

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.

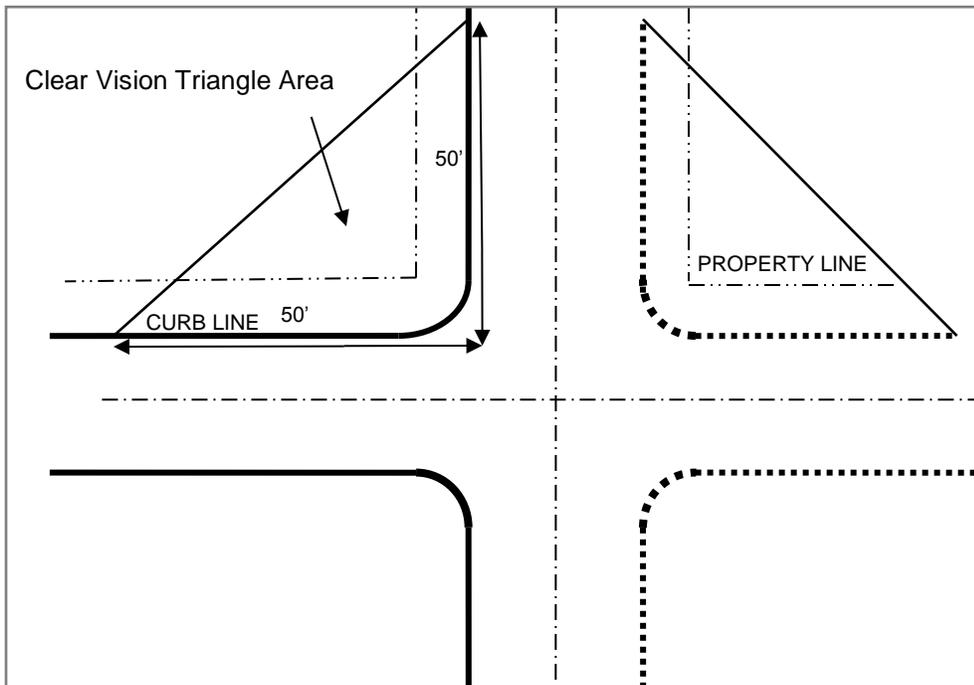
SECTION 4.4.060 CLEAR VISION AREAS

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,

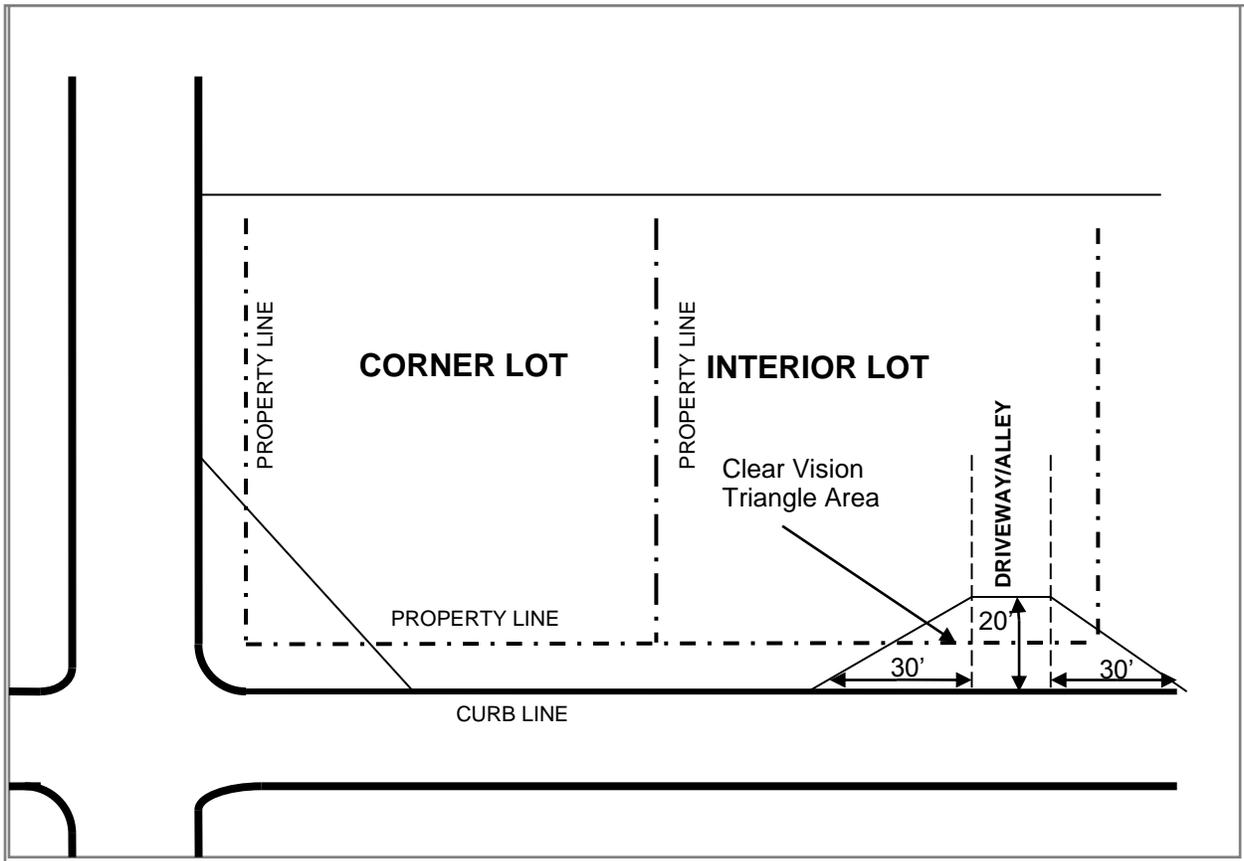
A. Street or Railroad Intersections: A clear vision triangle area shall be formed by connecting a straight line from the edge of the curb a distance of 50 feet along each street or railroad as shown in Figure 4-4. Where curbs have rounded corners, the measurement shall be based on the edge of the curb 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 device 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)