

CITY OF IDANHA
DEVELOPMENT CODE

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CHAPTER 1 - GENERAL PROVISIONS

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Section 1.010. TITLE. The Ordinance shall be known as the "Zone Code of the City of Idanha, Oregon" and shall be on file in the office of the City Recorder in the City Hall, Idanha, Oregon. The short title shall be known as the "Idanha Zone Code".

Section 1.020. PURPOSE. This Ordinance is adopted for the purpose of promoting the health, safety, peace, comfort, convenience, economic well being, and general welfare of the City of Idanha, including but not limited to the following objectives:

- (A) Implementation of the City Comprehensive Plan and its urban growth boundary.
- (B) Establishment of uniform interpretations, terms and definitions, and authorities for the application of land use development regulations.
- (C) Establishment of application, review, hearings, decision-making, and appeal procedures for the consideration of land use and development requests.

Section 1.030. ADMINISTRATION. The City Recorder or other official(s) designated by the City Council shall have the power and duty to enforce the provisions of this Ordinance.

Section 1.040, INTERPRETATIONS.

- (A) In the interpretation and application of this Ordinance, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and,
 - 3. Deemed neither to limit nor to repeal any other powers granted under state statutes.
- (B) When in the administration of this Ordinance, there is doubt regarding the intent of the Ordinance, the City Recorder shall request an interpretation of the provision by the Planning 1-1

Commission, who may issue an interpretation of the question if they have determined such interpretation is within their power and is not a legislative act. Any interpretation of the Ordinance shall be based on the following:

1. The purpose and intent of the Ordinance as applied to the particular Section and question, including guidance by the City Comprehensive Plan; and,
2. The opinion of the City Attorney, when requested by the Planning Commission.

Section 1.050. RESTRICTIVENESS. The provisions of this Ordinance shall be construed to be the general requirements of the promotion of the public health, safety, and general welfare. Where standards or requirements of this Ordinance are in apparent conflict, the most restrictive provision shall apply.

Section 1.060. SEVERABILITY. The provisions of this Ordinance are severable. If a section, paragraph, subdivision, clause, sentence, or provisions of this Ordinance is adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect the validity of the remaining portions of this Ordinance.

Section 1.070 COMPLIANCE. No building or land shall be used, and no building or part shall be erected, moved or altered unless in conformance with the regulations specified for the district in which it is located, except as otherwise provided. No permit for the construction or alteration of any building shall be issued, unless the plans specifications and intended use of the building conform in all respects with the provisions of this Ordinance.

Section 1.080. PENALTIES FOR VIOLATION. Upon failure to comply with any of the -- provisions of this Ordinance or with any of the restrictions or conditions imposed hereunder, the City Council may withhold any further permits and may withhold or withdraw city utility service until corrections are made. Notwithstanding any such action taken by the City Council, any a person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall be fined no less than fifty dollars (\$50.00) or more than two hundred fifty dollars (\$250.00) for each offense. Each day that violation is permitted to exist shall constitute a separate offense.

Section 1.090. CONFLICT WITH OTHER ORDINANCES. The provisions of this Ordinance are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions; however, where this Ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, the more stringent restriction shall prevail. , Section 1.100. REPEALING CONFLICTING PROVISIONS. The following Ordinances passed by the governing body and all ordinances amendatory thereof, and all other ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 1.110. ZONE MAP. The City shall maintain a map of the various land use zones within the City, hereby identified as the "Zoning Map of the City of Idanha, Oregon". The Zoning Map shall be considered a part of the Code and updated consistent with the provisions in Chapter 5 of this Code.

CHAPTER 2 - DEFINITIONS

Section 2.010 GRAMMATICAL INTERPRETATION

Section 2.020 DEFINITIONS

Section 2.010. GRAMMATICAL INTERPRETATION. Words used in the masculine include the feminine, and feminine the masculine. Words used in the present tense include the future, the singular number includes the plural, and the word "shall" is mandatory and not directory. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use. The contemporary edition of Webster's Third New International Dictionary of the English Language (principal copyright 1961) shall be considered as providing accepted meanings.

Section 2.020. DEFINITIONS. The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Chapter, except in those instances where the context clearly indicates a different meaning.

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

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

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

AFFECTED AREA: This shall include all property within a certain number of feet of the proposed project location.

ALLEY: A public thoroughfare not more than 20 feet nor less than ten (10) feet in width which is dedicated or deeded to the public to provide a secondary means of access.

ALTERATION, STRUCTURAL: Any change or repair which should affect or materially change a supporting member of a building, such as bearing wall, column, beam or girder.

APARTMENT: A room or suite of rooms within a structure which has facilities for the preparation of meals and is designed for and used or intended to be used by one family.

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

APPLICANT: The owner of record or contract purchaser.

AUTOMOBILE OR TRAILER SALES AREA: A lot used for display, sale, or rental of new or used automobiles or trailers, where no repair work is done except minor, incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

AWNING: Means any stationary structure, permanent or demountable, used in conjunction with a mobile home or other structure, other than window awnings, for the purpose of providing shelter from the sun and rain and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

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

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

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

BOARDING, LODGING OR ROOMING HOUSE: A building where lodging with or without meals is provided for compensation for not more than five (5) persons in addition to members of the family occupying such building.

BUILDING: A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

BUILDING, COMMUNITY: A building for civic, social, cultural, educational and recreational activities of a neighborhood or community group or association and not primarily operated for gain.

BUILDING, EXISTING: Any building upon which construction was lawfully begun prior to the effective date of amendments to this Ordinance may be completed and shall be considered an existing building.

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

BUILDING HEIGHT: The vertical distance between the average level of the finished ground surface adjacent to the building and the uppermost point of the building, excluding only those features which may exceed the zoning district height limits.

BUILDING LINES: The lines indicated on a subdivision plat or otherwise described limiting the area upon which the structure may be erected. 2-2

BUILDING OFFICIAL: An individual empowered by the City Council to administer and enforce building regulations.

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

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

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

CARPORT: A stationary structure consisting of a roof, its supports and not more than one wall or storage cabinet substituting for a wall, used for sheltering a motor vehicle.

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

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

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

COMMERCIAL AMUSEMENT ESTABLISHMENT: Any place where entertainment or amusement is provided where the public, on a commercial basis, may observe or participate in the activities,

COMMISSION: The Planning Commission of the City of Idanha.

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

COMPREHENSIVE PLAN: The long-range plan, maps, and elements of the plan, adopted by the City Council, intended for the guidance of the community.

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

CONFORMING: In compliance with the regulations of the Code.

COUNCIL: The City Council of the City of Idanha.

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

DECISION AUTHORITY: A person, or group of persons, given authority by this Code to review, make decisions upon, and establish conditions to those specific applications or interpretations identified by this Code.

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

DEVELOPMENT: Human activity physically affecting land or resources, including but not limited to the division of parcels; the erection, reconstruction, modification, relocation, or enlargement of structures; grading, landfill, or excavation of land; storage on land or resource surfaces; drilling or substantial site alteration such as mining; surfacing such as paving; and significant clearing of trees and vegetation.

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

DWELLING: Any building or portion thereof, which is intended, or designed to be built, used, rented, leased, let or be hired out to be occupied, or which is occupied for living purposes, but excluding hotels, motels, boarding or rooming houses, travel trailers and campers. The term "dwelling" as used in this Ordinance shall mean a single-family dwelling unless otherwise indicated.

DWELLING, MULTIPLE-FAMILY: A building, or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

DWELLING, SINGLE-FAMILY: A detached building designed exclusively for occupancy by one (1) family.

DWELLING, TWO-FAMILY (DUPLEX): A detached building designed exclusively for occupancy by two (2) families living independently of each other.

DWELLING UNIT: One or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

EASEMENT: The grant of a right of use over, across, or through a parcel or strip of land for specific purposes. Does not include privately owned roadways serving buildings within a single lot.

FAMILY: An individual, or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons not related by blood or marriage, living together in a dwelling unit.

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

FENCE: An unroofed barrier or an unroofed, enclosing structure such as masonry, ornamental iron, woven wire, wood pickets or solid wood or any other material used as an unroofed barrier to light, sight, air or passage.

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

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

GARAGE, PRIVATE: A detached accessory building or a portion of a main building for the parking or temporary storage of automobiles in which no business, occupation, or service is provided for or is in any way conducted.

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

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

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

HEIGHT OF BUILDING: The vertical distance from the grade to the highest point of the coping of the flat roof or the deck line of a mansard roof or the average height of the highest gable of a pitch or hip roof.

HOME OCCUPATION: An occupation carried on solely by the occupant of a dwelling as a secondary use. This definition may include such occupations or practices which shall be conveniently, unobtrusively, and inoffensively pursued exclusively in a family dwelling and/or exclusively within an accessory building.

HOTEL: Any building containing guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

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

LAND DIVISION: Any partition or subdivision of a lot or parcel.

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

LOT: A parcel or tract of land occupied, or to be occupied, by a building, or a unit group of buildings, and its accessory buildings, together with such yards or open spaces as are required by this Ordinance, and having access upon a street.

LOT, AREA: The total area within a horizontal plane within the lines of a lot.

LOT, CORNER: A lot with two (2) adjacent sides that abut streets, other than alleys, provided the angle of the intersection of the adjacent streets does not exceed 135 degrees.

LOT, DEPTH. The horizontal distance between the front lot line and the rear lot line measured at a point half-way between the side lot lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: The lines bounding a lot, as defined herein, on all perimeters.

LOT LINE, ADJUSTMENT: The realignment of a common boundary between two contiguous lots or parcels which does not involve the creation of a new lot or parcel.

LOT LINE, FRONT: In the case of an interior lot, the line separating the lot from the street; in the case of a corner lot, a line separating the lot from the street on which the improvement or contemplated improvement will face.

LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line. In the case of a triangular shaped lot, the rear lot line, for building purposes, shall be assumed to be a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.

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

LOT OF RECORD: A lot which is part of a subdivision or a lot or parcel described by metes and bounds, which has been recorded in the Office of the Marion County or Linn County Clerk.

LOT WIDTH: The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

MANUFACTURED DWELLING: A single-family dwelling or structure, containing a minimum of 700 square feet of living area, transportable in one or more sections, each built on a permanent chassis, and which is designed to be used for permanent occupancy as a dwelling and is not designated as a recreational vehicle or prefabricated modular home as defined by the State of Oregon. For the purpose of this Code, manufactured dwellings within the City of Idanha shall be limited to those manufactured after June 15, 1976, and which exhibit the Oregon Department of Commerce "Insignia of Compliance" indicating conformance with Department of Housing and Urban Development (HUD) standards.

MANUFACTURED HOME PARK: A privately owned place where four (4) or more manufactured home spaces for rent exist within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, and used for human occupancy.

MINI-STORAGE WAREHOUSE: An area or areas located within an enclosed building or structure used only in connection with a residential land use for the storage of non-flammable or non-explosive materials.

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

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

MOBILE HOME, MOBILE HOME PARK, MOBILE HOME SUBDIVISION: See corresponding sections under MANUFACTURED HOME.

NONCONFORMING USE OR STRUCTURE: A lawful structure or use in existence at the time of the adoption of this Ordinance, which does not conform to the requirements of the zone in which it is located or other applicable provisions of this Ordinance.

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

OCCUPIED AREA: That area of an individual manufactured home lot which has been covered by a manufactured home and its accessory structures.

OFFICIAL ZONING MAP: The map or maps upon which the zone locations in the City of Idanha are indicated.

OWNER: The owner of record or real property as shown on the latest tax rolls or deed records of Marion County or Linn County, or a person who is purchasing property under a written contract.

PAD: A minimum foundation treatment for a permanent manufactured home installation extending the length and width of the manufactured home unit or units, the construction of which is to be in conformance with the State of Oregon, Department of Commerce guidelines.

PARKING AREA, PRIVATE: An 'open area, building or structure, other than a street or alley, used for the parking of the automobiles of residents and guests of a building.

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

PARTITIONING: Partition land means to divide land into two or three parcels of land within a calendar year (January to December), but does not include:

(A) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots.

(B) The adjustment of a property line by the relocation of a common property boundary where an additional unit of land is not created and where the existing unit of land reduced

in size by the adjustment complies with the applicable requirements of the City Zone Code.

(C) A sale or a 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 toad right-of-way complies with the City Comprehensive Plan and ORS 215.213(2)(q) to (s) and 215.283(2)(p) to (r). However, any property divided by sale or grant of property for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

PERSON: Any individual firm, partnership, corporation, company association, syndicate, or legal entity, and including trustees, receivers, assignees, or other similar representative thereof.

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

PLANNED UNIT DEVELOPMENT: The development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot size, building, type of dwelling, density, lot coverage, or required open space to the regulations otherwise required by this code, and which normally includes commonly owned open space and/or facilities.

PLAT: The final map and other writing containing the descriptions, locations, specifications, dedications, provisions and other information concerning a partition, subdivision or -- planned unit development.

PUBLIC FACILITIES AND SERVICES: Projects, activities, and facilities which are necessary for the public health, safety, and welfare.

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

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

RECREATIONAL VEHICLE: A vacation trailer or other vehicular or portable unit which is either self-propelled or carried by a motor vehicle and which is intended for human occupancy and is designed for vacation or recreational purposes but not a permanent residence.

RECREATIONAL VEHICLE PARK: See CAMPGROUND.

RESIDENTIAL FACILITY: A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who

need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

RESIDENTIAL HOME: A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

SCHOOL, TRADE OR COMMERCIAL: A building where the instruction is given to pupils for a fee in money or otherwise, which fee is the principal reason for the existence of the school.

SCHOOL, ELEMENTARY, JUNIOR HIGH OR HIGH: An institution, public or private, offering instruction in several branches of learning and study, in accordance with the rules, and regulations of the State Department of Education.

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

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

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

SPACE, MANUFACTURED HOME: An area or lot reserved exclusively for the use of a manufactured home occupant.

STORY: That portion of any building 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 or roof above. If the finished floor level directly above a basement, cellar, or unused under-floor space is more than 6 feet above grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar, or unused under-floor space shall be considered as a story.

STORY, HALF. A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 2 feet above the floor of such story.

STREET: A public or private way, at least 20 feet in width, that is created to provide ingress and-egress for persons to one or more lots, parcels, areas, or tracts of land. The term "street" shall include such designations as highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, court, place, or other such terms.

STRUCTURE: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, regardless whether it is wholly or partly above or below grade.

SUBDIVISION: To partition a parcel of land into four (4) or more parcels for the purpose of transfer of ownership or building development, either immediate or future, when such a parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll of the year preceding the partitioning, or has existed as a unit or contiguous units under a single ownership as shown on the tax roll for any year subsequent to the passage of this Code.

TOWN HOUSE: Attached or semi-detached buildings, each containing a single dwelling unit and each located or capable of being located on a separate lot.

TRAILER (TRAVEL OR VACATION): See RECREATIONAL VEHICLE.

TRAVEL TRAILER PARKS: See CAMPGROUND.

URBAN GROWTH BOUNDARY: An adopted boundary around the City which defines the area in which the City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Marion County and Linn County.

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

WAREHOUSE: A place for the safekeeping of goods and materials necessary for the proper functioning of an industrial or commercial enterprise.

WRECKING, OR JUNK, YARD. A premises used for the storage of used auto parts or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof.

YARD. A space other than a court of 'the same lot with a building open from the ground upward except as otherwise provided herein.

YARD, FRONT. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line parallel thereto at the nearest point of the structure.

YARD, LANDSCAPED. An open area or areas devoted primarily to the planting and maintaining of trees, grass, shrubs, and plants and complementary features, such as fountains, pools, screens, decorative lighting, sculpture and outdoor furnishings may be placed in said area.

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

YARD, SIDE. A yard between the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard; the width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the structure of the main building.

CHAPTER 3 - ADMINISTRATIVE PROCEDURES

Section 3.010 PURPOSE

Section 3.020 HEARINGS

Section 3.030 APPLICATIONS Section 3.040 FEES

Section 3.050 NOTICE

Section 3.060 NOTIFICATION AREA

Section 3.070 PLANNING COMMISSION ACTION

Section 3.080 CITY COUNCIL ACTION

Section 3.090 APPEALS

Section 3.100 FINAL LOCAL DECISION.

Section 3.110 TIME LIMIT

Section 3.120. INITIAL LAND USE DECISION BY THE CITY COUNCIL

Section 3,010, PURPOSE. This Chapter establishes procedures for the application and review of all land use applications within the City of Idanha.

Section 3.020. HEARINGS. All land use matters shall come before the Planning Commission for the initial hearing, unless otherwise specified by this Ordinance. Upon receiving the application, the City Recorder shall schedule a public hearing before the Planning Commission.

Section 3.030, APPLICATION. A land use application shall be filed in the following manner:

(A) The application shall be in writing on forms provided by the City Recorder and shall include the information required by the application form and any proscribed fee.

(B) The application shall be filed with the City Recorder at least 30 days prior to the public hearing.

Section 3.040. FEES. All fees related to land use matters shall be established by the City Council of the City of Idanha. Whenever the application includes two or more requests the highest fee shall apply.

Section 3.050. NOTICE. Notice of a public hearing shall be mailed to the applicant, all owners of the subject property and those property owners within the applicable notification area as identified in Section 3.060. Notice of a public hearing before the Planning Commission shall be mailed within 20 days of the date of the hearing. Notice of a public hearing before the City Council shall be mailed within 10 days of the date of the hearing.

Section 3.060. NOTIFICATION AREA. The notification area shall be measured from and parallel to the boundaries of the subject property or properties. The list of property owners shall be certified by the Marion County, or Linn County, Assessor's Office and shall be current to within 30 days of the application. The notification area shall comply with the following distance requirements:

(A) Comprehensive Plan changes, Zone changes, Planned Unit Developments, Subdivisions: 250 feet;

(B) Conditional Uses, Adjustments, Variances, Lot Line Adjustments, Partitionings: 100 feet.

Section 3.070. PLANNING COMMISSION ACTION. The Planning Commission hearing shall be conducted in a manner consistent with the hearing guidelines established by the City. The applicant, proponents, opponents and affected agencies shall be given the opportunity to present evidence at the hearing.

The Planning Commission decision shall be based on the evidentiary findings of fact and compliance with the decision criteria contained in this Ordinance. The Planning Commission shall render its decision at the conclusion of the public hearing in the form of an Order and by way of a recommendation to the City Council. The Planning Commission may continue the hearing to a future date certain to hear additional evidence or to render a decision.

Notice of the recommendation shall be sent to all individuals requesting a copy of the recommendation. The request for a copy may be made at the hearing or in writing to the City Recorder.

Section 3.080. CITY COUNCIL ACTION. At such time the City Council receives the recommendation of the Planning Commission, the City Council may hold a public hearing before rendering a final decision, or upon its own motion may render a final decision upon the request without holding a public hearing. The City Recorder shall mail notice of the decision to the applicant and those individuals requesting a copy of the Planning Commission recommendation.

Section 3.090. APPEALS. Appeal of any decision or recommendation by the Planning Commission may be filed by any person, firm, corporation, or political subdivision of the State of Oregon, to the City Recorder within 10 days from the date of mailing of the final Planning Commission decision. The City Council shall conduct a public hearing if the recommendation of the Planning Commission is appealed.

Appeal of the City Council decision may be filed by any person, firm, corporation, or political subdivision of the State of Oregon, to the State Land Use Board of Appeals within 21 days from the date of mailing of the final City Council decision.

Section 3.100. FINAL LOCAL DECISION. With the exception of Zone changes and amendments to the Comprehensive Plan, the City of Idanha shall render a final decision on all land use actions within 120 days of the application being deemed complete. This provision shall only be waived by written consent of the applicant.

Section 3.110. TIME LIMIT. Except for Plan amendments and zone changes, land use approvals shall be exercised within one (1) year of the date of the final decision. A time extension, for a period of six (6) months, may be granted by the authorizing decision body, provided the request for the extension is made 30 days prior to the decision's expiration date.

Section 3.120. INITIAL LAND USE DECISION BY THE CITY COUNCIL. The City Council shall have the authority, at their option, to conduct the initial public hearing on a land use application. In this instance, notice of the public hearing shall be mailed within 20 days of the date of the public hearing.

CHAPTER 4 - COMPREHENSIVE PLAN AND TEXT AMENDMENTS

Section 4.010 DEFINITIONS

Section 4.020 METHOD OF ADOPTION

Section 4.030 INITIATION OF PLAN AND TEXT AMENDMENTS

Section 4.040 SUBMITTAL REQUIREMENTS

Section 4.050 APPROVAL CRITERIA - PLAN AMENDMENT

Section 4.060 APPROVAL CRITERIA - TEXT AMENDMENT

Section 4.010. DEFINITION. The following definitions shall apply:

(A) PLAN AMENDMENT. A Plan amendment may be a redesignation of an area from one land use classification to another, or a modification to policies or text of the Plan. A plan amendment is generally considered to be site-specific. Major revisions, including the updating of all or parts of the Plan and affecting the framework or principal elements of the Plan, are not considered amendments and may not be initiated by individual applicants.

(B) TEXT AMENDMENT. A text amendment is the modification or revision of the text of the Comprehensive Plan or Zoning Ordinaries. A text amendment is generally not site-specific but has community-wide impacts and is therefore considered a legislative action. Individuals may not initiate Plan or Ordinance text amendments but may suggest text amendment to the Planning Commission for their review and comment.

Section 4.020. METHOD OF ADOPTION. Pursuant to procedures in Chapter 3 of this Ordinance, Plan amendments and Text amendments shall be adopted by an Ordinance passed by the City Council. All proceedings shall be conducted in accordance with this title.

Section 4.030. INITIATION OF AMENDMENTS. Plan and text amendments shall be initiated in the following manner:

(A) Plan amendments may be initiated in any one of the following ways:

1. By resolution of the City Council.
2. By motion of the Planning Commission, followed by a public hearing before the Commission and submission of a recommendation to the Council.
3. By petition of property owners or persons purchasing property under contract, according to procedures outlined herein.

(B) Text amendments may be initiated in any one of the following ways:

1. By resolution of the City Council.
2. By motion of the Planning Commission, followed by a public hearing before the Commission and submission of a recommendation to the Council.

Section 4.040. SUBMITTAL REQUIREMENTS. Application requests for Plan amendments shall comply with the requirements in Chapter 3 of this Ordinance.

Section 4.050. APPROVAL CRITERIA - PLAN AMENDMENT. The following criteria shall be used to review and decide legislative and non-legislative land use Plan map amendments:

(A) Compliance is demonstrated with the Statewide Land Use Planning Goals that apply to the subject properties or the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.

(B) Consistency with the applicable Goals and Policies in the Idanha Comprehensive Plan is demonstrated.

(C) - The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.

(D) The Plan provides more than the projected need for lands in the existing land use designation.

(E) The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity.

(F) Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.

(G) Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.

Section 4.060. APPROVAL CRITERIA - TEXT AMENDMENT. The following criteria shall be used to review and decide amendments to the text of this Ordinance and to the text of the Comprehensive Plan.

(A) Compliance with the Statewide Land Use goals and related Administrative Rules.

(B) Conformance with the Comprehensive Plan goals, policies and intent is demonstrated. ;

(C) Public need is best satisfied by this particular change.

(D) The change will not adversely affect the health, safety and welfare of the community.

(E) Adequate public facilities, services and transportation networks are in place, or are planned to be provided permitting the proposed amendment.

CHAPTER 5 - ZONE CHANGE PROVISIONS

Section 5.010 DEFINITION ;
Section 5.020 METHOD OF ADOPTION --
Section 5.030 INITIATION OF ZONE CHANGE
Section 5.040 SUBMITTAL REQUIREMENTS
Section 5.050 APPROVAL CRITERIA
Section 5.060 ZONE CHANGE CONDITIONS
Section 5.070 ZONING MAP

Section 5.010. DEFINITION. A zone change is the reclassification of one zoning district from one classification to another, provided the new zoning district exists within this title. Application of new zoning districts require legislative amendment of this Code prior to such action,, and are therefore not classified zone changes in the meaning of this Chapter.

Section 5.020. METHOD OF ADOPTION. Pursuant to procedures in Chapter 3 of this Ordinance, zone changes shall be adopted by an Ordinance passed by the City Council. All proceedings shall be conducted in accordance with this title.

Section 5.030. INITIATION OF ZONE CHANGE. A zone change may be initiated in any one of the following ways:

- (A) By resolution of the City Council.
- (B) By motion of the Planning Commission, followed by a public hearing before the Commission and submission of a recommendation to the Council.
- (C) By petition of property owners or persons purchasing property under contract, according to procedures outlined herein.

Section 5.040. SUBMITTAL REQUIREMENTS. Application requests for zone changes shall comply with the requirements in Chapter 3 of this Ordinance.

Section 5.050. APPROVAL CRITERIA. ‘The following criteria shall be used to review and determine either legislative amendments or applications that involve a change in the zoning classification of land:

- (A) The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.
- (B) The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.
- (C) Allowed uses in the proposed zone can be established in compliance with the applicable Zoning Ordinance development standards without the need for adjustments or variances.
- (D) Adequate public facilities, services and transportation networks are in place, or are planned to be provided concurrently with the development of the property.

(E) Satisfaction of any zone change review criteria contained in the Idanha Comprehensive Plan is demonstrated.

Section 5.060. ZONE CHANGE CONDITIONS.

(A) Approval of a zone change application may be conditioned to require provisions for buffering or provisions for off-site public facilities. In order to impose conditions on a zone change, findings must be adopted showing that:

1. The zone change will allow uses more intensive than allowed in the current zone.
2. The conditions are reasonably related to impacts caused by development allowed in the proposed zone or to impacts caused by the specific development proposed on the subject property.
3. Conditions will serve a public purpose such as mitigating the negative impacts of allowed uses on adjacent properties.
4. The conditions are based on policies or standards in the Comprehensive Plan or other standards adopted by the City of Idanha.

(B) Conditions that could meet criteria (A)(2), (3), and (4), above, include, but are not limited to:

1. Dedication of right-of-way for public streets, utility easements, etc.
2. Improvement of private roadways or public streets, including bike paths, curbs and sidewalks.
3. Provision of storm drainage facilities.
4. Extension of public facilities, including over-sizing, to permit development on other lands.
5. Provision of fire suppression facilities and equipment.
6. Provision of traffic control facilities.
7. Special building setbacks, orientation, landscaping, fencing, berming and retention of natural vegetation.
8. Special locations for loading, parking, access routes, or any outdoor activity that could impact adjacent property.
9. Financial contributions to public agencies, consistent with adopted systems development charges, to offset increased costs for providing services or facilities related to the intensification of the use of the property.

(C) Provisions of Section 7.030 of this Ordinance shall apply to conditions imposed on a zone change.

Section 5.070. ZONING MAP. The official zoning map shall be changed whenever any premises are reclassified as to zone or a new zone established, or boundary lines of a zone changed.

CHAPTER 6 - CONDITIONAL USES

Section 6.010 PURPOSE

Section 6.020 AUTHORIZATION

Section 6.030 CONDITIONAL USE CRITERIA

Section 6.040 CONDITIONS OF APPROVAL

Section 6.050 TRANSFER OF CONDITIONAL USE

Section 6.010. PURPOSE. A conditional use is an activity which is basically associated with other uses permitted in the zone, but due to some of the characteristics of the conditional use, which are not entirely compatible with the zone, such use would otherwise not be permitted in the zone. Through the placement of conditions such uses may be compatible with other uses, and be in harmony with the intent and purpose of the zone.

Section 6.020. AUTHORIZATION. A conditional use may be approved subject to the procedures in Chapter 3 and the applicable criteria noted below.

Section 6.030. CONDITIONAL USE CRITERIA. The following criteria shall be used in determining the appropriateness of a conditional use application:

- (A) That the proposed use is identified as a conditionally permitted use in the zone;
- (B) That the subject lot or parcel is physically capable of accommodating the proposed conditional use;
- (C) That the proposed use, as conditioned, will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood, or, adversely affect the health or safety of persons working or residing in the neighborhood of the property of the applicant.
- (D) Any condition imposed on the development is necessary to promote the health, safety and welfare of the general public.

Section 6.040. CONDITIONS OF APPROVAL. Conditions identified in Section 5.060 (B) of this Ordinance may be placed on any approved conditional use request.

Section 6.050. TRANSFER OF CONDITIONAL USE. Unless otherwise provided in the final decision granting the conditional use, an approved conditional use shall run with the land, and shall automatically transfer to any new owner or occupant.

CHAPTER 7- SPECIFIC CONDITIONAL USES

Section 7.010.	PURPOSE
Section 7.020.	CONDITIONAL HOME OCCUPATIONS
Section 7.030.	BOAT, CAMPER, TRAILER STORAGE
Section 7.040.	MANUFACTURED HOME PARK
Section 7.050.	LIVESTOCK IN RESIDENTIAL ZONES
Section 7.060.	TEMPORARY MOBILE HOME PLACEMENT

Section 7.010 PURPOSE. The purpose of the Specific Conditional Use Chapter is to provide additional requirements and development standards for certain conditionally permitted uses. Development of these specific conditional uses requires compliance with the identified standards contained in this Chapter; otherwise, a variance is necessary.

Section 7.020 CONDITIONAL HOME OCCUPATIONS. Conditionally permitted home occupations must comply with the following:

- (A) The occupation or activity shall be conducted by the resident of the dwelling as a secondary use, whereby no outside assistants are employed.
- (B) No Structural alterations shall be made to accommodate such occupations or activities so that the residential character of the structure shall remain unchanged.
- (C) Suppliers and customers shall be limited to the hours of 8:00 AM to 8:00 PM.
- (D) The business or activity may be conducted within the dwelling or an attached or detached accessory building, and shall occupy an area not greater than 1000 square feet.
- (E) The occupation shall not emit any noise, dust, odors, electrical disturbances or other offensive action or material.
- (F) There shall be no outside storage of material, equipment, supplies or products.

Section 7.030 BOAT, CAMPER, TRAILER STORAGE. Where permitted as a conditional use, storage areas which are operated by non-profit neighborhood homeowners association shall meet the following use and development standards:

- (A) The facilities shall be limited exclusively to the storage, and not active use on the premises, of member's boats or trailers, recreational vehicles, utility trailers and horse trailers, none of which are kept or used in connection with a business or commercial activity
- (B) Outdoor storage areas shall be screened from all adjacent properties and from all but one abutting street by a sight-obscuring fence or wall of at least six (6) feet in height.
- (C) Outdoor lighting shall be directed away from residential property and public streets.
- (D) At a minimum, the lot shall be surfaced with an oiled mat or graveled and maintained in a manner so that the dust shall be reasonably controlled.

(E) Buildings used in conjunction with storage shall conform to all yard setbacks for the main buildings in an RS zone, and buildings shall be architecturally designed and constructed of materials compatible with the residential development of the subdivision or neighborhood.

Section 7.040. MANUFACTURED HOME PARK. Where identified as a conditional use, manufactured home parks shall comply with the following standards. Further, compliance with the following standards is evidence the proposal complies with Sections 5.060(B)(7) and (9), and, Section 6.030(C), of this Zone Code.

(A) Application. The establishment, enlargement or alteration of a manufactured home park shall require a conditional use permit. Application procedures shall comply with the requirements in Chapter 6.

(B) Type of Manufactured Home Permitted. Manufactured homes within parks shall be limited to those homes which comply with the definition requirements for "Manufactured Dwelling" in Chapter 2 of this Code.

(C) General Development Standards. Unless otherwise approved as a variance, the following standards shall apply:

1. Minimum Area: The minimum manufactured home space shall be 3500 square feet, provided a public sewage system is available. Otherwise, the minimum area shall be determined by the Health Department.
2. Yards. Yards adjacent to a public street shall be a minimum of 20 feet. Otherwise, there shall be a minimum yard of 10 feet.
3. Parking. Each manufactured home space shall provide two (2) automobile parking spaces, complying with provisions in Chapter 12 of this Code.
4. Interior Roadways. All roadways shall be surfaced with gravel, asphalt or concrete at least 20 feet in width. If parking is permitted along a roadway the minimum width shall be 27 feet.
5. Separations and Setbacks. Building separations and setbacks for manufactured homes, accessory structures and buildings shall conform to the following:
 - a. A manufactured home shall not be located closer than 10 feet to any other home or other building that is not an accessory structure.
 - b. Manufactured homes shall be setback a minimum of 20 feet from any park boundary line, eight (8) feet from any interior park roadway, and five (5) feet from any park walkway.
 - c. An accessory structure, including an unattached carport or garage, shall not be located closer than six (6) feet to any other building, structure or manufactured home, and shall maintain a minimum ten (10) foot setback from any park boundary line.

d. A double carport or garage serving two manufactured home park. spaces shall be permitted, provided the structure maintains a minimum six (6) foot separation from adjacent homes, structures or buildings. & All manufactured homes, structures or buildings shall maintain a minimum twenty (20) foot setback from any adjacent public right-of-way.

6. Lighting. Any outdoor lighting shall be under the control of the park management.
7. On-site storage. The outdoor storage of tools, equipment, building materials or supplies belonging to the management of the park shall be screened by a sight- obscuring fence or wall.
8. Open Space. The park shall provide a contiguous open space area for recreational play or community activities. This area shall be provided at a ratio of 150 square feet per manufactured home, or 2,000 square feet, whichever is greater. Building or other structures specifically designed for community activities shall occupy no more than 50% of the designated open space.
9. Fences. The Planning Commission or City Council may require the placement of a sight-obscuring fence, wall or hedge between the manufactured home park and adjacent properties.
10. Signs. All signs advertising the park shall require approval of the Decision Authority.
11. Decks, Patio. Each manufactured home space shall be provided with one or more patio slabs or decks, adjacent to the mobile home stand, constructed of concrete, asphalt, flagstone, wood or other equivalent surface material not less than 120 square feet in area nor less than four (4) feet in width.
12. Minimum Width. ‘The minimum manufactured home space shall be 30 feet.
13. Boundaries of Space. The boundaries of each manufactured home space shall be clearly marked by a fence, landscaping or other permanent markers.
14. Water, Sewer and Surface Drainage. Adequate provisions shall be made for an ample supply of safe and potable water, and, for sewage disposal and surface drainage. These plan shall have the approval of. the State Department of Health, the State Department of Environmental. Quality, the State Water Resources Department, or other responsible State agency.
15. Storage Area. The Decision Authority may require storage, containing a minimum 60 square feet of area, for each space.
16. Skirting. All manufactured homes shall either be situated on a continuous foundation, or, shall have skirting placed around the exterior of the home.
17. Utilities. All utilities shall be placed underground with easements provided for City inspection of the utility lines.
18. Walks. Walkways provided shall be a minimum of four (4) feet in width.

19. Building Height, Location, Lot Coverage. Except as provided in this Section, all structures within a manufactured home park shall comply with the provisions of the underlying zone.

20. Density. The maximum dwelling density of a mobile home park shall be ten (10) units per acre.

(D) Additions to Manufactured Homes. Carports, cabanas, ramadas, awnings or other attached structures, whether defined herein or not, which are attached to the manufactured home, shall conform to Building code requirements. Such additions shall be considered as a portion of the mobile home for determining the extent of lot coverage, setback lines and other applicable provisions.

(E) Recreational Vehicles. Manufactured home parks shall accommodate only manufactured homes; the overnight placement of a recreational vehicle shall be prohibited. The only exception to this requirement shall be for the storage of a recreational vehicle in a designated recreational vehicle storage area.

(F) Expansion or Alteration of Manufactured Home Parks. The following shall apply for the expansion of an existing mobile home park:

1. Existing parks may be expanded or altered after conditional use approval is obtained. An application for the expansion of a park shall be processed in the same manner as an application for a new manufactured home park.

2. In granting approval of a manufactured home park expansion, those portions of the existing park that do not comply with the current standards may be required to be improved to these current standards. 3. Pursuant to State statute, the expansion of a manufactured home park within a Commercial or Industrial zone shall be prohibited.

Section 7.050. LIVESTOCK IN RESIDENTIAL ZONES. Livestock may be kept in residential zones, subject to conditional use approval and compliance with the following standards:

(A) For the purpose of this Section, livestock shall mean to include cattle, horses, swine, goats, llamas, or other large animals that are primarily, though not exclusively, raised for food production or recreation. This shall also apply if the property will include more than 10 ducks, geese, chickens, rabbits or similar type animals.

(B) The subject residential parcel shall conform with the following guidelines:

1. One (1) acre of land per individual residence shall be required to keep animals 101 pounds to 300 pounds.

2. Three (3) acres of land per individual residence shall be required to keep animals over 301 pounds. 3. "Individual residence" shall be interpreted to mean a dwelling unit as defined by Chapter 2.

(C) The number of animals or additional fencing may be placed as conditions of approval.

Section 7.060. TEMPORARY PLACEMENT OF MOBILE HOMES. A special conditional use permit may be issued provided the following provisions are met. The special conditional use permit shall not exceed one year in length and shall be for use on a single lot in accordance with the following provision:

(A) Medical Hardship. The applicant must demonstrate to the Planning commission with supporting factual information that nonconformance is necessary to provide adequate and immediate health care for a person or persons who need close attention, but who would otherwise be unable to receive needed attention from the hospital or care facility, provided that the mobile home to be use can meet all city, county and state health and building requirements and is to be used in conjunction with another permanent residential structure on the same lot. The written application shall contain the following information:

1. A written medical report from a licensed physician indicating the nature of the medical or disability hardship and the amount and type of care needed by the affected person or persons;
2. A property plan showing in detail the proposed location and site of the mobile home with respect to the surrounding area, setbacks, existing structure and improvements to be made.
3. A signed petition indicating approval of all legal property owners within 75 feet of the subject property.

(B) Permit. A permit issued for medical hardship shall include the following conditions:

1. There shall be no change in occupancy under the permit.
2. Mobile homes shall not be expanded or attached to a permanent structure.
3. Mobile homes shall have approved connections to utility systems and the owners shall be allowed to hook an existing residential sewer lateral without paying a sewer hookup charge.
4. The mobile homes shall be required to meet all setback requirements of residential dwellings and shall be situated so as to have the least possible visual exposure to adjoining streets.

CHAPTER 8 - VARIANCES

Section 8.010	PURPOSE
Section 8.020	AUTHORIZATION
Section 8.030	VARIANCE CRITERIA
Section 8.040	VARIANCE CONDITIONS
Section 8.050	TRANSFER OF VARIANCE

Section 8.010. PURPOSE. Flexibility, adaptability, and reasonableness in the application and administration of development standards is necessary where special conditions exist. For lands or uses with unique characteristics, the intent and purpose of the development standard may be maintained while allowing adjustments to quantifiable requirements. Variances apply only to development standards such as setbacks or building heights; no variance shall be approved which permits the establishment of a use or activity not identified in a zone.

Section 8.020. AUTHORIZATION. A variance to quantifiable standards contained within this Ordinance may be approved subject to the procedures in Chapter 3 and the applicable criteria noted below.

Section 8.030. VARIANCE CRITERIA. The following criteria shall be used to review and decide adjustment applications.

- (A) The property is subject to exceptional or extraordinary circumstances over which the property owner has no control and which do not generally apply to other properties in the same zoning district and/or vicinity.
- (B) The variance is necessary for the reasonable preservation of a property right of the applicant which is the same as that enjoyed by other landowners in the zoning district.
- (C) The particular development as proposed otherwise clearly satisfies the intent and purpose for the provision to be varied.
- (D) The proposal will not generate a significant adverse impact on other property in the same zoning district or vicinity.
- (E) The variance requested is the minimum relief necessary to alleviate the difficulty and would not have the effect of granting a special privilege not generally shared by other property in the same zone.
- (F) The request for the variance is not the result of a self-imposed hardship or condition.

Section 8.040. VARIANCE CONDITIONS. Conditions identified in Section 5.060 (B) of this Ordinance may be placed on any approved variance request. The effective date or duration of an adjustment may be limited.

Section 8.050. TRANSFER OF VARIANCES. Unless otherwise provided in the final decision granting the variance, any variance granted pursuant to this Chapter shall run with the land, automatically transferring to any new owner or occupant.

CHAPTER 9 - ADJUSTMENTS

Section 9.010	PURPOSE
Section 9.020	AUTHORIZATION
Section 9.030	ADJUSTMENT CRITERIA
Section 9.040	ADJUSTMENT CONDITIONS
Section 9.050	TRANSFER OF ADJUSTMENTS

Section 9.010. PURPOSE. The development standards contained within this Ordinance protect the public health, safety and welfare by establishing quantifiable requirements that apply to various uses, For lands or uses with unique characteristics, the intent and purpose of the development standard may be maintained while allowing limited adjustments to quantifiable requirements.

Section 9.020. AUTHORIZATION. Adjustments to quantifiable standards contained within this Ordinance may be approved subject to the procedures in Chapter 3 and the applicable criteria noted below.

Section 9.030. ADJUSTMENT CRITERIA. The following criteria shall be used to review and decide adjustment applications.

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

Section 9.040. ADJUSTMENT CONDITIONS. Conditions identified in Section 5.060 (B) of this Ordinance may be placed on any approved adjustment request.

Section 9.050. TRANSFER OF ADJUSTMENTS. Unless otherwise provided in the final decision granting the adjustment, any adjustment granted pursuant to this Chapter shall run with the land, automatically transferring to any new owner or occupant.

CHAPTER 10 - SITE PLAN REVIEW

Section 10.010	PURPOSE
Section 10.020	APPLICABILITY OF PROVISIONS
Section 10.030	AUTHORIZATION
Section 10.040	SUBMITTAL REQUIREMENTS
Section 10.050	SITE PLAN REVIEW CRITERIA
Section 10.060	CONDITIONS OF APPROVAL
Section 10.070	EXPIRATION OF APPROVAL
Section 10.080	FINANCIAL ASSURANCES

Section 10.010. PURPOSE. The Site Plan Review Process is intended to:

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

Section 10.020. APPLICABILITY OF PROVISIONS.

(A) Site Plan Review shall be applicable to all new developments and major remodeling of existing developments except:

1. Single-family detached dwellings;
2. A duplex;
3. Any commercial or industrial site alteration or building remodel that does not exceed 25% of the total square footage of the structure or site.

(B) All of the provisions and regulations of the underlying zone shall apply unless modified by other Sections of this Code.

Section 10.030. AUTHORIZATION. Site Plan Review Applications may be approved subject to the procedures in Chapter 3 and the applicable criteria in this chapter.

Section 10.040 SUBMITTAL REQUIREMENTS. The following information shall be submitted as part of a complete application for Site Plan Review:

(A) Site Analysis

1. Existing site topography;
2. Identification of areas exceeding 10% slopes;
3. Site drainage, areas of potential flooding;
4. Areas with significant natural vegetation;
5. Classification of soil types; and
6. Existing structures, roadway access and utilities.

(B) Site Plan

1. Proposed grading and topographical changes;
2. All proposed structures including finished floor elevations and setbacks;
3. Vehicular and pedestrian circulation patterns, parking, loading and service areas;
4. Proposed access to public roads and highways, railroads or other commercial or industrial transportation systems;
5. Site drainage plan including methods of storm drainage, sanitary sewer system, water supply system and electrical services. Inverse elevations may be required for all underground transmission lines;
6. Proposed landscape plan, to include appropriate visual screening and noise buffering, where necessary, to ensure compatibility with surrounding properties and uses;
7. Proposed on-premise signs, fencing or other fabricated barriers, together with their heights and setbacks;
8. Proof of ownership and signed authorization for the proposed development, if applicant is not the owner of the site; and
9. A schedule of expected development.

Section 10.050. SITE PLAN REVIEW CRITERIA. The review of a Site Development Plan shall be based upon consideration of the following:

(A) Conformance with the General Development Standards contained in this Ordinance including:

1. Streets
2. Off-street parking

3. Public facilities, including storm drainage, and, utility lines and facilities
4. Signs
5. Site and landscaping design

(B) Characteristics of adjoining and surrounding uses;

(C) Drainage and erosion control needs;

(D) Public health factors;

(E) Traffic safety, internal circulation and parking;

(F) Provision for adequate noise and/or visual buffering from non-compatible uses;

(G) Retention of existing natural features on site; and

(H) Problems that may arise due to development within potential hazard areas.

Section 10.060. CONDITIONS OF APPROVAL. As part of the design review process, the City may impose conditions identified in Section 5.060(B) on new or expanding development.

Section 10.070 EXPIRATION OF APPROVAL

(A) Site Plan Review approval shall be effective for a period of one year from the date of approval if substantial construction of the approved plan has not begun within the one year period.

(B) Site Plan Review approval shall be voided immediately if construction on the site is a departure from the approved plan.

(C) The City Recorder shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six months provided that:

1. No changes are made to the approved Site Plan Review;
2. The applicant can show intent to initiate construction on the site within the six month extension period; and
3. There have been no changes in the facts or applicable policies or ordinance provisions on which the original approval was based.

Section 10.080. FINANCIAL ASSURANCES. If required site improvements cannot be completed prior to the issuance of an occupancy permit, a performance bond or other guarantee acceptable to the City Attorney may be required, as provided for in Subsection 3.201.01(1)(3).

CHAPTER 11 - ACCESSORY STRUCTURES

Section 11.010	APPLICATION OF REGULATIONS
Section 11.020	HEIGHT
Section 11.030	FRONT YARDS AND YARDS ADJACENT TO STREETS
Section 11.040	SIDE YARDS, INTERIOR
Section 11.050	REAR YARDS
Section 11.060	ACCESSORY STRUCTURES ATTACHED TO THE MAIN BUILDING
Section 11.070	FENCES-LOCATION AND HEIGHT
Section 11.080	FENCES-USE OF HAZARDOUS MATERIAL

Section 11.010. APPLICATION OF REGULATIONS. The regulations herein set forth shall apply to all residential zones and to structures in any other zone used in connection with residential purposes.

Section 11.020. HEIGHT. The maximum height of any accessory structure shall be 8 feet at the lot line. Such maximum height may be increased 1 foot for each 1 foot of setback from the lot line to a maximum height of 15 feet. Roof drainage shall be accommodated within the confines of the subject property.

Section 11.030. FRONT YARDS AND YARDS ADJACENT TO STREETS. Any accessory structures, except fences, which has any portion extending above grade shall observe the yard requirements of the main building.

Section 11.040, SIDE YARDS, INTERIOR. Accessory structures, except fences, not attached to the main building located in an interior side yard shall be setback a minimum of 5 feet from any lot line.

Section 11.050. REAR YARDS. Within interior rear yards and portions of rear yards not abutting a street or alley, an accessory structure may be placed on the property line. Structures, except fences, adjacent to an alley shall be set back at least 1 foot.

Section 11.060. ACCESSORY STRUCTURES ATTACHED TO THE MAIN BUILDING. Covered or enclosed accessory structures which are attached to the main building shall be considered as a portion of the main building and shall observe the same requirements as the main building. Accessory structures shall be considered as being attached to the main building when any portion of the accessory structure is located within 4 feet of the main building.

Section 11.070. FENCES-LOCATION AND HEIGHT. Within 10 feet of a lot line adjacent to a street, fences, walls and hedges may be up to 48 inches in height, when that portion of the fence above 24 inches is at least 50% open. Otherwise fences may be a maximum of 8 feet in height.

Section 11.080. FENCES-USE OF HAZARDOUS MATERIAL. Fences shall not be constructed of or contain hazardous or dangerous material such as barbed wire, electric wires (other than stock fences), broken glass, or spikes which will do bodily harm.

CHAPTER 12 - GENERAL ZONING AND DEVELOPMENT PROVISIONS

Section 12.010	NEW BUILDINGS TO BE ON A LOT
Section 12.020	YARDS APPLY ONLY TO ONE BUILDING
Section 12.030	NO PARKING IN FRONT YARD OR LANDSCAPED AREAS
Section 12.040	FRONT YARD PROJECTIONS
Section 12.050	SIDE YARD PROJECTIONS
Section 12.060	REAR YARD PROJECTIONS
Section 12.070	PROPERTY ACCESS REQUIREMENTS
Section 12.080	INTERPRETATION OF ZONING BOUNDARIES
Section 12.090	USES NOT SPECIFICALLY COVERED
Section 12.100	NONCONFORMING USE OF A BUILDING
Section 12.110	CREATION OF A NONCONFORMING USE
Section 12.120	REPAIR TO NONCONFORMING STRUCTURES
Section 12.130	DESTRUCTION OF NONCONFORMING STRUCTURES
Section 12.140	ENLARGEMENT, EXTENSION OF EXPANSION OF NONCONFORMING BUILDINGS
Section 12.150	CONDITIONAL USES ARE NOT NONCONFORMING USES
Section 12.160	PRE-EXISTING LOTS AND PARCELS
Section 12.170	LOT AREA AND DIMENSION, MINIMUM REQUIREMENTS

Section 12.010. NEW BUILDINGS TO BE ON A LOT. Every building erected shall be located on a lot as herein defined.

Section 12.020. YARDS APPLY ONLY TO ONE BUILDING. No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected.

Section 12.030. NO PARKING IN FRONT YARD OR LANDSCAPED AREAS. Except for driveways, no parking shall be allowed within the required front yard area or required landscaped area. The side and rear yard areas may be used for the parking of vehicles unless otherwise prohibited by this Ordinance.

Section 12.040. FRONT YARD PROJECTIONS. The following shall be exempt from the front yard setback provisions:

(A) Planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels and other ornamental features of not more than 24 inches from the main building.

(B) Uncovered porches, covered but unenclosed porches when not more than one story high and which do not extend more than 10 feet beyond the front walls of the building and the floors of which are not more than 4 feet above grade. In no case shall such projections come closer than 10 feet from the property line.

Section 12.050. SIDE YARD PROJECTIONS. The following shall be exempt from the side yard setback provisions:

(A) Cornices, eaves, gutters and fire escapes when not prohibited by any other code or ordinance, may project into a required side yard not more than 1/3 the width of the side yard, nor more than 3 feet in any case.

(B) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and other ornamental features may project not more than 1 1/2 feet into a required side yard, provided, however, chimneys and flues shall not exceed 6 feet in width.

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

Section 12.060. REAR YARD PROJECTIONS. The following shall be exempt from the rear yard setback provisions:

(A) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and other ornamental features may project not more than 1 1/2 feet into a required side yard, provided, however, chimneys and flues shall not exceed 6 feet in width.

(B) A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project into a required rear yard not more than 5 feet provided they are setback at least 6 feet from any property line.

(C) Planter boxes, steps, cornices, uncovered porches, covered but unenclosed porches including covered patios when not more than one story high and the floors, which are not more than 4 feet above grade and not closer than 14 feet from the rear property line.

(D) No permitted projection into a required rear yard shall extend within 10 feet of the centerline of an alley or a rear lot line, or within 6 feet of an accessory structure.

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

Section 12.070, PROPERTY ACCESS REQUIREMENTS. The following shall apply:

(A) Every dwelling shall be situated on a lot having direct access by abutting upon a public street, or a pre-existing private driveway of a width not less than 20 feet and serving more than four (4) dwelling units, except when otherwise approved by a planned unit development.

(B) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to only a portion of its required width and is location that side which has not yet been dedicated or condemned, unless the yards provided on such lot include both the required yard and that portion located within the required street.

(C) Permission must be obtained from the Oregon Department of Transportation for access to Highway 22.

Section 12.080. INTERPRETATION OF ZONING BOUNDARIES. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning Map, the following rules shall apply:

(A) The district boundaries are either streets or alleys unless otherwise shown and where the districts identified on the Zoning Map are bounded approximately by street or alley lines, said street or alley shall be construed to be the boundary of such district.

(B) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the districts designated on the Zoning Map are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the Zoning Map.

(C) In unsubdivided property, the district boundary lines on the Zoning Map shall be determined by use of a scale contained on such map.

Section 12.090. USES NOT SPECIFICALLY COVERED. The City Recorder, subject to direction by the Planning Commission and City Council, may permit in a zone any use not described in this Ordinance if the proposed use is found to be in general keeping with the uses authorized in such zone.

Section 12.100. NONCONFORMING USE OF A BUILDING. The lawful use of a building or land existing on the effective date of this ordinance may be continued although such use does not conform to the regulations specified for the zone in which the land or building is located.

Section 12.110. CREATION OF A NONCONFORMING USE. If the actual operation of a fo nonconforming use of a building or land ceases for a period of six (6) months, such building and/or land shall become subject to all the regulations specified by this Ordinance for the zone in which such building or land is located.

Section 12.120. REPAIR TO NONCONFORMING STRUCTURES. A nonconforming structure may be repaired and maintained as long as any such repair or maintenance does not increase its nonconformity and it remains otherwise lawful.

Section 12.130. DESTRUCTION OF NONCONFORMING STRUCTURES. In case any nonconforming structure is damaged or destroyed by fire, explosion, an act of God, or an act of public enemy or by any other cause, to the extent that the total deterioration exceeds 60% of the cost of replacement of the building using new materials, the land and the building shall be subject to all the regulations specified by this Ordinance for the zone in which such land and building are located.

Section 12.140. ENLARGEMENT, EXTENSION OR EXPANSION OF NONCONFORMING BUILDINGS. A nonconforming building may be enlarged, extended or expanded, provided such change conforms in all respects to the regulations specified by this Ordinance for the zone in which such land and building are located. A variance application and approval shall be required before the enlargement, extension or expansion of the use of a nonconforming building is permitted which does not conform to the regulations of the zone in which the use is located.

Section 12.150, CONDITIONAL USES ARE NOT NONCONFORMING USES. Any use which is permitted as a conditional use as provided in this Ordinance shall not be deemed a

nonconforming use, but shall without further action, be deemed a conforming use, qualified with such conditions as the Planning Commission or City County has required.

Section 12.160. PRE-EXISTING LOTS AND PARCELS. Nothing in this Ordinance shall be construed as prohibiting development of nonconforming lots existing at the time of the enactment of this Ordinance.

Section 12.170. LOT AREA AND DIMENSION, MINIMUM REQUIREMENTS. The minimum lot area and dimension requirements established in this Ordinance shall apply to new lots created as the result of a partitioning, subdivision or planned unit development approval, and shall also apply to newly configured lots resulting from a lot line adjustment. These standards shall be considered the minimum necessary; additional lot area may be required to accommodate an approved septic sewage system.

CHAPTER 13 - SPECIAL USES

Section 13.010	PURPOSE
Section 13.020	DUPLEXES
Section 13.030	HOME OCCUPATIONS

Section 13.010. PURPOSE. The purpose of the Special Use section is to provide additional requirements and development standards for certain permitted uses. Development of these special uses requires compliance with these identified standards, otherwise, an adjustment or variance is necessary.

Section 13.020. DUPLEXES. Where duplexes are permitted as a Special Use, the following standards shall apply:

- (A) The lot shall be at least 8000 square feet.
- (B) Each dwelling unit of the duplex shall maintain its vehicle and pedestrian access from a separate street.

Section 13.030. HOME OCCUPATIONS. Where permitted as a Special Use, home occupation shall comply with the provisions in Section 7.020, and the following additional restrictions:

- (A) Retail sales shall be prohibited.
- (B) The area devoted to the home occupations shall be restricted solely to the dwelling and not occupy an area exceeding 300 square feet.

CHAPTER 14 OFF-STREET PARKING AND LOADING

Section 14.010	PURPOSE
Section 14.020	SCOPE
Section 14.030	LOCATION
Section 14.040	JOINT USE
Section 14.050	OFF-STREET PARKING REQUIREMENTS
Section 14.060	OFF-STREET LOADING REQUIREMENTS
Section 14.070	PARKING AND LOADING AREA DEVELOPMENT REQUIREMENTS
Section 14.080	GENERAL PROVISIONS, OFF-STREET PARKING AND LOADING
Section 14.090	PARKING LOT LANDSCAPING AND SCREENING STANDARDS

Section 14.010 PURPOSE. The purpose of this Section is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the City of Idanha.

Section 14.020 SCOPE. Development of off-street parking and loading areas for commercial development shall be subject to the Site Development procedures of Chapter 10 and shall be reviewed pursuant to Chapter 3. The provisions of this Chapter shall apply to the following types of development:

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

Section 14.030. LOCATION. Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that in any non-residential zone, the parking area may be located off the site of the main building, structure or use if it is within 500 feet of such site.

Section 14.040. JOINT USE. Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to City approval for commercial and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. The requirements of Section 14.050 may be reduced accordingly. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties.

Section 14.050. OFF-STREET AUTOMOBILE PARKING REQUIREMENTS. Off-street parking shall be provided as required by Section 14.070 and approved by the City in the amount not less than listed below.

Residential

- | | |
|--|---|
| (A) 1 and 2 family dwellings, including manufactured homes | 2 spaces per dwelling, excluding parking garage |
| (B) Multi-family dwellings | 1.5 spaces per dwelling |
| (C) Boarding house, lodging house or rooming house | 1 space per 2 guest accommodations |

Public Land Use

- | | |
|---|---|
| (D) Convalescent hospital, nursing home, sanitarium, rest home, home for the aged | 1 space per 2 beds |
| (E) Hospital | 3 spaces per 2 beds |
| (F) Library, reading room | 1 space per 300 square feet |
| (G) Preschool nursery, kindergarten | 2 spaces per classroom |
| (H) Elementary or Junior High | 2 spaces per classroom |
| (I) High School | 5 spaces per classroom |
| (J) Other places of public assembly, including churches | 1 space per 4 seats or 8 feet of bench length |

Commercial Land Use

- | | |
|---|---|
| (K) Movie Theater, Theater | 1 space per 4 seats or 8 feet of bench length |
| (L) Amusement and Recreational Services | 1 space per 250 s.f. of floor area |
| (M) Retail Store | 1 space per 300 s.f. of gross floor area |
| (N) Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture | 1 space per 900 s.f. of floor area |
| (O) Banks and other Financial Institutions | 1 space per 300 s.f. of floor area |
| (P) Offices and Services | 1 space per 300 s.f. of floor area |
| (Q) Medical or Dental Office | 1 space per 300 s.f. of floor area |
| (R) Mortuary | 6 spaces for each room |
| (S) Motel or hotel | 1 space per guest room |
| (T) Restaurant | 1 space per 250 s.f. of floor area |

Industrial Use

- (U) Manufacturing Establishment 1 space per 0.75 employees plus 1 space per 2,500 gross floor area
- (V) Wholesale Establishment, warehouse, rail or truck freight terminal 1 space per 2,000 s.f. floor or storage area

Section 14.060. OFF-STREET LOADING REQUIREMENTS. Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

(A) The following standards shall be used in establishing the minimum number of berths required:

<u>Gross Floor Area</u>	<u>Number of Berths</u>
Up to 10,000 s.f.	1
10,000 s.f. and over	2

Note: For buildings or structures up to 6,000 s.f., regular off-street parking areas may be used to meet the off-street loading requirements. ;

(B) A loading berth shall contain a space a minimum of 12 feet wide and 35 feet long and have a vertical clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required size of these berths shall be increased.

Section 14.070. PARKING AND LOADING AREA DEVELOPMENT REQUIREMENTS. All parking and loading areas, except those for single-family dwelling shall be developed and maintained as follows:

(A) Surfacing: All driveways, parking, and loading areas shall have a durable, hard surface. In residential areas, either a minimum of 2 1/2 inches of asphalt over a 6 inch aggregate base or 4 inches of Portland cement concrete over a 2 inch aggregate base shall be provided. In commercial and industrial areas either a minimum of 3 inches of asphalt over an 8 inch aggregate base or 6 inches of Portland cement concrete over 2 inches of aggregate base shall be provided.

(B) Parking Spaces: Parking spaces shall be a minimum 9 feet wide and 18 feet in length.

(C) Driveways: The following driveway dimensions shall apply:

1. Single family residence: 12 feet
2. One-way: 12 feet
3. Two-way: 24 feet

(D) Lighting: Any light used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way.

(E) Areas used for parking and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use and so drained as to avoid flow of water across sidewalks.

(F) Except for parking to serve residential uses, parking and loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.

(G) Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

(H) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.

(I) Off street parking access shall be designed to allow flow of traffic, provide maximum safety of traffic access and egress, and the maximum safety of pedestrians and vehicular traffic.

(J) Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least 4" high, located a minimum of 3 feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.

Section 14.080. GENERAL PROVISIONS OFF-STREET PARKING AND LOADING.

(A) The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show an area that is and will remain available for exclusive use as off- street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are observed.

(B) Requirements for types of buildings and uses not specifically listed herein shall be determined by the City Recorder based upon the requirements of comparable uses listed and expectations of parking and loading need.

(C) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to Section 14.040 above.

(D) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

Section 14.090. PARKING LOT LANDSCAPING AND SCREENING STANDARDS. i
All parking lots, which for purposes of this section include areas of vehicle maneuvering, parking, and loading, shall be landscaped and screened as follows:

(A) Screening Abutting Property Lines: Parking abutting a property line should be screened by a 3' landscaped strip. Where a buffer between zones is required, the screening should be incorporated into the required buffer strip, and will not be an additional requirement.

(B) Landscape Standards: Parking lot landscaping shall consist of a minimum of 15% of the total parking area plus a ratio of 1 tree per ten parking spaces to create a canopy effect. Trees and landscaping should be installed as follows:

1. The tree species shall be an appropriate large canopied shade tree and should be selected from the street tree list to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians.
2. The tree should be planted in a landscaped area such that the tree bole is at least 2 feet from any curb or paved area.
3. The landscaped area should be planted with shrubs and/or living ground cover to assure 80% coverage within 2 years.
4. Landscaped areas should be evenly distributed throughout the parking area and - parking perimeter at the required ratio.
5. That portion of a required landscaped yard, buffer strip or screening strip abutting parking stalls may be counted toward required parking lot landscaping but only for those stalls abutting landscaping as long as the tree species, living plant material coverage and placement distribution criteria are also met.

(B) Screening: When any public parking or loading area is within or adjacent to a residential zone, such parking or loading area shall be screened from all residentially- zoned properties with an ornamental fence, wall, or hedge a minimum of six (6) feet in height.

CHAPTER 15 - SIGNS

Section 15.010	PURPOSE
Section 15.020	DEFINITIONS
Section 15.030	DESIGN, CONSTRUCTION AND MAINTENANCE
Section 15.040	NON-CONFORMING SIGNS
Section 15.050	SIGNS GENERALLY PERMITTED
Section 15.060	PROHIBITED SIGNS
Section 15.070	SIGNS IN NON-COMMERCIAL ZONES
Section 15.080	SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES
Section 15.090	CONDITIONAL USE PERMITS - SIGNS
Section 15.100	VARIANCES - SIGNS

Section 15.010 PURPOSE. The purpose of these sign regulations is to help implement the Idanha Comprehensive Plan, to provide equitable signage rights, reduce signage conflicts, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner.

Section 15.020 DEFINITIONS. For the purposes of this Chapter, the following definitions shall apply:

Alteration or Altered: Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration.

Area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by , including only one-half the total area of all sign faces.

Awning: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.

Billboard: A sign or structure subject to the provisions of the Oregon Motorist Information Act of 1971 and erected for the purpose of leasing advertising space to

promote an interest other than that of an individual, business, product or service available on the premises the billboard is located on.

Building Face: The single wall surface of a building facing a given direction.

Building Frontage: The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined, as allowed in this chapter. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.

Canopy Sign: A sign hanging from a canopy or eve, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade.

Construct: Build, erect, attach, hang, place, suspend, paint in new or different words, affix, or otherwise bring into being.

Finish Ground Level: The average elevation of the ground (excluding mounds or berms, etc. located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, whichever is the lowest.

Flashing Sign: A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.

Free-Standing Sign: A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

Incidental Signs: A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed.

Indirect Illumination: A source of illumination directed toward such a sign so that the beam of light falls upon the exterior surface of the sign.

Internal Illumination: A source of illumination from within a sign.

Joint Use Sign: When two or more businesses combine part or all of their total allowed sign area into a free-standing sign for each. common frontage of such business.

Message Sign: A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature.

Multi-faced Sign: A sign which has two (2) or more identical sign faces, contained in a Single sign structure.

Mural: An illustration (with or without words or numbers) which is painted or otherwise applied (without projections) to an outside wall of a structure.

Nonconforming Sign: Any sign which lawfully exists prior to the effective date of this chapter but, which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations.

Owner: As used in these regulations, "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed.

Portable Sign: Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self supporting and movable, and also including trailer reader boards. Portable signs are not to be considered temporary signs as defined and used in this chapter.

Projecting Signs: A sign the face of which is not parallel to the wall on which it is mounted, projecting more than 12 inches from a structure.

Real Estate Sign: A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space.

Roof Line: Either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)

Roof Sign: A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign.

Rotating/Revolving Sign: A sign, all or a portion of which, moves in some manner.

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.

Sign Face: Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "Sign Area."

Sign Height: The distance from the finish ground level, to the top of the sign or the highest portion of the sign structure or frame, whichever is greater.

Sign Structure: The supports, uprights, braces, framework and other structural components of the sign.

Temporary Sign: A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support.

Wall Sign: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 12 inches. A sign painted on an awning in which the face of the sign is approximately parallel to and within 3.5 feet of the wall shall also be considered a wall sign.

Section 15.030 DESIGN, CONSTRUCTION AND MAINTENANCE. All signs shall be designed, constructed, and maintained according to the following standards:

(A) All signs shall comply with the applicable provisions of Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations.

(B) Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.

(C) All signs shall be maintained in a good structural condition and readable at all times.

(D) The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs.

Section 15.040 NON-CONFORMING SIGNS.

(A) Alteration of Nonconforming Sign Faces. Alteration or replacement of non-conforming signs are subject to the provisions of Sections 12.120 to 12.140 of this Ordinance.

(B) Abandoned Signs. All signs for a business shall be removed within thirty days after that business ceases to operate on a regular basis, and the entire sign structure or structures shall be removed within 12 months of such cessation of operation.

Section 15.050 SIGNS GENERALLY PERMITTED. The following signs and sign work are permitted in all zones. These signs shall not be included when determining compliance with total allowed area:

(A) Painting, change of sign face or copy and maintenance of signs legally existing on the effective date of this Ordinance. If structural changes are made, the sign shall conform in all respects with these regulations.

(B) Temporary signs that do not exceed 16 square feet in area. No lot may display temporary signs for more than 90 days in any 365 day period. Only one temporary sign per lot may be displayed at a time.

(C) Real estate signs not exceeding 32 square feet which advertise the sale, rental or lease of premises upon which the sign is located. Real estate signs may be used up to two years without a permit.

(D) Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety.

(E) One sign not over 32 square feet for a residential development or subdivision, and located at each street entrance to the development.

(F) Incidental signs that do not exceed 6 square feet.

(G) Flags on permanent flag poles which are designed to allow raising and lowering of the flags.

(H) Signs within a building.

(I) In the C zone, signs painted or hung on the inside of windows.

Section 15.060. PROHIBITED SIGNS. The following signs are prohibited:

(A) Billboards

(B) Balloons or similar types of tethered objects.

(C) Roof signs.

(D) Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in banks and "drive thru" restaurants, shall be allowed.

(E) Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.

(F) Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire.

(G) No vehicle or trailer shall be parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising.

(H) Rotating/revolving signs, except by conditional use permit, and except as allowed in Section 15.050.

(I) Flashing signs, except by conditional use permit, and except as allowed in Section 15,050,

(J) Private signs that project into or over driveways and public right-of-ways, except signs under a canopy that projects over a public sidewalk and the Sign is not less than 8 feet above the sidewalk.

(K) Signs that obstruct required vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard.

(L) Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light.

(M) Signs attached to any pole, post, utility pole or placed on its own stake and placed into the ground in the public right-of-way. -

(N) Message signs, except by conditional use permit.

(O) Projecting signs.

(P) Any sign on unimproved property, unless allowed as a temporary sign.

Section 15.070 SIGNS IN NON-COMMERCIAL ZONES. The following regulations apply to signs in the R and P zones:

(A) Sign types. The following sign types are allowed:

1. Wall, canopy and window signs subject to the limitations in 15.030.

2. Free-standing signs subject to the limitations in 15.030.

3. Temporary displays consisting of any sign type for a period not to exceed twenty- one (21) days in any 365 day period, however the owners or responsible parties of such displays shall be responsible for any public or private nuisance.

(B) Maximum number. Any combination of wall, canopy or free-standing signs not exceeding the sign area and height limitations of this Section; plus signs allowed in Section 15.050.

(C) Maximum total sign area for property on which the building or buildings are located:

1. Single-family and two-family (duplex) dwelling - 6 square feet provided total sign area on a free-standing sign shall be limited to a maximum of 4 square feet.

2. Multiple family dwelling - 32 Square feet provided total sign area on a free- standing sign shall be limited to a maximum of 24 square feet.

3. Public and semi-public - 64 Square feet provided total sign area on a free-standing sign shall be limited to a maximum of 48 square feet.

4. The sign area for a free-standing sign may be increased up to the maximum total for sign area permitted in sections (a), (b), and (c) above, with a conditional use permit consistent with the decision criteria in Section 15.090.

(D) Maximum sign height:

1. Wall, canopy or window sign - 8 feet.

2. Free-standing sign - 6 feet.

(E) Location:

1. Wall, canopy or window sign - shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted use; provided that wall signs may project into the required setback space up to 1.5 feet.

2. Free-standing sign - where fences are allowed.

(F) Illumination. Signs may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., (except by conditional use permit) and shall not flash, blink, fluctuate or produce glare.

Section 15.080 SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES.

(A) The following regulations apply to signs in the C and M zone.

1. Total allowed area. One and one-half square feet of total allowed sign area for each lineal foot of building frontage, up to a maximum total allowed area of 150 square feet.
2. Type, maximum number and size of signs. Within the total allowed area, one (1) free standing sign per street frontage, and a total of no more than two (2) wall or canopy signs. Regardless of total allowed area, each free-standing sign shall be limited to a maximum of 100 square feet in area.
3. Maximum sign height:
 - a. Wall and canopy signs - shall not project above the parapet or roof eaves.
 - b. Free-standing signs - maximum total height of 20 feet.
4. Location:
 - a. Wall signs - may project up to 1.5 feet from the building.
 - b. Free-standing sign - no limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.

(B) Additional signs. Within the limitations of this subsection, the signs below do not require a permit and are not included in calculating allowed area and number of signs:

1. When a business has two public entrances, each on a separate building wall, there is permitted one additional wall sign not to exceed 10 square feet in area for the wall where the entrance is not the primary entrance.
2. Directional signs, such as "Exit" or "Entrance", are allowed either as wall or freestanding signs. Such signs shall be limited to 3 square feet in area and 2 per driveway. Free standing directional signs shall be limited to a height of 6 feet.
3. Order signs describing products and/or order instructions to a customer, such as menu boards on the exterior of a drive-thru restaurant are allowed as follows: One (1) per business limited to 40 square feet in area and a maximum height of eight (8) feet. Any order sign greater than 10 square feet in area and/or six (6) feet in height must be screened from adjacent streets by a sight obscuring fence, wall or hedge.

(C) Signs for temporary businesses. Temporary businesses may display temporary or portable signs, other than trailer mounted reader boards or any sign that includes flashing or rotating lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. All temporary signs must be placed within 10 feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of- way.

Section 15.090 CONDITIONAL USE PERMITS - SIGNS. Applications for conditional use permits for residential free standing signs, flashing signs, rotating/revolving signs, or message signs shall be processed according to the procedure set forth in Section 3.030 of this Ordinance. The criteria to be reviewed and applied in conditional use permit proceedings are set forth in this Section.

(A) The following criteria shall be used to review and decide conditional use permit applications for flashing, rotating/revolving, and message signs:

1. The proposed sign is located in the C zone.

2. The proposed sign, when conditioned, will not significantly increase or lead to 'street level sign clutter, or to signs adversely dominating the visual image of the area.
3. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.
4. The proposed sign will not present a traffic or safety hazard.
5. If the application is for a flashing and/or message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effect consisting of external lights, lamps, bulbs or neon tubes are allowed. Only flashing effects by way of internal illumination are allowed.
6. If the application is for a rotating/revolving sign, such sign cannot flash or be illuminated by intermittent light. Rotating/revolving signs shall revolve at a speed no greater than 5 revolutions per minute.
7. The total allowed sign area for a business shall be reduced by 25% if the business has a flashing, rotating/revolving, or message sign.
8. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.

(B) The following criteria shall be used to review and decide conditional use permit applications for residential freestanding signs:

1. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.
2. The proposed sign will not present a traffic or safety hazard.
3. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.
4. The proposed sign is incidental to the permitted or valid non-conforming use of the property.

Section 15.100 VARIANCES - SIGNS. Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to Sections

15.070 to 15.080 will be processed according to the procedures in Chapter 3. However, the criteria in Section 8.030 shall not be used, but instead the following criteria shall be used to review and decide sign variance applications:

(A) There are unique circumstances of conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship;

(B) The requested variance is consistent with the purpose of the chapter as stated in 15.010.

(C) The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter.

(D) The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare.

(E) The variance will not result in a special advertising 'advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance.

(F) The variance request shall not be the result of a self-imposed condition or hardship.

CHAPTER 16 - R ZONE (RESIDENTIAL)

Section 16.010	PURPOSE
Section 16.020	PERMITTED USES
Section 16.030	TRANSITIONAL USES
Section 16.040	CONDITIONAL USES
Section 16.050	HEIGHT
Section 16.060	YARDS
Section 16.070	SPECIAL SETBACKS
Section 16.080	LOT AREA AND WIDTH

Section 16.010. PURPOSE. To provide for single-family dwellings and their accessory uses and to permit, with conditional use approval, certain other uses which are necessary or compatible to residential living including multiple-family residential development.

Section 16.020. PERMITTED USES. Within the R zone, no building, structure or premise shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for the following uses and activities:

- (A) Single-family dwellings, including Manufactured Homes consistent with the definitional requirements contained in Chapter 2.
- (B) Duplexes (two-family dwellings) on a corner lot subject to the requirements in Section 12.020.
- (C) Public parks, and playgrounds.
- (D) Public utility structures and buildings, such as pump stations, reservoirs, electric substations, and necessary right-of-way for identified public utilities; but not including office or administrative buildings. ;
- (E) Home occupations meeting the requirements in Chapter 13, Special Uses. (F) Temporary sales and development office for a subdivision or planned unit development.
- (G) Day care facilities for less than thirteen (13) children. |
- (H) Partitioning or the subdividing of property, subject to the provisions in Chapter 16 of this title.
- (I) The taking of boarders or leasing of rooms by a resident family, provided the total number of boarders does not exceed two (2) in any single-family dwelling nor more than four (4) in any legally established two-family dwelling (duplex).
- (J) Residential homes or facilities consistent with the definitional requirements in Chapter 2.
- (K) Accessory structures and uses, provided the requirements in Chapter 11 of this ordinance are satisfied. Accessory uses and structures may include:
 - 1. Customary residential accessory buildings for private use, such as a greenhouse, hot house, hobby shop, summer house, patio, enclosed or covered patio, woodshed, quarters for domestic animals maintained as pets of the residents.
 - 2. Fallout shelters.
 - 3. Fences.

4. A private garage for each single-family dwelling on the same lot with or within the dwelling to which it is accessory and in which no garage business or industry is conducted.
5. Sleeping quarters in the main building or detached structure for domestic employees of the resident of the main building.
6. Guest houses and guest quarters not in the main building provided such houses and quarters are and remain dependent upon the main building for kitchen facilities; and the guest facilities are not used for residential purposes.
7. Swimming pools for private use;
8. Gardens, orchards and crop cultivation; fowl such as chickens, geese or ducks; and rabbits and similar animals; provided, the number of animals does not exceed 10, and no sales or retail business is conducted.

Section 16.030. TRANSITIONAL USES. In addition to the uses identified as Permitted Uses in the R zone, the following transitional uses shall be permitted where the side of a lot abuts - any commercial zone or industrial zone; provided, that such transitional use does not extend across a street or alley, and, in no case shall the transitional use be located more than 165 feet from the boundary of the less-restrictive zone it adjoins. Permitted transitional uses shall include:

(A) Churches.

(B) Community or neighborhood club buildings, including swimming pools and other similar facilities, when erected by a non-profit community club for the social recreation of its members or the general public.

(C) Public and semi-public buildings, structures and uses, such as libraries and administrative buildings, used for offices or administrative purposes.

(D) Public automobile parking complying with the provisions in Chapter 12 of this title.

(E) Outdoor plant nursery, including wholesale and retail commercial activities.

(F) Privately operated kindergarten, or, day care facilities containing thirteen (13) or more children; provided, the residential character of the building is unchanged.

Section 16.040. CONDITIONAL USES. When authorized. under the procedures in Chapter 6, the following uses may be permitted in the R zone:

(A) Detached or attached multifamily dwellings.

(B) Churches.

(C) Community or neighborhood club buildings, including swimming pools and other similar facilities, when erected by a non-profit community club for the social recreation of its members or the general public.

(D) Public and semi-public buildings, structures and uses, such as libraries and administrative buildings, used for offices or administrative purposes.

(E) Privately operated kindergarten, or, day care facilities containing thirteen (13) or more children; provided, the residential character of the building is unchanged.

(F) Schools (elementary, junior high and high school).

- (G) Dormitories; sororities and fraternity houses; and student homes.
- (H) Radio and TV transmitters and antennas.
- (I) Planned unit development, and subject to land division provisions in Chapter 23.
- (J) Manufactured home parks, subject to site development standards in Section 7.040, Special Conditional Uses.
- (K) Golf course.
- (L) Police stations and fire stations.
- (M) Boat, camper and trailer storage area on lot consistent with the requirements in Chapter 7, Special Conditional Uses.
- (N) Public automobile parking complying with the provisions in Chapter 12.
- (O) Conditional home occupation consistent with the requirements in Chapter 7, Special a Conditional Uses.
- (P) Retirement homes, rest homes, nursing homes, and sanitariums.
- (Q) Hospitals
- (R) The keeping of cattle or other livestock, including swine and horses, consistent with the requirements in Chapter 7, Special Conditional Uses.
- (S) Temporary mobile home placement for medical hardship purposes consistent with the requirements in Chapter 7, Special Conditional Uses.

Section 16.050. DIMENSIONAL STANDARDS

- (A) Height. In the R zone, no building or structure shall exceed 35 feet except churches and public or semi-public buildings may, when approved under the conditional use procedures, be built to a height of 70 feet.
- (B) Yards. Buildings and other structures shall maintain yard areas. All yard areas shall be measured from property lines and shall not encroach upon public right-of-ways. The following yard dimensions shall be maintained:
 1. Front Yards, Yards Adjacent to Streets. The minimum front yard depth, and minimum depth for yards adjacent to a street, shall be 20 feet.
 2. Side Yards. The minimum side yard depth shall be 5 feet for single family dwellings; all other structures shall maintain a minimum side yard of 10 feet.
 3. Rear Yards. The minimum rear yard depth shall be 10 feet for a single family dwelling; all other structures shall maintain a minimum rear yard of 15 feet.
- (C) . Special Setbacks. The following special building setbacks shall be maintained.
 1. Buildings or structures shall setback an additional one foot from every street and lot line for each foot of height the building exceeds 35 feet.
 2. The garage entrance shall be setback a minimum of 20 feet.
 3. Accessory structures shall comply with the setback provisions in Chapter 10 of the title.
as
 4. The distance between buildings, other than accessory structures, on the same lot or parcel shall be 10 feet.

(D) Lot Area And Width. The minimum lot or parcel size in the R zone is 7,000 square feet, except where allowed, lots containing duplexes shall have a minimum of 8,000 square feet.

The maximum lot density shall be one dwelling unit per 3000 square feet of gross area for parcels containing multi-family units. The minimum lot width shall be 70 feet. The maximum lot coverage, including the main building and any accessory structures, shall be 50%.

Section 16.090. LANDSCAPING. The following landscaping provisions shall apply for parcels containing multi-family dwellings:

(A) All required yards adjacent to a street shall be landscaped, except for that portion devoted to off-street parking.

(B) Each multifamily residential development, other than a single family residence or duplex, shall contain a minimum of 400 square feet of landscaped area per dwelling unit. The landscaping requirement for yards adjacent to a street may be used to fulfill this requirement.

CHAPTER 17 - C ZONE (COMMERCIAL)

Section 17.010	PURPOSE
Section 17.020	PERMITTED USES
Section 17.030	SPECIAL PERMITTED USES ?
Section 17.040	CONDITIONAL USES
Section 17.050	HEIGHT
Section 17.060	YARDS
Section 17.070	SPECIAL SETBACKS
Section 17.080	LOT AREA AND WIDTH

Section 17.010. PURPOSE. To provide for the development of commercially oriented retail and service activities which are primarily dependent on pedestrian and vehicular patronage.

Section 17.020. PERMITTED USES. Within the C zone, no building, structure or premise ! shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for the following uses and activities:

(A) Pre-schools, nurseries and kindergartens.

(B) Non-profit member organizations, such as business associations, labor unions, political organizations or fraternal lodges.

(C) Public automobile parking.

(D) Public and semi-public buildings, structures and uses, such as parks, municipal offices, libraries, police and fire stations and hospitals.

(E) Public utility structures and buildings, such as pump stations, reservoirs, electric substations, and necessary right-of-way for identified public utilities.

(F) Business offices including, but not limited to, insurance, real estate and title insurance; / credit agencies, brokerages, loan companies, and investment companies; and, miscellaneous offices such as detective agencies, drafting services or contractors offices.

(G) Professional offices including, but not limited to, medical, dental, engineering and legal services. Veterinary clinics shall not provide on-site services for farm animals.

(H) Banks and other financial institutions.

(I) Hotels and motels.

(J) Mortuary. 17-1

(K) Greenhouse and garden supply.

(L) Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, hobby or photography store, florist, liquor store, 2 hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types retail activities.

(M) Restaurants, drive-ins, taverns, snack shops and other types of eating and drinking establishments, including entertainment facilities accessory to the establishment.

(N) Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.

(O) Service related businesses such as barber shops, beauty shops, advertising agencies, self-serve laundry, dry cleaning, printing or photocopying, or other activities where the primary activity is the providing of a service to retail customers.

(P) Partitioning or the subdividing of property, consistent with the provisions in Chapter 23.

(Q) Accessory structures and uses customarily provided for retail activities.

Section 17.030. SPECIAL PERMITTED USES. The following uses shall be permitted in the C zone, provided that the lot is paved with a concrete or asphaltic surface; and, the lot and all outdoor storage of merchandise and supplies is screened from any adjoining residential lot by a sight-obscuring fence, wall or hedge of at least 6 feet in height.

(A) Automobile service station,

(B) Automobile, truck, motorcycle, trailer, recreational vehicle and boat sales.

(C) Part and accessory sales for automobiles, trucks, motorcycles, trailers, recreational vehicles and boats.

(D) Retail tire sales, service and repair.

(E) Towing service.

(F) Vehicle washing and polishing facilities, and services.

Section 17.040. CONDITIONAL USES. When authorized under the procedures in Chapter 6, the following uses shall be permitted in the C zone:

(A) Paint and body shop.

(B) Warehouse for short term storage, including mini-warehouse.

(C) Lumber yard and contracting supplies for lumber, stone, masonry or metal (sales only).

(D) Special trade contracting facilities, such as; floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting.

(E) Tire recapping.

(F) Welding shop and blacksmith where activities are conducted wholly within a building.

(G) Cabinet shop where activities are conducted wholly within a building.

(H) Amusement and recreation facilities such as auditoriums, stadiums, arcades, bowling alleys, miniature golf courses, community center and motion picture theater.

(I) Recreational vehicle park.

(J) Garage and repair shop for motor vehicles.

(K) Tent and awning shop.

(L) Marina.

(M) Newspaper, periodical, publishing and printing.

(N) Tractor and farm equipment, logging equipment; sales and service.

(O) Veterinary clinics providing on-site service for farm animals.

(P) Kennel.

Section 17.050 DIMENSIONAL STANDARDS

(A) Yards.

1. Front Yards, Yards Adjacent to Streets. Maximum setback shall be 5 feet.
2. Side Yards. No side yard is required, but if one is provided, it shall not be less than 3 feet in depth, exclusive of any alley.
3. Rear Yards. No side yard is required, but if one is provided, it shall not be less than 3 feet in depth, exclusive of any alley.
4. Adjacent to Residential Districts. Lots of parcels within the C zone located adjacent to residential zoned property shall maintain a yard of at least 5 feet in depth.

(B) Lot Area and Width: There is no minimum lot area, width or lot coverage requirement in the C zone.

(C) Height: In the C zone, no building or structure shall exceed 50 feet except public or semi-public buildings may, when permitted, be built to a height of 70 feet.

Section 17.060 DEVELOPMENT STANDARDS

(A) Building Design: The following building design standards, with the exception of modifications permitted in Chapter 8, shall be required for all development in the Commercial District. 7

1. Orientation: Primary Structures shall be oriented toward Highway 22 or Main Street. A public entrance shall be provided from Highway 22.or Main Street.
2. Siding Materials: Exterior siding materials visible from the street right-of-way shall be wood of masonry, or such other material indistinguishable in appearance form wood or masonry. Such wood type siding as horizontal lap, shingle, and board and batten are

acceptable. Acceptable wood substitutes include vinyl, metal, and pressed wood product horizontal lap. Such masonry type siding as brick and stone are acceptable; stucco material is prohibited. Acceptable masonry substitutes include masonry veneer and concrete or other similar material formed to simulate rock or brick.

3. Doors: Combination falls and wood panel doors are typical and are available in certain standard types, in single and divided glass lights. To approach the variety of period door styles will require modification of standard door types, particularly in arrangement of glass lights or necessitate special manufacture.
4. Colors: Rough sawn or milled boards and batten, particularly cedar and redwood, may be retained in a natural finish which ultimately weathers to silver gray in color. Flat or low gloss products currently on the market would be utilized.

Large area surfaces colors are to be primarily flat earthy ochre's, yellows, browns, and reds. Shades of blue and gray are also acceptable.

5. Trash Enclosures: Trash enclosures shall be carefully located and treated to integrate with the appearance of the site/building design. The roof pitch and materials shall be consistent with the appearance of the site/building design and the style of adjacent buildings. The placement of trash enclosures shall be combined with neighboring properties wherever feasible.
6. Exterior Lighting: Lighting shall be low intensity, shaded, and consistent with the building style.
7. Building Entrances: For buildings built to the street property line, entrances to the building shall be recessed from the sidewalk to provide for an entryway not in conflict with the pedestrian circulation on the sidewalk.
8. Roof: Mechanical equipment, and satellite dishes. Such equipment shall be screened in a method consistent and integral with the overall architectural appearance of the structure.
9. Architectural details: Attention to detail is of significant importance. Lighting fixtures, gates, exterior window treatments, use of materials and color must be considered relative to the building design.
10. Awnings, canopies, porches: Awnings, porches, canopies or other additions to a structure are encouraged and shall be compatible with building design. Such additions to corner buildings shall be continuous around the corner.
11. Roof: Roof pitch for structures in excess of 200 square feet in area shall contain a 4/12 pitch or greater.
12. Windows: At least 40% of the surface area of the side of a building facing Highway 22 or Main Street shall contain windows.

(B) Off-Street Parking: Off-street parking shall be as specified in Chapter 14.

(C) Landscaping/Pedestrian Amenities: If a building is setback from the front property line, 2 pedestrian and landscaping amenities shall be provided within the setback area. Pedestrian amenities shall include the placement of benches adjacent to public right-of-way. Landscaping shall be provided in accordance with the standards set forth in Chapter 14.

(D) Signage: All signage in the C zone shall comply with the provisions of Chapter 15.

CHAPTER 18 - CR ZONE (COMMERCIAL RECREATION)

Section 18.010	PURPOSE
Section 18.020	PERMITTED USES
Section 18.030	CONDITIONAL USES
Section 18.040	DIMENSIONAL STANDARDS
Section 18.050	DEVELOPMENT STANDARDS

Section 18.010. PURPOSE. The purpose of the CR zone is to provide and maintain areas which possess unique characteristics for recreation. related commercial development and which are suitable and desirable for recreation businesses for tourists and recreationists in the area. A high standard is essential in order to maintain and enhance the appearance of the area and its unique value to the community.

Section 18.020. PERMITTED USES. Within the CR zone, no building, structure or premise shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for the following uses and activities:

- (A) Restaurant, which may include a cocktail lounge operated in conjunction with the restaurant;
- (B) Bed and breakfast establishment;
- (C) Souvenir or gift shop;
- (D) Taverns or brew pubs;
- (E) Commercial amusement or recreation facilities or enterprises, but excluding uses such as automobile speedway, racetrack or similar large scale intensive activities which possess characteristics which may be a hazard for adjoining or nearby property, such as excessive noise or lighting;
- (F) Marina;
- (G) Partitioning or the subdividing of property, consistent with the provisions in Chapter 23;
- (H) Accessory structures and uses customarily provided for retail activities.

Section 18.030. CONDITIONAL USES. When authorized under the procedures in Chapter 6 and the provisions of this Chapter are met, the following uses shall be permitted in the CR zone:

- (A) Motel, hotel or resort;
- (B) Vacation or travel trailer park;
- (C) Recreational vehicle rentals and storage;
- (D) Recreational vehicle repair and servicing facility;
- (E) Kennel;

(F) Other governmental structure or sue of land, or public utility facility. All equipment and materiel storage shall be within an enclosed building. No workshop areas shall be permitted; and,

Section 18.040. DIMENSIONAL STANDARDS

(A) YARDS. Yard areas that are established shall be measured from property lines and shall not encroach upon public right-of-ways. The following yard dimensions shall be maintained:

1. Front Yards, Yards Adjacent to Streets. No front yard is required.
2. Side Yards. No side yard is required, but if one is provided, it shall not be less than 3 feet in depth, exclusive of any alley.
3. Rear Yards. No side yard is required, but if one is provided, it shall not be less than ' 3 feet in depth, exclusive of any alley.

(B) SPECIAL SETBACKS. The following special building setbacks shall be maintained.

1. Buildings or structures shall setback an additional one foot from every street and lot line for each foot of height the building exceeds 35 feet.
2. Lots or parcels within the CR zone located adjacent to residential zoned property shall maintain a yard of at least 10 feet in depth.
3. The distance between buildings on the same lot or parcel shall be 10 feet.

(C) HEIGHT. In the CR zone, no building or structure shall exceed 70 feet. Chimneys and antennas may exceed this height provided they do not exceed the height of the principal structure by more than 5 feet.

(D) LOT AREA AND WIDTH. There is no minimum lot area, width or lot coverage requirement in the CR zone.

Section 18.050 DEVELOPMENT STANDARDS

(A) Building Design. The following building design standards, with the exception of modifications permitted in Chapter 8, shall be required for all development in the Commercial District.

1. Orientation. Primary Structures shall be oriented toward Highway 18 or Main Street. A public entrance shall be provided from Highway 18 or Main Street.
2. Siding Materials. Exterior siding materials visible from the street right-of-way shall be wood or masonry, or such other material indistinguishable in appearance from wood or masonry. Such wood type siding as horizontal lap, shingle, and board and batten are acceptable. Acceptable wood substitutes include vinyl, metal, and pressed wood product horizontal lap. Such masonry type siding as brick and stone are acceptable; stucco material is prohibited. Acceptable masonry substitutes include masonry veneer and concrete or other similar material formed to simulate rock or brick.

3. Doors. Combination falls and wood panel doors are typical and are available in certain standard types, in single and divided glass lights. To approach the variety of period door styles will require modification of standard door types, particularly in arrangement of glass lights or necessitate special manufacture.
4. Colors. Rough sawn or milled boards and batten, particularly cedar and redwood, may be retained in a natural finish which ultimately weathers to silver gray in color. Flat or low gloss products currently on the market would be utilized. Large area surfaces colors are to be primarily flat earthy ochre's, yellows, browns, and reds. Shades of blue and gray are also acceptable.
5. Trash Enclosures. Trash enclosures shall be carefully located and treated to integrate with the appearance of the site/building design. The roof pitch and materials shall be consistent with the appearance of the site/building design and the style of adjacent buildings. The placement of trash enclosures shall be combined with neighboring properties wherever feasible.
6. Exterior Lighting. Lighting shall be low intensity, shaded, and consistent with the building style.
7. Building Entrances. For buildings built to the street property line, entrances to the building shall be recessed from the sidewalk to provide for an entryway not in conflict with the pedestrian circulation on the sidewalk.
8. Roof, mechanical equipment, and satellite dishes. Such equipment shall be screened in a method consistent and integral with the overall architectural appearance of the structure.
9. Architectural details. Attention to detail is of significant importance. Lighting fixtures, gates, exterior window treatments, use of materials and color must be considered relative to the building design.
10. Awnings, canopies, porches. Awnings, porches, canopies or other additions to a structure are encouraged and shall be compatible with building design. Such additions to corner buildings shall be continuous around the corner.
11. Roof. Roof pitch for structures in excess of 200 square feet in area shall contain a 4/12 pitch or greater.
12. Windows. At least 40% of the surface area of the side of a building facing Highway 18 or Main Street shall contain windows. i (B) Off Street Parking. Off Street parking shall be as specified in Chapter 14.

(C) Landscaping/Pedestrian Amenities. If a building is setback from the front property line, pedestrian and landscaping amenities shall be provided within the setback area. Pedestrian amenities shall include the placement of benches adjacent to public right-of-way. Landscaping shall be provided in accordance with the standards set forth in Chapter 14.

(D) Signage. Signs shall be erected in conformance with the standards of Chapter 15.

CHAPTER 19 - LI ZONE (LIGHT INDUSTRIAL)

Section 19.010	PURPOSE
Section 19.020	PERMITTED USES
Section 19.030	CONDITIONAL USES
Section 19.040	DIMENSIONAL STANDARDS
Section 19.050	DEVELOPMENT STANDARDS

Section 19.010. PURPOSE. To provide for a mixture of light industrial activities and heavier commercial activities, and their accessory uses..

Section 19.020. PERMITTED USES. Within LI zone, no building, structure or premise shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for the following uses and activities:

- (A) Automobile, truck, motorcycle sales;
- (B) Tire sales/repair;
- (C) Car or truck washing facility;
- (D) Short-term mini-storage units;
- (E) Large farm or logging equipment sales;
- (F) Welding shop.

Section 19.030. CONDITIONAL USES. When authorized under the procedures in Chapter 6, the following uses shall be permitted in the IL zone:

- (A) Automobile, truck, motorcycle repair and/or servicing;
- (B) Paint and body shop;
- (C) Tire re-capping and recycle;
- (D) Veterinarian services for large animals.

Section 19.040. DIMENSIONAL STANDARDS

(A) Yards.

1. Front Yards, Yards Adjacent to Streets. Minimum setback shall be 5 feet.
2. Side Yards. No side yard is required, but if one is provided, it shall not be less than 3 feet in depth, exclusive of any alley.
3. Rear Yards. No rear yard is required, but if one is provided, it shall not be less than 3 feet in depth, exclusive of any alley.
4. Adjacent to Residential Districts. Lots or parcels within the LI zone located adjacent to residential zoned property shall maintain a yard of at least 5 feet in depth.

(B) LOT AREA AND WIDTH. There is no minimum lot area, width or lot coverage requirement in the LI zone.

(C) HEIGHT. In the LI zone, no building or structure shall exceed 50 feet except public or semi-public buildings may, when permitted, be built to a height of 70 feet.

Section 19.050 DEVELOPMENT STANDARDS

(A) Off Street Parking. Off Street parking shall be as specified in Chapter 14,

(B) Landscaping/Pedestrian Amenities. If a building is setback from the front property line, pedestrian and landscaping amenities shall be provided within the setback area. Pedestrian amenities shall include the placement of benches adjacent to public right-of-way. Landscaping shall be provided in accordance with the standards set forth in Chapter 14.

(C) Signage. All signs erected in the LI zone shall comply with the provisions of Chapter 15.

CHAPTER 20 - 1 ZONE (INDUSTRIAL)

Section 20.010	PURPOSE
Section 20.020	PERMITTED USES
Section 20.030	CONDITIONAL USES
Section 20.040	DIMENSIONAL STANDARDS

Section 20.010. PURPOSE. To provide for a mixture of heavier industrial activities and their accessory uses.

Section 20.020. PERMITTED USES. Within the I zone, no building, structure or premise shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for [the following uses and activities:

(A) Dwelling for a caretaker or watchman.

(B) Commercial activities:

1. Lumber yard, building material supply,
2. Special trade contractor facilities for plumbing, roofing, sheet metal, electrical, heating and air-conditioning, tents and awnings, cabinet and carpentry, and similar construction and construction related activities. Permitted activities include the establishment of an office, storage of equipment and materials, and fabrication and repair.
3. Automotive repair and maintenance, including electric motor repair, paint and body shop, tire recapping and similar automotive repair facilities.
4. Freight terminals, including loading docks, storage, warehousing and wholesale distribution, cold storage lockers and similar personal storage facilities such as mini- storage warehouses.

(C) Industrial uses:

1. Petroleum products, storage and distribution, including wood fuel dealers.
2. Battery manufacture, sales and service.
3. Beverage bottling facility, including warehousing and distribution.
4. Feed and seed facilities, including grain elevators and storage.
5. Textile and leather products manufacture.
6. Dairy products manufacturing, such as butter, milk cheese, and ice cream.
7. Manufacture of wood products, including sawmills, paper and allied products, and secondary wood products.
8. Machine shop, and sales, service and repair of machinery.
9. Wrecking, demolition, junk yards, including recycling firms.

10. Manufacture of metal products including metal plating.
11. Cement, glass, clay and stone products manufacturing.
12. Food processing, including canning, freezing, drying and similar food processing and preserving.

(D) Uses clearly accessory and subordinate to the above.

Section 20.030. CONDITIONAL USES. When authorized under the procedures in Chapter 6, the following uses shall be permitted in the I zone:

- (A) Chemical, fertilizer, insecticide, and paint product manufacturing.
- (B) Auction yard.
- (C) Airport, and heliport facilities.

Section 20.040, DIMENSIONAL STANDARDS

(A) Height. In the I zone, no building or structure shall exceed 35 feet except public or semi-public buildings may, when permitted, be built to a height of 70 feet.

(B) Yards. Yard areas that are established shall be measured from property lines and shall not encroach upon public right-of-ways. The following yard dimensions shall be maintained:

1. Front Yards, Yards Adjacent to Streets. No front yard is required.
2. Side Yards. No side yard is required, but if one is provided, it shall not be less than 3 feet in depth, exclusive of any alley.
3. Rear Yards. No side yard is required, but if one is provided, it shall not be less than 3 feet in depth, exclusive of any alley.

(C) Special Setbacks. The following special building setbacks shall be maintained.

1. Buildings or structures shall setback an additional one foot from every street and lot line for each foot of height the building exceeds 35 feet.
2. Buildings or activities within the I zone located adjacent to residential zoned property shall maintain a yard of at least 30 feet in depth where no natural buffer, such as landscaping, exists. Buildings or activities within the I zone located adjacent to residential zoned property shall maintain a yard of at least 10 feet where a natural or man-made buffer, such as landscaping, exists.
3. The distance between buildings on the same lot or parcel shall be 10 feet.

(D) Lot Area and Width. There is no minimum lot area, width or lot coverage requirement in the I zone.

CHAPTER 21 - P ZONE (PUBLIC)

Section 21.010	PURPOSE
Section 21.020	PERMITTED USES
Section 21.030	CONDITIONAL USES
Section 21.040	DIMENSIONAL STANDARDS

Section 21.010. PURPOSE. To provide for the location of public and semi-public lands, buildings, facilities and uses in a manner that will not unreasonably disrupt or alter areas of the community.

Section 21.020, PERMITTED USES. Within the P zone, no building, structure or premise shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for the following uses. and activities:

- (A) Publicly owned buildings and facilities such. as city halls, community centers, libraries, schools, fire stations and police stations.
- (B) Public outdoor recreation facilities such as parks, swimming pools, golf courses and playgrounds.
- (C) Public utility structures and buildings, such as pump stations, communication or transmission towers, reservoirs, electric substations, water and sewage treatment facilities and necessary right-of-way for identified public utilities; including office or administrative buildings.
- (D) Lands designated for public open space such as nature preserves, scenic areas or beaches.
- (E) Uses clearly accessory and subordinate to the above.

Section 21.030. CONDITIONAL USES. When authorized under the procedures in Chapter 6, the following uses shall be permitted in the P zone:

- (A) Commercial recreational services with typical uses such as marinas, boating clubs, recreational vehicle or boat rentals, amusement parks, and race tracks.
- (B) Fraternal and civic organizational facilities.
- (C) Hospitals and overnight clinics.
- (D) Private schools and branch educational facilities.
- (E) Solid waste disposal, recycling, sites and facilities.
- (F) Semi-public facilities such as churches, synagogues, temples, lodges, cemeteries, mortuaries, and private golf courses.
- (G) Commercial airport.
- (H) Communication and transmission towers and antennas exceeding 75 feet in height.

Section 21.040. DIMENSIONAL STANDARDS

(A) YARDS. Yard areas that are established shall be measured from property lines and shall not encroach upon public right-of-ways. The following yard dimensions shall be maintained:

1. Front Yards, Yards Adjacent to Streets. No front yard is required.
2. Side Yards. No side yard is required, but if one is provided, it shall not be less than 3 feet in depth, exclusive of any alley.
3. Rear Yards. No side yard is required, but if one is provided, it shall not be less than 3 feet in depth, exclusive of any alley.

(B) SPECIAL SETBACKS. The following special building setbacks shall be maintained.

1. Buildings or structures shall setback an additional one foot from every street and lot line for each foot of height the building exceeds 35 feet.
2. Lots or parcels within the P zone located adjacent to residential zoned property shall maintain a yard of at least 10 feet in depth.
3. The distance between buildings on the same lot or parcel shall be 10 feet.

(C) HEIGHT. In the P zone, no building or structure shall exceed 70 feet. Chimneys and antennas may exceed this height provided they do not exceed the height of the principal structure by more than 5 feet.

(D) LOT AREA AND WIDTH. There is no minimum lot area, width or lot coverage requirement in the P zone.

CHAPTER 22 - FLOOD DAMAGE PREVENTION

Any development within areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Idanha" dated September 1, 1978, with accompanying Flood Insurance Maps shall comply with the rules and regulations contained within City of Idanha Ordinance #29-1.

This Ordinance is hereby adopted by reference and declared to be a part of this Zone Code.

CHAPTER 22 - RESTRICTED DEVELOPMENT OVERLAY ZONE (R-D)

Section 22.010	PURPOSE
Section 22.020	AREA OF APPLICATION
Section 22.030	STANDARDS FOR SOIL HAZARD AND STEEP SLOPE AREAS
Section 22.040	STANDARDS FOR AREAS OF SPECIAL FLOOD HAZARD
Section 22.050	STANDARDS FOR STREAM CORRIDOR AREAS

22.010. PURPOSE. It is the purpose of the R-D overlay zone to promote the public health, safety and general welfare, and to minimize public and private losses due to natural hazards resulting from geologic and/or flood conditions. Additionally, the R-D overlay zone is intended to preserve the wildlife habitat, open space, and scenic resources associated with the stream corridors of the North Santiam River, its tributaries named and un-named.

22.020. AREA OF APPLICATION. The Restricted Development (R-D) overlay zone is applied to those areas within the city limits of Idanha which are:

(A) Areas identified on the Building Limitations Map in the Comprehensive Plan as having:

1. Soils identified by the Soil Conservation Service as having "Severe" limitations for sites for residences due to: steep slopes, landslide hazard; poor drainage; erosion hazard; low stability; high water table; and/or high shrink-swell potential.
2. Slopes in excess of 20 percent grade.

(B) "Areas of Special Flood Hazards", as defined herein.

(C) Areas within 50 feet of the high water line of the North Santiam River.

Section 22.030. STANDARDS FOR SOIL HAZARD AND STEEP SLOPE AREAS.

(A) No development shall occur within those areas identified in Subsection 9.020, except in accordance with the provisions of this subsection.

(B) Site Design Review, pursuant to the provisions of Article 3, Section 9.050, shall be required for all development proposals within soil hazard and/or steep slope areas. In the event of subdivision or Planned Unit Development proposals which affect soil hazard and/or areas of steep slope, Site Design Review for compliance with this subsection shall be combined with the review process for the subdivision or Planned Unit Development. No separate Site Design Review application or base fee shall be required for such combined reviews.

(C) In addition to the submittal requirements of Site Design Review, the applicant shall submit a report prepared by a registered professional soils engineer or engineering geologist. This report shall describe:

1. The nature, distribution and strength of soils within the subject area;
2. Findings regarding the adequacy of the soils to support the intended types of structures or uses; and

3. Recommendations, if necessary, of construction measures required to adequately mitigate the potential soil or slope hazard.

(D) If the Planning Commission determines that the geology report adequately addresses concerns for public safety from the applicable slope or soil hazard, and that other applicable provisions of this Ordinance are satisfied, the application shall be approved. The Planning Commission may attach such conditions to the approval as are necessary to assure the public safety with respect to the hazard.

Section 22.040. STANDARDS FOR AREAS OF SPECIAL FLOOD HAZARD.

(A) Findings of Fact, Specific Purpose, and Objectives

1. Findings of Fact

- a. The flood hazard areas of Idanha 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.
- b. 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 floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

2. Specific Statement of Purpose

It is the specific purpose of this subsection of this Ordinance 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:

- a. To protect human life and health;
- b. To minimize expenditure of public money and costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To 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 specific flood hazard;
- f. To help maintain a stable tax base by providing for the sound use and development of areas of flood hazard so as to minimize future flood blight areas;
- g. To ensure that potential buyers are notified that property is in an area of special flood hazard;

- h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and,
 - i. To implement the policies of the Comprehensive Plan regarding development in hazard areas.
3. Methods of Reducing Flood Losses

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

- a. 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;
- b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel waters;
- d. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

(B) Definitions

Unless specifically defined below, words or phrases used in this subsection shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application. Where conflicts exist between definitions listed below and the General Definitions provided in Chapter 2 of this Ordinance, the definitions of this subsection shall be used in lieu of the General Definition with respect to the provisions of this subsection.

- **AREA OF SHALLOW FLOODING:** A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three 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.
- **AREA OF SPECIAL FLOOD HAZARD:** The land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. Designation on flood rate insurance maps always includes the letters A or V.
- **BASE FLOOD:** The flood having a 1 percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood”. Designation on flood insurance rate maps always includes the letters A or V.

- **DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of Special Flood Hazard.
- **EXCEPTION:** A grant of relief from the requirements of this subsection which permits construction in a manner that would otherwise be prohibited by the provisions of this subsection.
- **FLOOD or FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters; and/or
 2. The unusual and rapid accumulation of runoff of surface waters from any source.
- **FLOOD INSURANCE RATE MAP (FIRM):** The official map on which the Federal Insurance Administration has delineated both the areas of Special Flood Hazard and the risk premium zones applicable to the community.
- **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.
- **FLOODWAY:** The channel of a river or other water course 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 foot.
- **LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this subsection found at 9.040(F)(1b).
- **MANUFACTURED HOME:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes 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.
- **MANUFACTURED HOME PARK:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. NEW
- **CONSTRUCTION:** Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

- **START OF CONSTRUCTION:** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation 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 part of the main structure.
- **STRUCTURE:** A walled and roofed building including a gas or liquid storage tank that is principally above ground.
- **SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
 1. Before the improvement or repair is started; or
 2. If the structure has been damaged and is being restored, before the damage occurred. For 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:

1. Any project for improvement of a structure to comply with existing state of local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(C) General Provisions:

1. Basis for Establishing the Areas of Special Flood Hazard:

The areas of Special Flood Hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “Flood Insurance Study, City of Idanha, Oregon” dated March 1, 1979, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at Idanha City Hall, Idanha, Oregon.

2. Penalties for Noncompliance: No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this subsection and other applicable regulations. Violation of the provisions of this subsection by failure to comply with any of its requirements (including violation of conditions and safeguards established in connection with conditions) shall be subject to the fines and penalties set forth in Section 1.080 of this ordinance.

3. Abrogation and Greater Restrictions:

This subsection is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where conflicts exist between a provision of this subsection and another section of this Ordinance, another ordinance, easement, covenant or deed restriction, whichever imposes the most stringent restrictions shall prevail.

4. Interpretation:

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

- a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
5. Warning and Disclaimer of Liability:

The degree of flood protection required by this subsection is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This subsection does not imply that land outside the areas of Special Flood Hazard, or uses permitted within such areas, will be free from flooding or flood damages. This subsection shall not create liability on the party of the City of Idanha, any officer or employee thereof, nor the Federal Insurance Administration for any flood damages that result from reliance on this subsection or any administrative decision lawfully made hereunder.

(D) Administration:

1. Flood Plain Development Permit Required:

Flood Plain Development Permit shall be obtained before construction or development begins within any area of Special Flood Hazard established in subsection 9.040[C](1). The permit shall be for all structures, including manufactured homes, as set forth in the "Definitions", and for all development including fill and other activities, also set forth in the "Definitions".

2. Application for Flood Plain Development Permit:

Application for a Flood Plain Development Permit shall be made and reviewed in accordance with the procedures set forth in Article 3, Section 9.060 of this Ordinance.

Application for a Development Permit shall be made on forms furnished by the City Office and shall include the following minimum information:

- a. Scaled plans showing the nature, location, dimensions and elevations of ; the area in question;
- b. Location of existing structures, fill, storage areas, and drainage facilities;
- c. Elevation, in relation to mean sea level, of the lowest floor (including po: basement) of all structures;
- d. Elevation, in relation to mean sea level, to which any structure has been floodproofed;
- e. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 9.040(F)(2); and
- f. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

3. Permit Review:

Review of Flood Plain Development Permit applications by the Planning Commission shall include the following:

- a. Review to ensure that the permit requirements of this subsection have been satisfied;
- b. Review to determine that all necessary permits have been obtained from those federal, State of local governmental agencies from which prior approval is required; and
- c. Review to determine if the proposed development is located in the floodway. If located in the floodway, review shall assure that the encroachment provisions of subsection 9.040(G)(1) are met.

4. Use of Other Base Flood Data:

When base flood elevation data has not been provided in accordance with subsection 9.040[C](1), Basis for Establishing the Areas of Special Flood Hazard, the Planning Commission shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, State or other source, in order to administer subsection 9.040(F), Specific Standards, and 9.040(G), Floodways.

5. Information to be Obtained and Maintained:

The Planning Commission shall obtain from the applicant and maintain the following information:

- a. Where base flood elevation data is provided through the Flood Insurance Study or required in subsection 9.040(D)(4), obtain and record the actual elevation (in relation to mean sea level) of the lowest flood (including i basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b. For all new or substantially improved floodproofed structures: (i) verify and record the actual elevation (in relation to mean sea level); and (ii) maintain the floodproofing certifications required in subsection 9.040(D)(2e).

6. Alteration of Watercourses:

When an application for a Flood Plain Development Permit includes the alteration of a watercourse, the Planning Commission shall:

- a. Notify adjacent communities and the Oregon State Water Resources Department prior to any alteration or relocation of a water course, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

7. Interpretation of FIRM Boundaries:

The Planning Commission shall make interpretations, where needed, as to exact location of the boundaries of the areas of the 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 the appeal procedures set forth in Article 3, Section 7 of this Ordinance.

8. Exception Procedure:

- a. The Planning Commission shall hear and decide requests for exceptions to the requirements of this subsection. Requests for such exceptions shall be included in the application information submitted with the request for the Flood Plain Development Permit.
- b. 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:
 - i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. the 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,
 - xi. the 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 -- streets and bridges.
- c. Upon consideration of the factors of subsection 9.040(D)(8b) and the purposes of this subsection, the Planning Commission may attach such conditions to the granting of exceptions as it deems necessary to further the purposes of this subsection.

9. Conditions for Exceptions:

- a. Generally, the only condition under which an exception from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i-xi in subsection 9.040(D)(8) have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.
- b. Exceptions 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 this subsection.
- c. Exceptions shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- d. Exceptions shall only be issued upon a determination that the exception is the minimum necessary, considering the flood hazard, to afford relief.

- e. Exceptions shall only be issued upon:
 - i. a showing of good and sufficient cause;
 - ii. a determination that failure to grant the exception would result in exceptional hardship to the applicant; and
 - iii. a determination that the granting of an exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- f. Exceptions, as interpreted in the National Flood Insurance Program, are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, exceptions from the flood elevations should be quite rare.
- g. Exceptions may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other exception criteria exception , for. subsection 9.040(D)(9a), and otherwise complies with subsections 9.040(E)(1) and 9.040(E)(2) of the General Standards.
- h. Any applicant to whom an exception 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.
- i. The Planning Commission shall maintain the records of all exception actions and shall report any such exceptions to the Federal Insurance Administration upon request.

10. Appeals of Planning Commission Actions:

Planning Commission actions on Flood Plain Development Permits, and/or exceptions pursuant to 9.040(D)(8) and (9) above, may be appealed to the City Council in accordance with the appeal procedures set forth in Article 3, Section 7 of this Ordinance.

(E) General Provisions for Flood Hazard Reduction:

In all areas of special flood hazards, the following standards are required:

- 1. Anchoring:
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

- b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
2. Construction Materials and Methods:
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. Utilities:
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
 - b. 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.
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. Subdivision Proposals:
 - a. All subdivision proposals shall be consistent with the need to minimize flood damage.
 - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).
5. Review of Building Permits:

Where elevation data is not available, either through the Flood Insurance Study or from another authoritative source (subsection 9.0404(D)(4)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes the use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(F) Specific Standards for Flood Hazard Reduction:

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in subsection 9.040[C](1), Basis for Establishing the Areas of Special Flood Hazard, or subsection 9.040(D)(4), Use of Other Base Flood Data, the following provisions are required:

1. Residential Construction:

- a. New construction and substantial improvement of any residential structure shall have the lowest flood, including basement, elevated to or above base flood elevation.
- b. 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:
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Nonresidential construction:

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

- a. Be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; G 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 Planning Commission at the time of application.

- c. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection 9.040(D)(1b). e Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

3. Manufactured Homes:

4. All manufactured homes to be placed or substantially improved within Zones AI- 30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 9.040(E)(1b).

(G) Floodways. Located within areas of special flood hazard are areas designated as ‘floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential; the following provisions shall apply:

1. Encroachments, including fill, new construction, substantial improvements and other development, shall be prohibited unless certification by a registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If subsection 9.040(G)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions ° of subsections 9.040(B), and (F).

Section 22.050 STANDARDS FOR STREAM CORRIDOR AREAS.

(A) Applicability: The provisions of this subsection shall apply to areas within 50 feet of the high water line of the North Santiam River.

(B) No development shall occur within stream corridor areas. Development of properties adjoining stream corridors shall preserve the stream corridor area through one of the following means:

1. Dedication to the City for park purposes, if acceptable to the Planning Commission and City Council.
2. Creation of a tract of land to be owned in common by the owners of lots within the development. A non-profit home owners association shall be created, in a manner acceptable to the City Attorney, for the ownership and maintenance of such tracts. The tract shall be preserved in perpetuity as open space through the use of conservation easements, deed restrictions, or by appropriate notation on the face of a subdivision plat.

3. Creation of a conservation easement within the stream corridor area serving to prohibit development and the removal of riparian vegetation.

(C) Removal of riparian vegetation within a stream corridor area shall be prohibited.

CHAPTER 23 - LAND DIVISIONS

Section 23.010	PURPOSE
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Section 23.030	CLASSIFICATION OF LAND DIVISIONS
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Section 23.080	FINAL SUBDIVISION AND PARTITION PLAT SUBMITTAL REQUIREMENTS
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Section 23.120	EXPEDITED LAND DIVISIONS
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Section 23.150	PROCESS
Section 23.160	MODIFICATION OF AN APPROVED PUD

Section 23.010. **PURPOSE.** The purpose of this Chapter is to provide requirements and development standards for land divisions within the City.

Section 23.020. **CONFORMITY WITH ZONING.** Except as otherwise authorized herein, all land divisions shall comply with the specifications of the applicable zoning district and other land use regulations of the City. Deviations from those requirements shall require a variance.

Section 23.030. **CLASSIFICATION OF LAND DIVISIONS.** This Chapter authorizes four categories of land divisions and establishes procedures for City review and approval.

(A) Lot Line Adjustment. This action adjusts the boundary between two or more parcels and -- does not create a new parcel or lot. While not a land division in the strictest sense, it does alter existing parcel boundaries and land use pattern, and may, under special circumstances, require review and approval by the City.

(B) Partition. This action creates up to three (3) new parcels within a calendar year and is ; subject to the provisions in ORS Chapter 92. Partitions generally maintain the traditional development pattern whereby major flexibility in design, densities, and land uses are not encouraged or provided for.

(C) Subdivision. This action creates four (4) or more new parcels within a calendar year and is subject to the provisions in ORS Chapter 92. Traditional development patterns are usually maintained and major flexibility in design, densities, and land uses are not encouraged or provided for. Subdivisions usually require the extension of public facilities and services.

(D) Planned Unit Development. This category is similar to a subdivision but provides for major flexibility in design, densities, and land uses while assuring overall compatibility with the principles and legal requirements of land division law. The authorization serves to encourage the developing, as one project, tracts of land that are sufficiently large to allow for a site design for a group of structures and that include common open space and ownerships.

Section 23.040. LOT LINE ADJUSTMENTS. Lot line adjustments shall conform to the following:

(A) In any zone, the adjustment of a lot line by mutual consent of property owners shall be permitted, provided the adjustment in no way increases the degree of non-conformity of any parcel.

(B) A lot line adjustment that is part of a previously approved land division shall require review by the City in accordance with the provisions contained in this Chapter.

Section 23.050. APPLICATION REQUIREMENTS FOR CONVENTIONAL

(A) Application for Approval of Preliminary Plans. The following requirements shall apply:

1. For any proposed subdivision or partition the applicant shall file one reproducible master and two copies of the preliminary plan and require supplemental information following the general application procedures in Chapter 3 of this Ordinance.
2. Copies of the proposed preliminary plan shall be forwarded to the City Engineer, Public Works Director and all affected local, state and federal agencies as determined by the City Recorder prior to the Planning Commission hearing.
3. Preliminary partition plans shall include the information required in section (B), below. Subdivisions shall include the information required in sections (B) and (C), below.

(B) Preliminary Partition Plan and Subdivision Plan Information Requirements. The following information shall be required for all preliminary partition or subdivision plans:

1. Appropriate identification stating the drawing is a preliminary plan.
2. North point, scale and date.
3. Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan.
4. Map number and tax lot or tax account number of subject property.
5. The boundary lines and approximate area of the subject property.

6. The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines.
7. Proposed parcels, dimensions, sizes and boundaries.

(C) Additional Information Requirements for Subdivision Plans. In addition to item (B), above, preliminary subdivision plans shall include the following information:

1. A vicinity map clearly identifying the location of the property with regard to surrounding developments and physical improvements.
2. Name of the proposed subdivision. The proposed name cannot conflict with existing subdivision names within the applicable County, except generic terms such as "town", "place", "court", "addition", are permitted. All plats must continue the block numbers of the plat of the same name last filed.
3. Approximate location, area, and dimensions of land to be dedicated for public use, or, to be reserved as common use for property owners of the land to be divided.
4. Proposed street pattern or layout showing the name, widths, grade, and curve radii of all proposed streets and alleys, including their connection to existing streets.
5. The location and dimensions of all lots and blocks.
6. Easements, together with their dimensions, purpose and use restrictions.
7. Predominate natural and topographical features including areas of flooding or other natural hazards.
8. Topographical information within the proposed subdivision. Contour intervals shall be no greater than two (2) feet for slopes less than 10%, and no greater than five (5) for slopes greater than 10%.
9. The location of existing public facilities such as public sewer, storm drainage, or water adjacent to, or within, the subject property.
10. Surface drainage plan.
11. Information regarding the proposed method of sewage and waste water disposal, including storm drainage.
12. Adequacy and source of water supply, including facility plans.
13. A statement regarding timing or phasing of proposed facility improvements.
14. Copies of any proposed deed restrictions or covenants.
15. Overall development plan of the property if subsequent partitioning is possible, or, a proposed phasing plan if partial recording of a final plat is proposed.

16. Such additional information as the Planning Commission deems necessary. All additional requested information shall be furnished by the applicant.

Section 23.060. APPROVAL REQUIREMENTS FOR CONVENTIONAL SUBDIVISIONS AND PARTITIONS. The Planning Commission shall review and act upon preliminary subdivision and partitioning approval in a manner consistent with the procedures and requirements in Chapter 3 of this Code, except as specifically noted below.

(A) "Preliminary Plan" shall be construed as an application and processed as such. Public hearings shall be held and conducted in a manner consistent with Chapter 3.

(B) The Planning Commission's action shall be noted on two copies of the preliminary plan, including any reference to conditions of approval. One copy shall remain in the City application file, the second shall be presented to the applicant.

Section 23.070. APPROVAL CRITERIA FOR CONVENTIONAL SUBDIVISIONS AND PARTITIONS. Approval of the preliminary partition or subdivision plan shall require compliance with the following criteria and standards:

(A) It is generally compatible with the surrounding area and the proposed parcels, lots, or roads are compatible with the existing pattern of development in the area.

(B) Adequate services are available to serve the site or can be made available prior to the time of development.

(C) The proposal is consistent with the design standards in Section 23.110.

(D) The proposal is consistent with the City Comprehensive Plan and the applicable zoning district standards, and other special purpose standards of this Code.

(E) Conditions identified in Section 5.060 (B) of this Code may be placed on any approved subdivision or partitioning request.

Section 23.080. FINAL SUBDIVISION AND PARTITION PLAT SUBMITTAL REQUIREMENTS. The final subdivision and partition plat shall comply with the following requirements:

(A) The final plat shall substantially conform to the approved preliminary plan.

(B) The final plat shall be submitted to the City within one (1) year of the date of final approval.

(C) The final plat shall be prepared by a Registered Land Surveyor.

(D) The final plat shall conform to the State survey requirements in ORS Chapter 92 and the survey mapping standards set by the applicable County.

(E) The final plat shall be accompanied by all documentation relating to conditions of approval by the City.

Section 23.090. APPROVAL PROCEDURES AND CRITERIA FOR FINAL PARTITION PLATS AND SUBDIVISION PLATS. The approval of final subdivision and partitioning plats shall conform to the following:

(A) Procedure. Approval of final partitioning plats shall be by administrative action. Approval and acceptance of final subdivision plats shall be by City Council action.

(B) Approval Criteria. Final approval of a partition or subdivision plat may take place if the following criteria are found to be satisfied:

1. The final plat and any supporting documents are in substantial conformity with the approved preliminary plan: and,
2. Any conditions of approval imposed by the decision authority are satisfied.

(C) Council Action on Subdivision Plats. Final subdivision plats shall be placed before the City Council pursuant to the applicable procedures in Chapter 3. The Council shall review the subdivision plat and, if satisfied the above criteria are fulfilled, may authorize the Mayor to sign the plat.

(D) Approval. Final subdivision and partition plats shall be considered finally approved when the Mayor's signature and signature date thereof are written on the face of the plats and the plats are recorded.

Section 23.100. PARTIAL PLATTING. If desired by the applicant, the final plat may contain only a portion of the approved preliminary plan, and if such portion is filed and recorded within one year of the date of approval, the approval of the preliminary plan shall remain effective for a period of five (5) years, unless extended by the Planning Commission. If any portion of an approved preliminary plan is not covered by a recorded final plat within the five year period, the preliminary approval for the unplatted area shall be deemed null and void.

Section 23.110. DESIGN STANDARDS FOR PARTITIONS AND SUBDIVISIONS. Partitions and subdivisions shall be subject to the following design criteria and objectives. This section recognizes that not all design criteria are applicable to any one partitioning request.

(A) Streets and Highways

1. Proposed streets or roads shall align with existing streets in the vicinity of the subject property by either extending the existing centerline or by connection with suitable curves.
2. Streets or roads should intersect at or near right-angles as practicable.
3. These regulations can be modified where the decision authority determines the topography, the number of lots or other unusual conditions justify such modification.

(B) Right-of-way Dedication

1. If the parcel of land to be divided includes any portion of a right-of-way, street, road, or highway, the subdivider shall dedicate such right-of-way for the purpose of the use proposed.

(C) Dead-end Streets and Cul-de-sacs. A street may be dedicated to the boundary of a division when it appears necessary to continue a street into an adjacent subdivision or acreage. Unless otherwise approved by the Planning Commission, dead-end streets and cul-de-sacs shall have a turn-around with a minimum 45 foot radius to the property line.

(D) Radius at Street Intersections

1. The minimum angle of any intersection shall be 40 degrees.
2. The property line radius at street intersections where one or more of the streets creating the intersection has a designated right-of-way width of 23 feet or more shall be determined by the City Engineer.

(E) Street Grades. No street grade shall exceed 10% unless the Planning Commission finds that because of size, topography or other special conditions, a steeper grade is necessary.

(F) Street Widths

1. Where probable future conditions warrant, the Planning Commission shall have the authority to require greater dedication than otherwise provided by this Ordinance. Additional right-of-way may also be required to allow all cut-and-fill slopes to be within a right-of-way.
2. The street right-of-way in or along the boundary of a subdivision shall have the following minimum width, except that a boundary street may be half of such width where it is apparent that the other half will be dedicated from adjacent properties. Right-of-way Min. Surface, Width Width Major arterials 50 feet 23 feet Collector streets 50 feet 23 feet Local streets 40 feet 20 feet Cul-de-sac: 0 to 450 feet 32 feet 20 feet Turn-around (radius) 45 feet 38 feet

(G) Street Improvements. All street improvements, including road surfacing, sidewalks, underground utilities and surface drainage, shall comply with the engineering specifications and standards on file in the City office.

(H) Subdivision Blocks. Block lengths and widths shall be determined by the distance and alignment of existing blocks, topography, lot size and expected traffic flow. Generally, blocks shall not exceed 400 feet in length or 230 feet in width unless warranted by topography or other physical features.

(I) Lot Size and Lot Lines

1. The lot sizes shall comply with the minimum lot area, width and depth standards of the applicable zone.
2. In a cul-de-sac, the minimum lot line fronting the turn-around shall be 40 feet.
3. Side lot lines shall be as close to right angles to the front street as practicable.

(J) Utility Facilities. The proposed utility facility improvements shall be placed underground.

Section 23.120. EXPEDITED LAND DIVISIONS.

(A) Definition. An expedited land division:

1. Is an action of the City that:
 - a. Includes land that is zoned for residential uses and is within an urban growth boundary.
 - b. Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.
 - c. Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect open spaces, scenic historic areas, natural resources, and estuarine resources.
 - d. Satisfies minimum street or other right-of-way connectivity standards established by acknowledged land use regulations or, if such standards are not contained in the applicable regulations, as required by statewide planning or rules.
 - e. Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site.
2. Is a land division that:
 - a. Will create three or fewer parcels; and
 - b. Meets the criteria set forth in Section 23.110.

(B) Exclusion.

1. Property and process exclusions include properties specifically mapped and designated in the Comprehensive Plan or Development Ordinance for full or partial protection of natural features under the statewide planning goals that protect open space, scenic and historic areas and natural features and not eligible for the construction of dwelling units or accessory buildings.
2. and is not subject to the permit requirements of City enabling legislation. Decisions are not subject to the Comprehensive Plan and not eligible for appeal to the Land Use Board of Appeals (LUBA).

(C) Complete Application. The City shall review an application and make a decision on its completeness within 21 days of submittal. Upon determination of an incomplete application, the applicant has 180 days to submit the missing information.

(D) Public Notice. Upon submittal of a complete application, the City shall send written notice to affected governmental agencies and property owners within 100 feet of the site proposed for the land division. The notice shall include the following:

1. The deadline for submission of written comments.

2. The time and place where all copies of evidence submitted by the applicant will be available for review.
3. The name, address, and telephone number of the City's staff person available to comment on the application.
4. Summary of the local decision-making process for such a decision.
5. Applicable decision criteria.
6. Notification that participants must raise all issues during the written comment period.

(E) Initial Decision. The local government must allow at least 14 days for written comments and shall render a decision within 63 days of a complete application. No public hearing may be held during the initial decision-making phase.

(F) Notice of Final Decision. A notice of decision must be given to the applicant and other participants of the decision. The notice of decision shall state the appeal process.

(G) Time Extension.

1. Applicant: If a decision is not within 63 days, the applicant may seek review by writ of mandamus.
2. City: The City may extend the 63-day period up to 120 days based on the determination that an unexpected or extraordinary increase in application makes the 63-day period impracticable. Following a 7-day notice to the applicant, consideration of an extension is considered at a regularly scheduled City Council meeting. That determination is specifically declared not to be a land use decision or limited land use decision.

(H) Decision Criteria. Criteria for approving the partition shall be as follows:

1. The criteria established in Section 23.110.
2. Density. The application must be able to establish at least 80 percent of the allowable density of the applicable residential zone.
3. Street Standards. The application must comply with the most recent City of Idanha Transportation Plan or provide evidence of meeting the City's minimum street connectivity standards contained within this Ordinance.

(I) Appeal of Initial Decision. A decision may be appealed to a local hearings officer within 14 ~ days of filing the notice of decision by the applicant or any person or organization that filed comments on the initial decision.

(J) Appeal Fee. Filing an appeal requires a deposit of \$300.00 to cover costs, An appellant faces the possibility of an assessment of \$500.00 for the total costs of local proceedings if the appellant does not prevail. If an appellant materially improves its position, the deposit and appeal fee shall be refunded.

(K) Basis of an Appeal of the Initial Decision. The local appeal shall be based on the following:

1. The failure to meet local substantive and procedural requirements;
2. Unconstitutionality;
3. The decision was not within the expedited land division category; or
4. 4. A party's substantive rights have been substantially prejudiced by an error in procedure of the local government.

(L) Hearings Officer. The appeal of the initial expedited land use decision shall be heard by a City-designated hearings officer. The hearings officer may not be a City officer or City employee.

(K) Hearings Officer Notification. Within 7 days of the hearings officer's appointment, the City shall notify the appellant, the applicant (if not the appellant), and the persons or organizations entitled to notice and which provided written comments, of the hearing date before the hearings officer. If a person submitting comments did not appeal, the issues presented by that person are limited to those in their submitted comments.

(N) Appeal Hearing. The hearings officer conducts a hearing that:

1. Follows the Commission proceeding requirements;
2. Allows the local government's explanation of its decision; and
3. May consider evidence not previously considered.

(O) Hearings Officer Decision. In all cases not involving a procedural issue, the hearings officer shall seek to identify means by which the application can satisfy the applicable requirements. The hearings officer may not reduce the density of the application or remand the application to the City, but shall make a written decision on the appeal within 42 days of the filing of the appeal. Unless the local government determines that exigent circumstances exist, a hearings officer who fails to decide a case within the 42-day period shall receive no compensation for services as the hearings officer. If the decision was not an expedited land division, the hearings officer must remand the decision for proper procedural determination.

(P) Appeal of Hearings Officer Decision. Appeals of the Hearings Officer decision are to the Oregon Court of Appeals.

(Q) Basis of an Appeal of the Hearings Officer Decision. The grounds for review of a hearings officer's decision are limited to:

1. Whether the decision followed the process for an expedited land division and appellant raised that issue;
2. Unconstitutionality; and
3. Certain bias or interest on the part of the hearings officer or local government.

(R) Process for Final Plat Approval. Final plats for expedited land divisions shall be reviewed consistent with the requirements in Section 23.080

Section 23.130. PLANNED UNIT DEVELOPMENTS. The following shall apply to all planned unit development (PUD) requests.

(A) Application and Information Requirements for a Preliminary Planned Unit Development Plan. Applications for planned unit development shall comply with the subdivision application and information requirements in Section 23.050. The following additional information is also required:

1. Common open areas, spaces, and facilities and their intended use.
2. A plan identifying the location and purpose of proposed buildings or structures, including dwellings.
3. Location and layout of off-street parking areas.
4. Location and layout of proposed pedestrian thoroughfares and walks including widths and nature of their improvement.

(B) Review and Approval Procedures. The review and approval procedures shall comply with the subdivision review and approval procedures contained in Section 23.090.

(C) Preliminary Planned Unit Development Approval Criteria. Approval of the planned unit development shall comply with the subdivision approval criteria contained in Section

23.090, and, the following additional criteria:

1. The proposal is consistent with the planned unit development concept as expressed by this Chapter.
2. The proposal is consistent with the design standards in Section 19.1206). This requirement is in lieu of compliance with the design standards contained in Section 19.110.

(D) Approval Procedures and Criteria for Final Planned Unit Development. The planned unit development shall comply with the subdivision approval procedures contained in Section 19.090.

(E) Design Standards. The standards in Section 23.110 shall provide general guidance for the design of a planned unit development. As the purpose of a planned unit development is to permit major flexibility in design, dwelling densities and land uses, specific standards may be modified to accommodate this purpose.

(F) Allowable Accessory Uses in a Planned Unit Development. In addition to the accessory uses authorized by the zoning district, accessory uses approved as part of a planned unit development may include the following:

1. Golf course.
2. Private park, lake or waterway.
3. Recreation area, including recreation building, clubhouse, or social hall.

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

Section 23.140. DEVELOPMENT REQUIREMENTS. Planned Unit Developments shall comply with the applicable development standards of Section 23.110.

(A) Site Adaptation. To the maximum extent possible, the plan and design of the development shall assure that natural or unique features of the land and environment are preserved.

(B) Lot Arrangement. All lots within the development shall be designed and arranged to have direct access to, or frontage on, open space or recreation area.

(C) Density of Development. Permitted density of development in all PUDs shall be determined in accordance with the following procedures:

1. Determine total gross site area (G.S.A.).
2. Multiply the G.S.A. by .85 to determine the Net Site Area (N.S.A.).
3. Deduct from the N.S.A. any acres of 20 percent or greater slope which will be developed, proposed commercial areas, and other nonresidential uses to determine Net Developable Site Area (N.D.S.A.). Open space areas and hillside areas which will be in open space areas are not required to be deducted.
4. Determine maximum density of development in the residential zone by multiplying the N.D.S.A. by 6 units per acre.

(D) Amount of Open Space. The required amount of open space or outdoor recreational area shall be at least twenty (20) percent of the gross area. Such open space should include school access routes, bicycle trails, natural or landscaped buffer areas, covered bus stops and the like, whenever practical or appropriate.

(E) Structure Setback Provisions. Yard setbacks for lots on the perimeter of the project shall be the same as that required for the subject zoning district. Detached structures shall maintain a minimum side yard setback of three (3) feet or meet the Uniform Building Code requirement for fire walls. A minimum front yard setback of twenty (20) feet shall be required for any garage structure whose opening faces onto a public street. Otherwise the minimum setbacks of the underlying zone do not apply.

(F) Circulation.

1. Streets within a PUD shall comply with the applicable standards of Section 23.110.
2. Roads and pedestrian and bikeway paths shall be integrated systems designed to provide efficient and safe circulation to all users. Developments should be designed to minimize the length of roadway.
3. Pedestrian/bikeways shall be clearly signed and have adequate crossing facilities where warranted.

(G) Off-Street Parking. Off-street parking requirements shall be as specified in Chapter 14. Parking may be provided on each lot or in clustered parking areas. Additional off-street parking for guests and recreational vehicles may be required by the city if warranted by reduced lot sizes, type of street, and/or traffic volumes.

(H) Utilities. In addition to other requirements set forth herein, the following shall apply:

1. All sewer and water provisions shall be approved by the city before construction of such improvements.
2. All utility services shall be placed underground.
3. Provisions shall be made for fire prevention, including service water lines, non-freeze hydrants, and free emergency access for fire fighting equipment around buildings.
4. Provision shall be made for control of site storm water drainage, as required by Section 23.110.

(D) Homeowners Association. A nonprofit incorporated homeowners association, or an alternative acceptable to the City Attorney, shall be required for improving, operating, and maintaining common facilities, including open space, streets, drives, service and parking areas, and recreation areas. The following principles shall be observed in the formation of any homeowners association and shall be reviewed by the City Attorney.

1. A homeowners association shall be set up before approval of the final plat, or any portion thereof.

2. Membership shall be mandatory for each homeowner and any successive buyer.
3. The open space restrictions shall be in perpetuity.
4. The homeowners association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
5. Homeowners shall pay their prorated share of the cost or the assessment levied by the association shall become a lien on the property.
6. The association shall be able to adjust the assessment to meet changes needed.
7. No change in open space use or dissolution of homeowners association shall occur without a public hearing before the Planning Commission and approval by the City Council.

Section 23.150. PROCESS. Planned Unit Developments shall be processed in accordance with the submittal requirements and procedures established in Section 23.090. Approval shall only be granted if the requirements of this section and all other applicable requirements of this Ordinance are met.

Section 23.160. MODIFICATION OF AN APPROVED PUD. A new public hearing shall be required if any one of the following changes is proposed to an approved planned unit development site plan:

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

Chapter 24 REQUIREMENTS FOR RIPARIAN CORRIDORS

SECTION 24.010 Purpose and Intent The purpose of this ordinance is to protect and restore water bodies and their associated riparian areas, in order to protect and restore the multiple social and environmental functions and benefits these areas provide individual property owners, communities, and the watershed. The ordinance is based on the “safe harbor” approach as defined in Oregon Administrative Rules 660-23-0090(5) and (8). Specifically, this ordinance is intended to:

1. Protect habitat for fish and other aquatic life,
2. Protect habitat for wildlife,
3. Protect water quality for human uses and aquatic life,
4. Protect any associated wetlands,
5. Control erosion and limit sedimentation,
6. Promote recharge of shallow aquifers,
7. Provide a stream “right of way” to accommodate lateral migration of the channel and protect the stream and adjacent properties,
8. Reduce the effects of flooding,
9. Reserve space for storm water management facilities, other utilities, and linear parks, and
10. Minimize the economic impact to affected property owners.

The intent of the ordinance is to meet these goals by modifying the location, but not the intensity of development, where possible. The ordinance excludes new structures from buffer areas established around fish-bearing streams and any adjacent wetland in Idanha. The ordinance also prohibits vegetation removal or other alteration in these buffers and establishes a preference for native vegetation in the buffers. For cases where buffer establishment creates a hardship for individual property owners, the ordinance provides a procedure to apply for a variance or generate density credits. Changes to the buffer width ~ shall be offset by appropriate restoration or mitigation, as stipulated in the ordinance.

SECTION 24.020 Definitions

1. Conservation easement: an option available to the local landowner that conditions the use of the buffer and provides perpetual protection for the resource. The landowner has the option of donating the easement to a land trust as a charitable contribution to reduce the owner’s income tax burden or donating it to a local government for reduction or elimination of property tax on the parcel.
2. Density Compensation: a process to grant a developer of a subdivision or planned unit development compensation for developable land that has been lost due to the buffer requirement.

3. Density Credit: Means granting a developer proposing a subdivision or planned unit development a credit when more than 5 percent of the developable land is consumed by the buffer. Credits are calculated using Table 1. The density credit is accommodated at the development site by allowing greater flexibility in the setbacks, frontage distances or minimum lot sizes.

Table 1
Density Credit Calculations

Percent of site lost to buffers	Density credit*
5.1 to 50%	1.0 units
51 to 70**	1.0 units
71 to 100**	2.0 units

* Additional dwelling units allowed over base density

** Credit may be transferred to a different parcel

4. Fish Use: streams inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts. Fish use is determined from the natural resources inventory in the comprehensive plan.
5. Impervious Surface: any material which reduces and prevents absorption of © storm water into previously undeveloped land.
6. Lawn: grass or similar materials maintained as a ground cover of less than six (6) inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used. Annual or biannual mowing of native grasses, as a part of a vegetation management plan to prevent the incursion of undesirable non-native weed species is allowed.
7. Mitigation: includes taking one or more of the following actions listed in order of priority:
 - a. Avoiding the impact altogether by not taking a certain development action or part of that action;
 - b. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operation during the life of the development action by monitoring and taking appropriate corrective measures;

- e. Compensating for the impact by replacing or providing comparable substitute resources or environments.
8. Net Loss: a permanent loss of habitat units or habitat value resulting from a development action despite mitigation measures taken.
9. Non-conforming: a structure or use that does not conform to the standards of this ordinance but has been in continuous existence from prior to the date of adoption of this ordinance up to the present. Non-conforming uses are not considered violations and are generally allowed to continue, though expansion, re- construction, or substantial improvement may be regulated.
10. Off-Site Mitigation: habitat mitigation measures undertaken in areas distant from a development action, and which are intended to benefit fish and wildlife populations other than those directly affected by that action.
11. On-Site Mitigation: habitat measures undertaken within or in proximity to areas affected by a development action, and which are intended to benefit fish and wildlife populations directly affected by that action.
12. Riparian Area: the area adjacent to a river, lake, stream, or wetland, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.
13. Riparian Buffer: a zone within the riparian area where placement of new structures, surficial alteration and disturbance, and vegetation removal, is limited or prohibited in order to preserve the environmental and social benefits of the riparian area.
14. Riparian Corridor: includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary
15. Stream: a channel such as a river or creek that carries flowing surface water including perennial and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels. A stream that has been subsequently channelized or altered by other man-made impacts, or used for irrigation or drainage purposes, is still considered a stream.
16. Structure: a building or other major improvement that is built, constructed or installed, not including minor improvements, such as utility poles, flagpoles, or irrigation system components, that are not customarily regulated through zoning ordinances.
17. Substantial Improvement: any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
 - a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored, before the damage occurred. For the proposed 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:

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

Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

18. Top of Bank: Means the stage or elevation at which water overflows the natural banks of streams or other water of the state, and begins to inundate the upland areas. In absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage or delineate the top of the bank.

SECTION 24.030 Identifying Riparian Areas and Establishing the Location of the Riparian Buffer

- A. The natural resources inventory contained in the Comprehensive Plan specifies which streams are fish-bearing and the stream-size category. Based on the classification contained in this inventory, the following protected riparian corridors shall be established:
1. The North Santiam River shall have a buffer of 75 feet from the top of bank and on either side of bank except as identified below.
 2. Boulder Creek, Dry Creek and the lower portions of the Mill Race (identified as Wetlands 6a and 6b) shall have a buffer of 50 feet from the top and on either side of the bank except as identified below.
 3. Where the riparian buffer includes all or portion of a significant wetland as identified in the Natural Resources Element of the Comprehensive Plan or by on-site investigation, the standard distance to establish the riparian buffer shall be measured from, and include, the upland edge of the wetland.
 4. Except as provided for in subsection 24.030.A.3. the measurement of the distance to the protected riparian corridor boundary shall be from the top of the bank. The measurement shall be slope distance. In areas where the top of each bank is not clearly defined, the riparian buffer shall be measured from the ordinary high water level, or the line of non-aquatic vegetation, whichever is most landward.
 5. The requirement to establish a riparian buffer applies to land inside city limits and to land outside the city limits and inside the UGB upon annexation of such land.
 6. Water areas, wetlands and significant riparian corridors identified in the Comprehensive Plan are shown on maps that may not have site-specific accuracy. Property owners who believe their properties lie outside the depicted riparian buffer can correct the map by submitting a survey, performed by a qualified surveyor (Public Land Surveyor), to the local governing body. The survey must show the normal high water line of the stream on a parcel base map, or where riparian corridors contain significant wetlands, the survey must show the upland

edge of the wetland. Wetland delineations, if required, shall be prepared by a qualified environmental consultant and submitted to the Oregon Division of State Lands for review and approval prior to submittal to the City.

SECTION 24.040 Protecting Riparian Resource by Managing Activities in the Riparian Buffer

- A. The permanent alteration of the riparian buffer by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses provided they are designed to avoid and minimize intrusion into the riparian area, and no other options or locations are feasible, and any applicable state and/or federal permits are obtained as required in Section 24.060:
1. Streets, roads, and paths;
 2. Drainage facilities, utilities, and irrigation pumps;
 3. Stormwater treatment facilities when they are located in severely degraded parts of the protected riparian corridor and designed so as to enhance overall function of the riparian resource (for example a grassy swale or constructed wetland with a buffer of native vegetation and that is located within previously farmed or cleared area).
 4. Water-related and water-dependent uses (for example boat launch, fishing dock);
 5. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area;
 6. Structures or other non-conforming alterations existing fully or partially within the protected riparian corridor may be expanded provided the expansion does not occur within the riparian buffer. Substantial improvement of a non-conforming structure in the riparian buffer shall require compliance with the standards of this ordinance;
 7. Existing lawn and non-native plantings within the riparian buffer may be maintained, but not expanded within the protected area. Development activities on the property shall not justify replacement of the riparian buffer area with lawn; and
 8. Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the local government and appropriate natural resource agency staff, for example Oregon Department of Fish and Wildlife, Division of State Lands, Department of Environmental Quality, Water Resources Department. Such alteration of the riparian buffer shall be approved only if less-invasive or nonstructural methods will not adequately meet the stabilization or flood control needs.
- B. Removal of riparian vegetation in the buffer is prohibited, except for:

1. Removal of non-native vegetation and subsequent replacement with native plant species. The City of Idanha will provide a list of native and non- native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation;
 2. Removal of vegetation necessary for the development of approved water- related or water dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use; and
 3. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from the City of Idanha and replanting with. native species. If no hazard will be created, the City may require these trees, once felled, to be left in place in the protected riparian corridor.
 4. Incidental removal of vegetation associated with recreational, educational, scientific research and land survey activities.
- C. Exceptions: The following activities are not required to meet the standards of this section if applicable.
1. Normal and accepted farming and ranching practices other than buildings or structures, occurring on land zoned for exclusive farm use and existing in the protected riparian corridor since prior to the date of adoption of this ordinance.

SECTION 24.050 Adjusting Riparian Buffers

- A. Permanent alteration of the riparian buffer by placement of structures or impervious surfaces within the riparian buffer, or placement of structures overhanging the riparian buffer, on existing lots or proposals to partition a lot, is allowed subject to approval of a variance granted under subsection 24.050.E. and subject to the mitigation requirement of subsection 24.050.C.:
- B. Subdivisions and planned unit developments proposed after the adoption of this ordinance must conform to the buffer requirements but may apply for density credits to compensate for developable land that has been lost due to the buffer requirement.
 1. A developer proposing a subdivision or planned unit development can get density credits when more than 5 percent of the developable land is consumed by the buffer. Credits are calculated using Table 1 in subsection 24.020.B.5. The density credit is accommodated at the i development site by allowing greater flexibility in the setbacks, frontage distances or minimum lot sizes but can be used off-site if on-site accommodation is not practical.
- C. Proposals for development activities within the riparian buffer allowed in subsection 24.050.A. will include proposed mitigation for unavoidable impacts and shall be reviewed by the Oregon Department of Fish and Wildlife (ODFW). The review and/or mitigation recommendation from ODFW shall be submitted with the application. For the

purpose of implementing Goal 5, the goal is no net loss of protected resources and no net loss of habitat values.

D. Variance

1. In cases where the application of the buffer is demonstrated to render an existing lot or parcel unbuildable, a property owner may request a variance to the riparian buffer. Granting of a variance requires findings that satisfy all three of the following criteria:
 - a. The proposed development requires deviation from the riparian buffer standards; and
 - b. Strict adherence to the riparian buffer standard and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and
 - c. The property owner would preclude a substantial property right enjoyed by the majority of landowners in the vicinity.

E. Variance Applications

1. The applicant shall provide sufficient information regarding the proposed development and potential impact to riparian resources and the proposed mitigation plan to allow the ODFW to determine whether the proposal has minimized impacts to the riparian buffer and whether the proposed mitigation will provide equal or better protection of riparian resources. This information includes, but is not necessarily limited to:
 - a. A plot plan showing the top of the stream or waterbody bank, the riparian buffer, any wetlands, and any applicable setbacks;
 - b. The extent of development within the protected riparian corridor;
 - c. Uses that will occur within the protected riparian corridor and potential impacts (for example: chemical runoff, noise, etc.);
 - d. The extent of vegetation removal proposed;
 - e. Characteristics of existing vegetation (types, density);
 - f. Any proposed alterations of topography or drainage patterns,
 - g. Existing uses on the property and any potential impacts they could have on riparian resources, and
 - h. Proposed mitigation.

SECTION 24.060. Compliance With State and Federal Regulations. All activities wholly or partially within riparian corridors are subject to applicable Division of State Lands permit requirements under the Removal-Fill Law and U.S. Army Corps of Engineers permit

requirements under Section 404 of the Clean Water Act. Where there is a difference between local, state or federal regulations, the more restrictive regulations shall apply.

SECTION 24.070. Violations.

Any activities within a riparian buffer not authorized under this ordinance are a violation. Violators shall be subject to the enforcement procedures pursuant to Idanha's Development Code. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

SECTION 24.080. Conflicts.

To best protect important functions and values of riparian buffers in the event that the requirements of this section conflict with other ordinance requirements, the City shall apply the requirements that best provide for the protection of the resource.

SECTION 24.090. Severability.

The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections, or permit approvals and prosecutions brought pursuant to this section.

CHAPTER 25 REQUIREMENTS FOR WETLANDS

SECTION 25.010. Purpose and Intent. The purpose of this ordinance is to protect and restore wetlands and the multiple social and environmental functions and benefits these areas provide individual property owners, the community, and the watershed. The ordinance is based on the “safe harbor” approach as defined in Oregon Administrative Rules 660-23-00100(4)(b). Specifically, this ordinance is intended to:

1. Protect habitat for fish and other aquatic life,
2. Protect habitat for wildlife,
3. Protect water quality for human uses and aquatic life,
4. Control erosion and limit sedimentation,
5. Provide a stream “right of way” to accommodate lateral migration of the channel and protect the stream and adjacent properties,
6. Reduce the effects of flooding,
7. Promote recharge of shallow aquifers,
8. Provide opportunities for recreation and education,
9. Protect open space, and
10. Minimize the economic impact to affected property owners.

The intent of the ordinance is to meet these goals by modifying the location, but not the intensity of development, where possible. The ordinance restricts filling, grading, excavation and vegetation removal in wetlands for their protection. The ordinance excludes new structures from wetlands in Idanha. The ordinance provides procedures for correcting map errors, for hardship variances, and for granting a variance for parcels that have no buildable site through application of this ordinance.

SECTION 25.020. Definitions. As used in this ordinance the following words and phrases, unless the context otherwise requires, shall mean:

Functions and Values: Functions refers to the environmental roles served by wetlands and buffer areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, flood storage, nutrient attenuation, and sediment trapping. Values refer to the qualities ascribed to a wetland such as educational and recreational opportunities, open space, and visual aesthetic qualities.

Mitigation: Taking one or more of the following actions listed in order of priority:

- a. Avoiding the impact altogether by not taking a certain development action or part of that action;

- b. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation;
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- d. Reducing or eliminating the impact over time by preservation and maintenance operation during the life of the development action by monitoring and taking appropriate corrective measures;
- e. Compensating for the impact by replacing or providing comparable substitute resources or environments.

Restoration: To rehabilitate a previously drained or degraded wetland area by providing wetland hydrology, removing fill material, restoring native vegetation or other means of reestablishing wetland features.

Wetland: An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetland Delineation: A determination of wetland presence by a qualified professional that includes marking the wetland boundaries on the ground and/or on a detailed map prepared by professional land survey or similar accurate methods.

SECTION 25.030: Procedures for Identifying Significant Wetlands.

- 3.1 The wetland regulations contained in this ordinance apply to those wetlands identified and mapped as significant in the City of Idanha Local Wetlands Inventory, Wetland , Functional Assessment and Wetland Significance Determination. Significance determination is based on criteria contained in OAR 14 1-86-300 through 350 as adopted by the Division of State Lands. The ordinance applies to wetlands inside city limits and to wetlands outside the city limits and inside the UGB upon annexation of such land.
- 3.2 Wetlands identified in the Comprehensive Plan are shown on maps that may not have site-specific accuracy.
 - 1. Precise wetland boundaries may vary from those shown on the map. For any proposed development impacting a significant wetland or within 25 feet of an identified significant wetland, the applicant shall conduct a wetland delineation and submit it to the Division of State Lands for review and approval. The more precise boundary obtained through a wetland delineation can be identified, mapped, and used for review and development without a change in the wetland inventory mapping.
 - 2. Property owners who believe wetlands have been incorrectly mapped on their properties can correct the map by submitting written verification from the Division of State Lands that confirms that there are no wetlands on the property or contains the correct location of the wetlands.

SECTION 25.040: Land Use and Permit Requirements.

- 4.1 Permitted Uses. The following uses are permitted within wetlands identified as locally

significant. Applicable state and/or federal permits shall be obtained as required in Sub-section 4.3,

1. Passive recreation activities that require no structures, such as bird watching, - canoeing or nature walks;
2. Fishing or hunting consistent with state, local and federal law;
3. Educational uses or research;
4. Nature interpretive centers and wetland research facilities, when specified in or consistent with adopted plans or policies.
5. Construction of trails, boardwalks, viewing platforms, information kiosks, and trail signs.
6. Construction of bikeways and other paved pathways.
7. Wetland and waterway restoration.
8. Removal of vegetation using non-motorized hand tools.
9. Removal of non-native vegetation.
10. Removal of trees that are a hazard to life or structures.
11. Mowing grass to comply with local or state fire prevention requirements.
12. Planting or replanting with native plant species.
13. Channel maintenance to maintain storm water conveyance and flood control capacity, as required by local policies, state and federal regulations, or intergovernmental agreements.
14. Emergency repairs by the City or other public agencies to protect life and property.
15. Compensatory mitigation required by state or federal permit.
16. Removal of fill material or any refuse that is in violation of local, state or federal regulations.
17. Maintenance of existing structures within the existing footprint of the structure.
18. Construction of access roads for maintenance of channels, wetlands and other natural resource areas.
19. Construction of discharge outlets for treated stormwater or wastewater.
20. Normal and accepted farming and ranching practices other than buildings or structures, occurring on land zoned for exclusive farm use and existing in the wetland since prior to the date of adoption of this ordinance.

- 4.2 Prohibited Uses. Within locally significant wetlands the following practices are prohibited unless specifically authorized under sub-section 4.1:
1. New development or expansion of existing development.
 2. Placement of fill material, grading, or excavation.
 3. Road construction.
 4. Construction of stormwater or wastewater management or treatment facilities.
 5. Construction of new septic drainfields.
 6. Channelizing or straightening natural drainageways.
 7. Storage or use of chemical pesticides, fertilizers, or other hazardous or toxic materials.
 8. Clearing of trees and brush with motorized equipment including, but not limited to, chain saws and bulldozers.
- 4.3. Compliance With State and Federal Regulations. All activities wholly or partially within wetlands are subject to Division of State Lands permit requirements under the Removal-Fill Law and U.S. Army Corps of Engineers permit requirements under Section 404 of the Clean Water Act. Where there is a difference between local, state or federal regulations, the more restrictive regulations shall apply.
- 4.4. Division of State Lands Notification Required. The City shall provide notice to the Division of State Lands, the applicant and the owner of record, within five working days of the acceptance of any complete application for the following activities that are wholly or partially within areas identified as wetlands on the Local Wetlands Inventory or within 25 feet of such areas:
- (a) Subdivisions;
 - (b) Building permits for new structures;
 - (c) Other development permits and approvals that allow physical alteration of the land involving excavation and grading, including permits for removal or fill, or both, or development in floodplains and floodways;
 - (d) Conditional use permits and variances that involve physical alterations to the land or construction of new structures; and
 - (e) Planned unit development approvals.
1. This section does not apply if a permit from the Division of State Lands has been issued for the proposed activity.

2. City approval of any activity described in this section shall include one of the following notice statements:
 - (a) Issuance of a permit under ORS 196.600 to 196.905 by the Division of State Lands required for the project before any physical alteration takes place within the wetlands;,
 - (b) Notice from the Division of State Lands that no permit is required; or
 - (c) Notice from the Division of State Lands that no permit is required until specific proposals to remove, fill or alter the wetlands are submitted.
3. If the Division of State Lands fails to respond to any notice provided under this section within 30 days of notice, the City approval may be issued with written notice to the applicant and the owner of record that the proposed action may require state or federal permits.
4. The City may issue local approval for parcels identified as or including wetlands on the Local Wetlands Inventory upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and federal permits and providing the Division of State Lands with a copy of the notification of comprehensive plan map or zoning map amendments for specific I properties.

SECTION 25.050. Appeals.

Any decision by the City on a land use application concerning the wetland protection requirements herein may be appealed to the Planning Commission and City Council pursuant to Idanha's Development Code.

SECTION 25.060. Variances.

In cases where the application of this ordinance is demonstrated to render an existing lot or parcel unbuildable, a property owner may request a variance from the wetland protection requirements, Granting of a variance requires findings that satisfy all three of the following criteria:

- a. The proposed development requires deviation from the wetland protection requirements; and
- b. Strict adherence to the wetland protection requirements and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and
- c. The property owner would preclude a substantial property right enjoyed by the majority of landowners in the vicinity.

SECTION 25.070. Violations.

Any activities within a wetland not authorized under this ordinance are a violation. Violators i
Shall be subject to the enforcement procedures pursuant to Idanha's Development Code. A
violation of this ordinance shall be considered a separate offense for each day the violation
continues.

SECTION 25.080. Conflicts.

To best protect important functions and values of wetlands in the event that the requirements of;
this section conflict with other ordinance requirements, the City shall apply the requirements that
best provide for the protection of the resource.

SECTION 25.090. Severability.

The sections and subsections of this ordinance are severable. The invalidity of one section or
subsection shall not affect the validity of the remaining sections, or permit approvals and
prosecutions brought pursuant to this section.