easement.

c) After approval of the common boundary line adjustment the Director shall endorse his or her approval on the Plat in the place provided and notify the applicant in writing. The survey plat, if required, shall be filed with the County Surveyor. Deeds of conveyance conforming to the approved common boundary line adjustment shall be recorded with the County Clerk within 30 days after approval is granted.

SECTION 6.1.220 AMENDMENTS TO PRELIMINARY PLANS AND FINAL PLATS OR MAPS

1) Definitions.

a) "Minor amendment" means a change that:

i) Does not increase the number of parcels created by the subdivision or partition or common boundary line adjustment;

ii) Does not enlarge the boundaries of subdivided or partitioned area;

iii) Does not change the general location or amount of land devoted to a specific land use; or

iv) Includes only minor shifting of the established lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces, and does not result in conflicts or other conditions unacceptable to the approving authority.

b) "Major amendment" means any change which is not a minor amendment.

2) Approval of Minor Amendments. A minor amendment to an approved preliminary subdivision or partition plan or common boundary line adjustment or to an approved final subdivision plat or final partition map may be approved by the Director.

3) Approval of Major Amendments. Approval of a major amendment to an approved preliminary subdivision or preliminary partition plan, or to an approved final subdivision plat or final partition map, shall be an administrative action subject to the provisions of Section 5.1.060 of this Ordinance.

SECTION 6.1.230 PROHIBITION ON SALE

No person shall sell any lot or adjusted lot or parcel of land before the subdivision or partition or common boundary line adjustment creating the same has been approved by the approving authority and the plat or partition has been recorded with the County Clerk.

ARTICLE 2:

PLANNED UNIT DEVELOPMENT

SECTION 6.2.010 PURPOSE

The purposes of Planned Unit Development are to provide a means of creating harmonious planned environments through the application of flexible and diversified land development standards; to encourage the application of new development techniques and technology which will result in superior living or development arrangements; to promote the efficifent use of land to facilitate more economic provision of housing, circulation systems, utilities and their maintenance; to promote energy conservation and use of renewable energy resources; to preserve to the greatest extent possible significant landscape features and to utilize such features in a harmonious fashion; and to provide for more usable and suitably located open space and recreation facilities than would otherwise be provided under conventional land development procedures.

The purpose of the Planned Unit Development process is also to provide special site review for development occurring in areas designated in the Comprehensive Plan and Zoning Map by a PUD Overlay.

SECTION 6.2.020 TYPES OF PUD'S AND GENERAL PROCESS OF CONSIDERATION

Planned Unit Developments shall fall into two basic categories:

1) PUD's involving land division and/or condominiums, and development of property that requires the application of flexible standards not afforded by strict application of the usual zoning and land division regulations, and/or involving cases where the applicant seeks such flexibility to achieve a desired design. The consideration process in this case is substantively a specialized subdivision proceeding with special site review.

   The proceeding shall include a determination of the appropriate development standards to be applied, wherein appropriate regulatory flexibility is granted in specific terms in exchange for development amenities and/or mitigation of potential adverse impacts on significant landscape features, neighboring properties and uses.

   The consideration process shall culminate in the review and approval of a detailed site plan and formal articulation of conditions and standards of development.

   Factors to be reviewed by the hearings body include the following:

   a) Clustered or compact development with open space protection and enhancement;

b) Dedications of land to public for public recreational facilities;

c) Increased density;

d) Architectural design regulation;

e) Extraordinary landscaping;

f) Amenities and design for the special needs of children, the elderly, the handicapped or disadvantaged persons;

g) Recreational and cultural amenities;

h) Urban agriculture/silviculture production;

i) Low-cost housing programs;

j) Traffic and parking regulation and provisions;

k) Energy conservation enhancement;

l) Special protection of environmentally sensitive areas and historical and natural resources onsite, and those offsite;

m) Development of uses not normally permitted in the zoning district(s) of the subject property;

n) Structure height, setbacks, and lot coverage;

o) Lot area and dimension.

2) PUD's involving the development without land division or condominium on property whose nature and/or location have been determined by designation in the Comprehensive Plan and/or Zoning Map to be of a sensitive nature with an acknowledged potential for adverse impacts on surrounding properties or uses, either directly adjacent or in the general vicinity, and/or on the community in general. The process in this instance is substantively a special site review with public hearing.

The site plan approval process may provide for the application of conditions to the site plan. Such conditions may consist of development criteria articulated herein or conditions in addition to the standard development criteria.

3) <u>Factors to be applied</u>:

a) Screening and buffering of sight, access, noise, light, vibration, etc., from neighboring properties, uses and rights-of-way;

b) Protection of significant landscape features and historic and natural resources;

c) Traffic and parking regulation;

d) Enhancement of storm drainage facilities;

e) Uses not normally permitted by the zoning;

f) Extraordinary landscaping;

g) Structure height, setbacks, and lot coverage.

SECTION 6.2.030 DEFINITIONS

The following definitions apply only to this Chapter:

1) **ESSENTIAL IMPROVEMENTS:** Public and/or private streets and other improved vehicular and emergency access provisions, sanitary sewer, storm drainage facilities, water for domestic and fire flows, electricity, and telephone.

2) **GROSS ACREAGE:** The acreage of the entire PUD, less the acreage devoted to public streets, public or semi-public buildings, kindergarten or day-care centers, and commercial uses.

3) **LANDSCAPE FEATURES:** Natural features of the PUD site, including waterways, wetlands, rock outcroppings, forest areas, and significant wildlife habitat areas.

4) **NET ACREAGE:** The acreage of the PUD devoted to residential use, including residential building sites, private open space and private streets and driveways.

5) **OPEN SPACE:** Land not covered by buildings or structures, except minor recreational structures. Open space does not include streets, driveways, parking lots, or loading areas. Landscaped roof areas devoted to recreational or leisure-time activities, freely accessible to residents, may be counted as open space at a value of 50% of actual roof area devoted to these uses.

   a) Common Open Space. Open space reserved primarily for the leisure and recreational use of all PUD residents, and owned and maintained in common by them through a homeowners association or other legal arrangement.

   b) Private Open Space. Open space located immediately adjacent to an individual dwelling unit, owned and maintained by the owners of the dwelling unit, and reserved exclusively for the use of the residents of the dwelling unit.

   c) Public Open Space. Open space dedicated in fee to a public agency and maintained by the agency for public use.

SECTION 6.2.040 PUD PRELIMINARY DEVELOPMENT PLAN APPROVAL

Approval of a PUD preliminary development plan is an administrative action subject to the provisions of Section 5.1.060 of this Ordinance.

1) An application for PUD preliminary development plan approval shall be initiated as provided in Chapter 5 of this Ordinance.

2) The PUD preliminary development plan shall consist of the following:

   a) Written Documents

      i) A legal description of the total site proposed for development, including a statement of present and proposed ownership and present zoning, or any proposed zoning.

      ii) A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and adjacent areas, discussion of how the proposed development will relate to the natural environment and significant landscape features of the site and adjacent areas, and the rationale behind the assumptions and choices made by the applicant.

      iii) A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.

      iv) A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, commercial and industrial structures, etc.

      v) Information regarding the establishment of a property owners association or other similar entity, if any common space or facilities are contemplated.

      vi) Quantitative data for the following: Total number and type of dwelling units; parcel sizes; proposed lot coverage of buildings and structures; approximate gross and net residential acreages; total amount of open space; amounts of private, common and public open space; total area and types of nonresidential construction; economic feasibility studies or market analysis where necessary to support the objectives of the development.

      vii) Proposed covenants, if any.

   b) Site Plan and Supporting Maps. A site plan and any maps necessary to show the major details of the proposed PUD, containing the following minimum information:

i) The existing site conditions, including contours at five (5) foot intervals, water courses, floodplains and other areas subject to natural hazards, significant landscape features, and forest cover.

ii) Proposed lot lines and layout design.

iii) The location and floor area size of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units, and nonresidential structures, including commercial and industrial facilities, and elevation plans of major structures. Major structures do not include single-family and two-family dwellings.

iv) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common or public open spaces or recreational areas, school sites, and similar public and semi-public uses.

v) The existing and proposed circulation system of arterial, collector and local streets, including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way. Notations of proposed ownership, public or private, should be included where appropriate.

vi) The existing and proposed pedestrian and bicycle circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatment of points of conflict.

vii) The existing and proposed system for providing sewage disposal, water, electricity, gas, fire protection, and telephone services.

viii) A general schematic landscape plan indicating the technique and materials to be used for private, common, and public open spaces.

ix) A preliminary subdivision or partition plan if the land is to be divided, including all information required for the filing of a preliminary subdivision or partition plan as specified in Article 1 of this Chapter.

x) Enough information on land areas adjacent to the proposed PUD, including land uses, zoning classifications, densities, circulating systems, public facilities and significant landscape features, to indicate the relationships between the proposed development and the adjacent areas.

xi) The proposed treatment of the perimeter of the PUD, including materials and techniques to be used, such as landscaping, screens, fences, and walls.

3) The approving authority shall decide on the PUD preliminary development plan application as provided in Chapter 5 of this Ordinance, and shall approve the preliminary development plan if it finds:

a) The proposed PUD is consistent with applicable Comprehensive Plan goals, policies, and map designations, and with the purpose set forth in Section 6.2.010;

b) The preliminary development plan meets the development standards of Sections 6.2.060 to 6.2.080;

c) If the preliminary development plan provides for phased development, pursuant to Section 6.2.070, that each phase meets the standards of Section 6.2.070(3), and that the applicant has the capability to obtain final development plan approval in the time limits imposed;

d) Exceptions from the standards of the underlying zone district or from the quantitative requirements of Article 1 of this Chapter are warranted by amenities and other design features of the PUD furthering the purpose of Section 6.2.010;

e) Any conditions or modifications imposed by the approving authority in the preliminary development plan approval are necessary to meet the requirements of Section 6.2.060 to 6.2.080, to further the purposes of Section 6.2.010, or to comply with the Comprehensive Plan.

SECTION 6.2.050 PUD STANDARDS AND CRITERIA IN NON-RESIDENTIAL DISTRICTS

PUD's in nonresidential districts shall be developed to standards applied by the approving authority pursuant to Sections 6.2.010 and 6.2.020.

SECTION 6.2.060 PUD STANDARDS AND CRITERIA IN RESIDENTIAL DISTRICTS

A PUD must meet the development standards of this Section and those applied in conditions of approval pursuant to Section 6.2.020.

1) Minimum Site Size. A parcel to be developed as a PUD in any residential district shall be of such a size that at least four (4) dwelling units would be permitted by the underlying district.

2) Permitted Uses. The following uses are permitted subject to the general standards of this Chapter:

a) Residential Uses. Single-family dwellings, duplexes, mobile homes conforming to the standards established in Article 11 of Chapter 5, multi-family dwellings, including townhouses, apartments and condominiums, and accessory buildings such as garages, storerooms, woodsheds, hobby shops, laundries, playhouses, or similar and related uses may be permitted.

b) Commercial Uses. Retail commercial uses may be permitted in a PUD if the approving authority determines that they are designed to serve primarily the residents of the PUD. The approving authority may require that the applicant submit a market analysis demonstrating that the amount of land proposed for commercial use is needed for, and realistically can be supported in, commercial use by the residents of the PUD.

c) Other Uses. If designed to serve primarily the residents of a PUD, the following uses may be permitted. If designed to serve residents of adjacent areas, as well, the following uses may be permitted by the approving authority if it finds that such use is consistent with the purposes of Section 6.2.010 and with the surrounding Zoning District:

i) Public and semi-public buildings, including schools, Religious Institutions, libraries, community centers, fire stations, pump stations, and substations.

ii) Park, playground or golf course.

iii) Privately-operated kindergartens or day nurseries.

3) Density Criteria. The number of dwelling units in a PUD shall not exceed the number that would be allowed on the gross acreage of the site by the Comprehensive Plan Land Use Designation, except that the Commission may allow an increase of up to 15% if it finds that such increase is compensated by the provision of amenities described in Section 6.2.020(1) and can be reasonably accommodated on the site without adversely affecting public facilities, significant landscape features, or properties and uses in the vicinity.

4) Lot Sizes. Where lots are proposed, size and shape shall be determined with consideration given to the types of structures contemplated and the privacy and safety needs of the residents. Appropriateness shall be demonstrated.

5) Building Spacing and Yard Requirements

a) General Requirements. A preliminary development plan shall provide for reasonable light, ventilation, safety separation and visual and acoustic privacy for residences and other structures. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, and reduction of noise. High-rise buildings shall be located within a PUD in such a way as to avoid adverse impact on neighboring low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.

b) Yard Requirements – Detached Dwellings. Yard requirements (setbacks) for detached dwellings in a PUD shall be as established by the applicable zoning district, except that one side yard may be reduced or eliminated, providing the

adjoining side yard of the abutting lot shall be increased by an amount equal to the reduction, or by 50% over the minimum side yard requirement of the applicable zoning district, whichever is less.

c) Yard Requirements – Attached Dwellings. Yard requirements for attached dwellings in a PUD shall be as established by the applicable zoning district, except that two (2) single-family dwellings may be attached along one common lot line and may also have a garage or carport attached along the same common line, provided the conditions of Section 6.2.060(5) are satisfied.

d) Front Yard Variation. In a PUD, front yards may be varied so as to facilitate a staggered effect to avoid monotony and enhance the aesthetics of the development, provided the following requirements are met:

   i) The average front yard of no more than every three (3) consecutive dwellings along a street shall be no less than the minimum requirement of the applicable zoning district, and in no case shall a front yard be less than ten (10) feet.

   ii) Front and side yards of corner lots shall not be varied under the provisions of this Article if such variation would result in encroachment into the required clear vision area otherwise established by this Ordinance.

e) Zero-Lot-Line Development

   i) All lots utilizing zero-lot-line attached development shall be clearly identified on the development plan. Once approved, such specified lots shall be considered fixed and shall not be transferable except as provided for in Section 6.2.120.

   ii) Zero-lot-line development shall comply with the design standards of Section 1.1.110(165)(a-g).

   iii) In addition to the declaration of covenants and restrictions otherwise required by this Article, the applicant or developer shall prepare special deed restrictions that run with each lot to be approved for zero-lot-line attached development. Such special deed restrictions shall be acceptable to the approving authority, and shall make provision for the following:

      A) Assurance that the lots and the dwellings thereon will be used for residential purposes only.

      B) Provisions for the repair and maintenance of the lots, the dwellings thereon, and all related facilities, as well as a method of fair payment for such repairs and maintenance.

C) Provisions for mutual consent prior to making structural, paint, or decorative changes to the building exterior, as well as the location, height and design of fencing and major landscape work.

D) Provisions for equitably resolving liens filed against areas of common responsibility or interest.

E) Provisions granting access or easement to each owner for the purpose of maintaining or repairing the lots, the dwellings located thereon, and related facilities and improvements.

F) Provisions for liability and equitable treatment in the event of damage or destruction of the building due to fire or other casualty.

G) Provision for emergency action by one (1) party in the absence of the other where an immediate threat exists to the property of the former.

Such special deed restrictions, when accepted by the approving authority, shall be filed with the County Clerk, and shall become perpetual deed restrictions running with the subject lots. No building permit shall be issued for zero-lot-line development until the deed restrictions required by this Section have been filed with and recorded by the County Clerk.

f) Special Setbacks. If the approving authority finds it necessary to meet the perimeter design standards of Section 6.2.060(9), it may require a special setback from all or a portion of the perimeter of the PUD.

6) Open Space

a) Open space must be provided to an extent at least equal to that which would be provided in standard development in conformance with the underlying zone (i.e., the total land area less that area permitted to be covered, as prescribed in the property development standards of each zone under "Coverage").

b) Open space shall be provided and dedicated to the City when a need is identified in the Comprehensive Parks Master Plan. All open space to be dedicated to the City shall be deemed suitable, conveniently situated, and shall conform as nearly as possible to the recommendations in the Comprehensive Parks Master Plan prior to being accepted by the City.

i) Except as hereinafter provided, in PUD's; such open space shall have a total net area equal to at least 10% of the land affected by the PUD. Such areas so designated shall be protected from future development by either a deed restriction or a conservation easement.

1) Open space areas shall abut a public street or have direct access to a public property through a right of way.

2) The open space shall be accessible to all residents by sidewalks and/or pedestrian walkways.

3) The developer shall submit a separate landscape plan for the proposed open space areas which clearly displays the type of signs, fencing, play apparatus, trails, and outdoor furniture;

b) Where a proposed park or playground, school or other public use shown on the Parks Master Plan, or an existing school site is located in whole or in part in a subdivision, then in such case the open space shall be located within the designated area or immediately adjacent to the existing public use. Locations, shapes, sizes, and other characteristics of open spaces shall be consistent with their proposed uses and the purposes of the PUD. Unless the approving authority requires otherwise, the environmental design standards of Section 6.2.060(7), common or public open space shall be distributed equitably throughout the PUD in relation to the dwelling units of the residents they are intended to serve.

c) Open spaces shall be altered only to the extent necessary for their intended use or as otherwise reasonably necessary to permit development, use and maintenance of the PUD. Open spaces containing significant landscape features shall be left unimproved, or may be improved to assure protection of the features, subject to the requirements imposed by the approving authority pursuant to Section 6.2.060(6).

d) The development schedule required by Section 6.2.040(2)(a)(iii) shall provide for coordination of the improvement of open spaces with the construction of other proposed site improvements.

e) The approving authority shall require that the applicant assure the permanent maintenance of the common or public open space in a manner provided for by ORS 94.550 to 94.780.

7) Environmental Design

a) The preliminary development plan shall provide, to the greatest extent possible, for the preservation of significant landscape features, historic sites and landmarks, and for the integration of the proposed development with the environmental characteristics of the site and adjacent areas. The approving authority may require that significant landscape features and historical sites be preserved as part of the common or public open space of the project.

b) Excessive site clearing of topsoil, trees, and natural features before the commencement of construction operations shall be discouraged. The approving authority may require the applicant to submit a grading plan

detailing proposed excavation, earth-moving procedures, and other changes to the landscape, in order to ensure preservation of the character of the area to be retained in open space.

c) Sites for residential and nonresidential buildings shall be discouraged in areas of natural hazards, such areas subject to flooding, landslides, and areas with unstable soil formations. The approving authority may require that all floodplains be preserved as permanent common or public open space of the proposed development and be left unimproved or improved to assure minimization of the hazard.

d) All slopes shall be planted or otherwise protected from the effects of storm runoff erosion, and shall be of a character to cause the slope to blend with the surrounding terrain and development. The applicant shall provide for maintenance of the planting for a period of time established by the approving authority.

e) Preliminary development plans are encouraged to promote the conservation of energy and use of solar or other renewable energy resources through such factors as the location and extent of site improvements, the orientation and exposure of buildings and usable open spaces, the types of buildings, and the selection of building materials.

8) Traffic Circulation. The location and number of points of access to the site, the interior circulation pattern of streets and pedestrian ways, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and uses shall be designed to maximize safety and convenience and be compatible with neighboring road systems, buildings, and uses. Design of facilities shall be appropriate to the anticipated usage and shall be approved by the Director of Public Works.

9) Perimeter Design.

a) The preliminary development plan shall minimize adverse impacts of proposed uses and structures in the PUD on existing and anticipated uses and structures in the adjacent area.

b) If topographical or other barriers do not provide reasonable privacy and the mitigation of potential adverse impacts on existing uses adjacent to the development, the approving authority shall require one (1) or more of the following:

i) A special setback or setbacks of residential and nonresidential structures located on the perimeter.

ii) Residential and nonresidential structures located on the perimeter of the development shall be screened by fencing, landscaping, or other natural or manmade materials.

SECTION 6.2.070 DEVELOPMENT PHASING

1) The applicant may provide in the preliminary development plan for development of the project in up to three (3) phases.

2) In acting to approve the preliminary development plan, the approving authority may require that development be completed in up to three (3) specific phases, if it finds that existing public facilities would not otherwise be adequate to serve the entire development.

3) If the preliminary development plan provides for phased development, each phase shall provide a suitable share of the development facilities and amenities, as approved by the approving authority.

4) If the preliminary development plan provides for phased development, the approving authority shall establish time limitations for the approval of final development plans for each phase, except that the final development plans for the first phase must be approved within 12 months of the date of preliminary approval.

SECTION 6.2.080 DURATION OF PUD PRELIMINARY DEVELOPMENT PLAN APPROVAL

1) Approval of the preliminary development plan shall be valid for 12 months from the date of approval, provided that if an approved preliminary development plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the time limitations of Section 6.2.070(4).

2) If any time limit for obtaining final development plan approval is exceeded, the approved preliminary development plan, or phase of the preliminary development plan and any subsequent phase, shall be void. Any subsequent proposal by the applicant for planned development of the subject property shall be deemed a new administrative action.

SECTION 6.2.090 EXTENSIONS OF PUD PRELIMINARY DEVELOPMENT PLAN APPROVAL

1) An applicant may request an extension of preliminary development plan approval, or, if the preliminary development plan provides for phased development, an extension of preliminary development plan approval with respect to the phase the applicant is then developing.

2) Such request shall be considered an application for administrative action, and shall be submitted to the Director in writing, stating the reasons why an extension should be granted.

3) The Director may grant an extension of up to 12 months of preliminary development plan approval, or, if the preliminary development plan provides for phased development, an extension of up to 12 months of a preliminary development plan approval with respect to the phase then being developed, if he determines that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final development plan approval within the original time limitation.

SECTION 6.2.100 IMPROVEMENT PROCEDURES

The design and installation of improvements to be dedicated to the public shall conform to the standards of Section 6.1.160.

SECTION 6.2.110 PUD FINAL DEVELOPMENT PLAN APPROVAL

Approval of a PUD final development plan by the Director shall be considered a ministerial act.

1) Within 12 months of the date of approval of the preliminary development plan, unless otherwise specified pursuant to Sections 6.2.070 and 6.2.090 of this Ordinance, the applicant shall submit a final development plan, prepared by an Oregon registered professional engineer, and supporting documents to the Director.

2) The final development plan shall include:

   a) The site plan and maps submitted pursuant to Section 6.2.040(2) in their final, detailed form.

   b) The documents submitted pursuant to Section 6.2.040(2)(a) amended to incorporate any conditions imposed on the preliminary development plan approval.

   c) Final subdivision plat or partition map, if the land is to be divided.

   d) Declaration of creation of a planned community as required by ORS 94.550 to 94.780.

   e) Certification by the Director of Public Works that public improvements have been installed in conformance with applicable standards.

3) Acceptance of Improvements

   a) Before approval of the final development plan, the applicant shall install the essential improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the PUD. The applicant may enter into an agreement with the property owners

association, if one is incorporated, to construct nonessential improvements after approval of the final development.

b) Such agreement shall specify a period not to exceed five (5) years within which the required improvements will be completed. Such agreement is subject to the approval of the approving authority, and shall be accompanied by an assurance as specified in Section 6.2.110(4).

c) An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for administrative action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for them to fulfill the agreement within the original time limit(s).

4) <u>Performance Bond for Nonessential Improvements</u>

a) To assure full performance of the improvement agreement, an applicant shall file one (1) of the following:

i) A surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the Governing Body; or

ii) A cash deposit with the property owners association.

b) Such assurance of full and faithful performance shall be for a sum determined by the Director of Public Works to be sufficient to cover the cost of the improvements and repairs that may be required prior to approval of the final plan, including related engineering, and may include an additional percentage as determined by the Director of Public Works to cover any inflationary costs which may be incurred during the construction period to the full and final completion of the project.

5) The Director shall act on the application for final development plan approval within 30 days, and shall approve the final development plan if he finds:

a) The applicant has submitted all information and documents required pursuant to Subsections “2,” “3,” and “4” of this Section; and

b) The final development plan is in substantial compliance with the approved preliminary development plan and any conditions imposed by the approving authority. Substantial compliance means that any differences between the final and preliminary plans are "minor amendments," as defined in Section 6.2.120(1).

6) Filing and Recording of Final Development Plan. After final development plan approval, the applicant shall submit without delay the final development plan for signatures of the following officials, in the order listed:

a) Planning Commission Chairman;

b) Community Development Director;

c) Director of Public Works;

d) Surveyor, in accordance with the provisions of ORS 92.100;

e) Assessor;

f) Board of County Commissioners;

g) County Clerk.

7) The approved final development plan shall be recorded in the County Clerk's Office within 30 days of the date of approval.

SECTION 6.2.120 AMENDMENTS TO APPROVED PRELIMINARY AND FINAL PLANS

1) Definitions

a) "Minor amendment" means a change that:

i) Does not increase residential densities;

ii) Does not enlarge the boundaries of the approved plan;

iii) Does not change any use;

iv) Does not change the general location or amount of land devoted to a specific land use, including open space;

v) Does not eliminate the preservation of a significant landscape feature; and

vi) Includes only minor shifting of the location of buildings, proposed public or private streets, pedestrian ways, utility easements, or common or public open spaces.

b) "Major amendment" is any change which does not meet the definition of a "minor amendment."

2) A minor amendment to an approved preliminary or final development plan may be approved ministerially by the Director.

3) A major amendment to an approved preliminary or final development plan shall be considered an administrative action subject to the provisions of Chapter 5.