

# ZONING ORDINANCE

FOR THE

CITY OF LAKESIDE

Ordinance Number 168

Formerly Ordinance <sup>117</sup>119

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## ARTICLE 1. ZONING ADMINISTRATION

### ADMINISTRATIVE REGULATIONS

#### SECTION:

- 1.000: Title
- 1.010: Scope
- 1.020: Purpose
- 1.030: Interpretation
- 1.040: Severability

Section 1.000 Title. This code shall be known as the "Zoning Code of the City of Lakeside, Oregon", and the map herein referred to shall be known as the "Zoning map of the City of Lakeside, Oregon." This map and explanatory material shall be hereby adopted and made a part of this title.

Section 1.010 Scope. No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located, except as otherwise provided therein. No permit for the construction or alteration of any building shall be issued unless the plans, specifications and use of such building conform in all respects with the provisions of this code.

Section 1.020 Purpose. The purpose of this code is to establish, for the City of Lakeside, a comprehensive zoning plan. The zoning plan is designed to:

1. encourage the most appropriate use of land in accordance with the Comprehensive Plan and development pattern for the City of Lakeside;
2. to conserve and stabilize the value of property;
3. to aid in rendering fire and police protection;
4. to provide for adequate light and air;
5. to avoid congestion;
6. to encourage the orderly growth of the City;
7. to facilitate adequate provisions for community facilities;
8. to provide for the adequate use and conservation of natural resources; to maintain and where possible enhance the quality of air, land, and water resources;
9. to provide adequate space for recreational opportunity; to promote the economic well being of the City and to provide areas for economic development;
10. to provide adequate space for housing;

11. to reserve and protect areas needed for educational facilities; to conserve energy;
12. to comply with the provisions of State Law and the Land Conservation and Development Commission;
13. and generally promote public health, safety, convenience, and general welfare of the people.

Section 1.030 Interpretation. Where a condition imposed by any provision of this ordinance is less restrictive than a comparable provision imposed by any other provisions of this or of any other ordinance, statutes, resolutions, law or regulation, the provisions which are more restrictive shall govern. It shall be the duty of the Planning Commission to:

1. Interpret the provisions of the code in such a way as to carry out their intent and purpose.
2. Rule on the proper application to interpret the meaning of the zoning code in case there is dispute between the administrative officials of the City and any owner or owners of a property.

Section 1.040 Severability. The provisions of this ordinance are severable. If any portion of this code is, for any reason, declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions thereof. The City Council hereby declares it would have enacted this code and each portion thereof irrespective of the fact that any one or more portions be declared invalid or ineffective.

## AMENDMENTS AND CHANGES

### SECTION:

- 1.100: Purpose
- 1.105: Introduction
- 1.110: Application Fees
- 1.115: Application,
- 1.120: Public Hearing and Notice
- 1.125: Action by the Planning Commission
- 1.130: Action by the City Council
- 1.135: Notice of Action or Decision
- 1.140: Appeals
- 1.145: Resolution of Intent to Re-Zone
- 1.150: Limitations on the Renewal or Refiling of Applications

Section 1.100 Purpose. The Lakeside Comprehensive Plan will be reviewed and revised periodically. As changes are made in the plan, there may also be a need to make changes in this ordinance.

Section 1.105 Introduction. A quasi-judicial change to the text of this ordinance or to a zoning map may be initiated by the City Council, City Planning Commission, or by application of a property owner. A zone change or any change in the boundaries of any district or a request for a variance or a Conditional Use Permit may be initiated by the owner of the land in consideration. If the area for which a change of district is proposed, is divided by more than one ownership, at least 51 percent of the property owners or authorized agents shall join in filing the application. A legislative change in zoning district boundaries, in the text of this code, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council.

Section 1.110 Application Fees. When proceedings are by a property owner, the following fees shall be paid as a condition of filing:

- |    |                        |                                      |
|----|------------------------|--------------------------------------|
| 1. | Change of Zone         | As set by resolution of City Council |
| 2. | Conditional Use Permit | As set by resolution of City Council |
| 3. | Variance               | As set by resolution of City Council |
| 4. | Appeal                 | As set by resolution of City Council |
| 5. | Plan Amendment         | As set by resolution of City Council |

Such fees shall not exceed the cost to the city for the processing the application.

Its cost can either be an estimated average cost developed from historical data or actual cost. The cost shall also include those reasonable costs incurred for professional review by attorneys, engineers, surveyors, planners or other professional review as deemed appropriate by the City Council or Planning Commission. Such costs are in addition to fees and will be billed as actuals.

#### Section 1.115 Application.

The property owner initiating a proceeding under this ordinance will file an application with the City recorder on forms provided by the City. Applications:

1. May be received by the City Recorder at any time and shall not be considered as accepted solely because of having been received.
  2. Shall be reviewed by the City Recorder within 14 days to determine if the application is complete, including required drawings, plans, forms, statements and fees paid.
  3. Shall be determined to be complete and shall be accepted when the required information, forms, and fees are included.
  4. Shall not be accepted when the Planning Director determines that an application is incomplete. When an application is incomplete, the Planning Director shall mail written notice to the applicant and disclose exactly what information, forms or fees are lacking. The application shall be deemed complete by the Planning Director upon receipt of the missing information, forms or fees. If the applicant refuses to submit the missing information or forms, the application shall be deemed complete for review and action on the 31st day after the Planning Director first received the application. The City shall mail written notice to the applicant when the application is accepted.
2. The Planning Commission shall set the date of the public hearing, at which the application shall be heard, for the earliest practical meeting of the Planning Commission, following the Planning Director's approval of the form of the application. In setting the date of the hearing, the Planning Commission shall take into consideration the time required for proper notice at such hearing in accordance with Section 1.140 of this Ordinance.

Section 1.120 Public Hearing and Notice. The Planning Commission shall conduct a public hearing on each complete application filed with the City Recorder at the earliest practicable meeting after the application has been filed. Any such hearing may be continued by oral pronouncement prior to the close of such hearing and such announcement shall serve as sufficient notice of such to applicants, adverse parties, and interested persons without recourse to the form and manner of the

public notice as provided in this section. The time, date, and location of any continued meeting shall be clearly specified in the oral pronouncement.

1. Notice of the public hearing for each application shall be by one publication in a newspaper of general circulation in the City, not more than once each week, the first notice being at least 20 days before that public hearing.
2. In addition, notice of the hearing shall be provided to the applicant and to the owners of record of property within 100 feet of the property for which the proceedings are being held. The mail notice shall be by first class mail at least 10 days prior to the date of the hearing.
3. Additional notice of public hearing may be given by posting the notice of hearing at least 7 days, but not more than 30 days prior to the date of the public hearing, both at the City Hall and in front of the property.
4. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
5. Information required in the notice of public hearing shall be as follows:
  - a. Description and street address (or other easily understood geographical reference to the subject property) of the property under consideration. The description shall be a legal description. The applicant shall furnish the description.
  - b. Description of the proposed use of the property.
  - c. List of the applicable criteria from the ordinance and the plan that apply to the application at issue.
  - d. The nature of the proposal or hearing.
  - e. The time and place and before whom such hearing is to be held.
  - f. Substantiation by the individual(s) seeking the zone change, that such a change is in accordance with Lakeside's Comprehensive Plan, and that it is in the best interest of the public health, safety, and welfare.
  - g. Statement that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue.
  - h. Statement that a copy of the application will be available for inspection at no cost and will be provided at reasonable cost.

- i. Include the name of a local government representative to contact and a telephone number where additional information may be obtained.
- c. With respect to hearing procedures:
- a. At the commencement of any quasi-judicial hearing required by this code, a statement shall be made to those in attendance that:
    - i. Lists the applicable substantive criteria.
    - ii. States that the testimony and evidence must be directed toward the criteria described in paragraph (i) of this subsection or other criteria in the plan or land use regulations which the person believes to apply to the decision.
    - iii. States that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes further appeal based on that issue.
  - b. The record shall be closed upon conclusion of the evidentiary hearing unless there is a continuance. If a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open.
  - c. When a quasi-judicial proceeding's record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony, or criteria for decision-making which apply to the matter at issue.
  - d. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing. Such a continuance shall not be subject to the limitations of ORS 215.428 or 227.178.
  - e. The failure of the property owner to receive notice as provided in this section shall not invalidate such proceedings if the City can demonstrate by affidavit that such notice was given. The notice provisions of this section shall not restrict the giving of notice by other means, including posting, newspaper publication, and radio or television.

Section 1.125 Action by the Planning Commission. All recommendations and decisions of the Planning Commission under this code shall be made in a public hearing.

1. At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative, and substantive evidence.
2. Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with, and whether the requirements of the State law were met.
3. Zone Change and Intent to Rezone. The Planning Commission shall, after the hearing, recommend to the City Council approval, disapproval, or approval with modifications with specific findings of fact as to whether the change of zone is required to achieve the objectives of the zoning code as prescribed in this code and whether such change would be consistent with the purpose and intended application of the zone classification.
4. Other actions. The other actions or decisions on this code of the Planning Commission shall, after the hearing, be based on specific findings of fact and shall be final unless appealed. The City Council may on its own motion review any proceedings as an appeal of the Planning Commission's action.
5. Final action. The City Council of the City of Lakeside shall take final action on an application for a permit or zone change, including resolution of all appeals under Section 1.140 and in accordance with ORS 227.180 within 120 days after the application is determined complete.

The City of Lakeside has established a consolidated procedure by which an applicant may apply at one time for all permits or, zone changes needed for a development project. This consolidated procedure is subject to the time limits set out in ORS 227.178 and is incorporated in this zoning ordinance. This procedure is available for use at the option of the applicant, and has been made available for use following Lakeside's periodic review provided for in ORS 227.175 and ORS 197.640.

Section 1.130 Action by the City Council. Any action or decision of the City Council on proceedings arising under this code, excepting a reference back to the Planning Commission and continuances of a hearing, shall be final and conclusive.

Section 1.135 Notice of Action or Decision. A notice of the action or decision of the Planning Commission or City Council shall be served in writing to the applicant and all individuals who provided oral or written testimony within 15 days of the final action. The notice may be served personally or, in the alternative, sent by first class mail addressed to the person at his address shown in the application. The notice shall be deemed served at the time it is deposited in the United States Mail.

Section 1.140 Appeals. Under this code, appeals may be taken from any quasi-judicial decision of the Planning Commission to the City Council in accordance with the following procedure:

1. Such appeal shall be initiated within 15 days after the Planning Commission has rendered the decision appealed from by filing written notice of intent to appeal with the City Recorder.
2. Every appeal, except when the review is caused by the City Council's own motion, shall be in writing, stating the grounds therefore and setting forth the alleged error.
3. Appeals shall include a statement specifically setting forth the portion(s) of the decision with which the appellant disagrees and the reason or basis in each case for such disagreement.
4. Upon receipt of a notice of such appeal, the City Recorder shall set a time within 30 days after the receipt of such appeal of a public hearing on such appeal. Notice of such hearing shall be given as set forth in Section 1.120 of this code. The City Recorder shall also notify the Planning Commission of such appeal.
5. The City Council may affirm, reverse, or amend the decision of the Planning Commission and may reasonably grant approval subject to conditions necessary to carry out the Comprehensive Plan and ordinances. The Council may also refer the matter back to Planning Commission for additional information. When rendering its decision, the Council shall make findings based on the record before it and any testimony or other evidence received by it.
6. Any action or decision by the City Council arising from an appeal, except a referral back to the Planning Commission, shall be final and conclusive.
7. Individuals who file appeals under this section shall include the appropriate fee pursuant to Section 1.110 of this Article. The amount of the fee is specified in Lakeside Municipal Ordinance 155(b).

Section 1.150 Limitations on the Renewal or Refiling of Applications. Where an application has been denied, no new application for the same purpose shall be filed within six months of the date the previous denial becomes final. The Planning Commission, for good cause shown, may grant permission for refiling of an application in less than six months. The Planning Commission, for good cause shown, may deny an application "without prejudice" within the 120 day period following determination of a complete application.



## ENFORCEMENT

### SECTION:

- 1.200: Building Inspector
- 1.210: Abatement
- 1.220: Violation and Penalties
- 1.230: Each Day a Separate Offense

Section 1.200 Building Inspector. It shall be the duty of the Building Inspector to see that this code is enforced. He shall issue no permit for the construction or alteration of any building or part thereof unless, in his opinion, the plans, specifications, and intended use of such building conform in all respects to the provisions of this code.

Section 1.210 Abatement. Any use which is established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to the zoning regulations shall be and is hereby declared to be unlawful and a public nuisance and may be abated as such.

Section 1.220 Violation and Penalties. Any person, firm, or corporation found guilty of a violation shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$200, or by imprisonment for a period not to exceed 60 days, or both such fine and imprisonment.

Section 1.230 Each Day a Separate Offense. Each person, firm, or corporation found guilty of a violation shall be deemed guilty of a separate offense very day during any portion of which any violation of any provision of his code is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable therefore as provided for in this code.

## ESTABLISHMENT OF ZONES

Section 1.300 Classification of Zones. For the purpose of this ordinance, the following zones are hereby established.

<u>Zone</u>	<u>Abbreviated Designation</u>
General Single-Family	G-S
Multi-Family Residential	M-R
Recreational Residential	R-R
Planned Unit Development	P-D
General Commercial	G-C
Marine Commercial	M-C
Light Industrial	L-I
Heavy Industrial	H-I
Open Space	O-S
Water Use	W-U
Public Facility	P-F
<b>Overlay Zones</b>	
Airport Approach	A-A
Flood Plain	F-P
Younger Stabilized Dune	Y-S
Steep Slope	S-S

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## BOUNDARIES

### SECTION:

1.400: Uncertainties of Boundaries

1.410: Changes in Boundaries

Section 1.400 Uncertainties of Boundaries. Where uncertainty exists as to the boundaries of any district as shown on any zoning map or part thereof, the following rules shall apply:

1. Where such boundaries are indicated as approximately following street lines, alley lines, or lot lines, such lines shall be construed to be such boundaries.
2. In the case of unsubdivided property and where a zone boundary divides a lot, the locations of such boundaries, unless the same are indicated by dimensions, shall be determined by the use of the scale appearing on such zoning map.
3. Where a public street or alley is officially vacated, the zoning regulations applicable to abutting property on each side of the center line shall apply up to the center line of such vacated street or alley on each respective side thereof.
4. Areas of dedicated streets or alleys and railroad rights-of-way, other than those designated on the zoning map as being classified one of the districts provided in this code, shall be deemed to be unclassified and, in the case of railroad right-of-way, permitted to be used solely for the purpose of accommodating tracks, signals, and other operative devices and the movement of rolling stock.

Section 1.410 Changes in Boundaries. Changes in boundaries of districts or sub-districts shall be made by ordinance amending the provisions of this code, amending the zoning map, a part of said map. The amended maps or part of said maps when so adopted shall become a part of this code.

## ZONING OF ANNEXED AREAS

Section 1.500 Procedure. The City Council may establish zoning and land use regulations that become effective on the date of annexation. This zoning designation shall be consistent with the objectives of the Lakeside Comprehensive Plan and Zoning Code. When zoning is not established at the time of annexation, the existing County zoning classification shall be automatically applied until the City Council establishes zoning and land use regulations.

ORDINANCE NO. 208

AN ORDINANCE TO AMEND ORDINANCE NO. 168, ZONNING  
ORDINANCE FOR THE CITY OF LAKESIDE.

The City of Lakeside ordains as follows:

Article 2, Section 2.000

Number 1

No building permit shall be issued for any construction until an approved drainage plan is submitted showing the ability to remove drainage water without damage to adjoining property, streets or existing drainage systems on private or City property; erosion of mud must also be controlled.

## ARTICLE 2. GENERAL PROVISIONS

### SECTION:

- 2.000: Building Permits
- 2.005: Occupancy Permits
- 2.010: Vision Clearance
- 2.015: Fences, Hedges, Walls, and Other Structures
- 2.020: General Exceptions to Lot Size-Requirements
- 2.025: Access
- 2.030: Building Setback Requirements
- 2.035: Height Restrictions
- 2.040: Special Regulations Applying to Mobile Homes
- 2.045: Special Regulations Applying to Manufactured Homes
- 2.050: Special Regulations Applying to Home Occupations
- 2.055: Special Regulations Applying to Areas of Active Sand Dunes
- 2.060: Special Regulations Applying to Noise Pollution
- 2.065: Special Regulations Applying to Shorelands
- 2.070: Geologic Hazard Protection
- 2.075: Similar Uses
- 2.080: Application
- 2.085: Exemption from Partitioning

Section 2.000 Building Permits. No building or structure shall be erected, added to, or structurally altered until a permit therefore shall have been issued by the Building Inspector. Permits shall be issued upon the following provisions:

1. No building permit shall be issued where such construction, addition, or alteration or use thereof would fail to meet or would be in violation of any provisions and requirements of this code.
2. All applications shall contain a statement setting forth the use, height, structure size, and the location of the building on the lot.
3. Lot shall front or abut on a public street or have access to such street over a private street or easement of record approved by the Planning Commission.

Section 2.005 Occupancy Permits.

1. No building permit for construction, alteration, or excavation shall be issued the application for which does not contain, or is not accompanied by, a written statement signed by the applicant specifying the uses or occupancy for which the proposed construction or alteration is designed or intended.

2. Upon request of the owner or other interested person, the Building Inspector shall issue in writing over his signature a certificate of occupancy for any building or parcel of land certifying that a proposed use or occupancy does or does not conform to the provisions of this code, as the case may be.
3. A record of all statements or certificates arising under this Chapter shall be kept on file in the office of the Building Inspector. A copy of the statement or certificate shall be issued without charge at the time application is made. Upon request, a certified copy shall be furnished to any person having a proprietary or tenancy in the building or land affected.

**Section 2.010 Vision Clearance.** A clear vision triangle shall be provided on the corners of all property at the intersection of two streets.

The height of vegetation and man-made structures in clear vision triangles shall in no case be greater than 3 1/2 feet in height, except for open chain link or other "see-through" fences, which may be constructed up to six (6) feet in height.

A clear vision triangle is that triangular area at the street corner of a corner lot or the alley, street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the street lines or alley lines, an equal and specified distance from the corner and containing no planting structures or temporary or permanent obstruction from 3 1/2 feet in height above the curb level to eight feet above the curb level.

The minimum distances of the sides of a clear vision area which are lot lines shall be 30 feet, or at intersections including an alley, ten (10) feet.

**Section 2.015 Fences, Hedges, Wall, and Other Structures.**

1. **Single-family and Multi-family Dwellings.** Fences, hedges, walls, and other structures are permitted but not required. Such items shall not exceed three and one-half (3 1/2) feet in height in any required yard which abuts a street other than an alley, except for open chain link or other "see-through" fences which may be constructed up to six (6) feet in height. On yards which do not abut a street other than an alley the maximum height shall not exceed 6 feet. Vision clearance shall be maintained on all corner lots. All fences, walls, and hedges shall be properly maintained.
2. **Commercial and Industrial Use.** Where a commercial or industrial use abuts a residential district, the Planning Commission may require that a fence, hedge, or wall be erected along and immediately adjacent to the abutting property line. Fences, hedges, or walls shall be between five and eight feet in height, except where they abut a street other than an alley. In these circumstances, they shall not exceed 3 1/2 feet in height.

Section 2.020 General Exceptions to Lot Size-Requirements.

1. Any lot created prior to the effective date of this Ordinance by an approved and recorded subdivision having a lot width at all points of not less than 50 feet and a lot depth at all points of not less than 100 feet need not comply with the requirements of Sections 4.030, 4.040, 4.130, 4.140, and 4.230 as long as the lot is used for a single family dwelling and all other requirements of this Ordinance have been satisfied.
2. Any parcel of land or lot not within the above exception shall be subject to all the requirements of the Zoning Ordinance and shall be relieved from the requirements of Sections 4.030, 4.040, 4.130, 4.140, and 4.230 only upon the granting of a variance therefor.
3. If any lot or parcel mentioned in Subsection 2 above is granted a variance relieving it of the requirements of Section 4.030, 4.040, 4.130, 4.140, or 4.230 and thereafter is transferred to the owner of a contiguous parcel thereby creating a larger parcel of land when combined with other contiguous parcels under the same ownership, such larger parcel of land shall not be reduced to a size below the minimum lot size required by the Zoning Ordinance.

Section 2.025 Access. Every lot shall abut a street other than an alley for a width of at least 25 feet.

Section 2.030 Building Setback Requirements. When the master road plan or zoning plan indicate that a street is to be opened or widened, the setbacks required - front, side, and rear yards - shall be measured from the proposed right-of-way which shall be considered to be 50 feet unless expressly designated otherwise.

1. Front yards
  - a. Where front yards are required, no buildings or structures shall be hereafter erected or altered so that any portion thereof shall extend into the required front yards, except the eaves, cornices, steps, terraces, platforms, and porches having no roof covering and being not over 2½ feet high may be built within a front yard.
  - b. Setbacks from half dedications of streets. Where a subdivision plan has been accepted and filed with half-width dedications of streets on the exterior boundary of the subdivision, setbacks for structures on land contiguous to or fronting upon half-width dedicated streets but not within the subdivided tract, shall be a minimum of the required setbacks for the zone or district in which it is located and not less than 25 feet nor less than the width of the half dedication of the street.



2. Side yards

- a. No building or structure shall hereafter be erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated under the district or zone classification, except that caves or cornices may extend over the required side yard for a distance of not more than two feet;
- b. Accessory structures under 120 square feet are exempt from side yard setback requirements provided they do not have a permanent foundation.

Section 2.035 Height Restrictions. Height limits established for the various zones or districts refer to the height of the building proper. Roof structures such as housing for elevators, tanks, ventilating fans, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts or similar structures may exceed the height limits herein prescribed.

Section 2.040 Special Regulations Applying to Mobile Homes.

1. Mobile homes shall be equipped with, skirting which in design, color, and texture appears to be an integral part of the adjacent exterior wall of the mobile home.

The mobile home shall be connected to a public water supply system and to a public sewage disposal system, where those facilities are available.

3. All water, sewer, and electrical systems provided for the mobile home shall comply with all standards for these systems as established by the City of Lakeside and the State of Oregon.

Section 2.045 Special Regulations Applying to Manufactured Homes.

1. Manufactured homes must enclose at least 500 square feet.
2. The manufactured home must be located not less than 12 inches above grade on an excavated and back-filled foundation which is enclosed at the perimeter. Manufactured homes within the F-P overlay shall be subject to the provisions of Sections 11.200 through 11.260.
3. The manufactured home must have a pitched roof.
4. Exterior siding and roofing must be similar in color, material, and appearance to those required for single-family dwellings under the state uniform building code.

5. The exterior thermal envelope must meet performance standards equivalent to those required for single family dwellings under the state building code.

Section 2.050 Special Regulations Applying to Home Occupations and Cottage Industries. Home occupations are provided by this title provided they conform with the following criteria:

1. No employment of help other than the members of the resident family.
2. No use of material or mechanical equipment that is inconsistent with the residential character of the neighborhood.
3. No sales of products or services not produced on the premises.
4. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
5. It shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
6. No storage of materials/supplies outdoors.
7. It shall not involve the use of signs and/or structures other than those permitted in the district of which it is a part.
8. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a non-residential use (either by Home Occupations color, materials, construction, lighting, signs, sounds, noises, or vibrations).
9. There shall be no use of utilities or community facilities beyond that normal to residential purposes.

Section 2.055 Special Regulations Applying to Areas of Active Sand Dunes.

1. A buffer strip of 50 feet will be maintained between areas of Active Sand Dunes and any development. There will be no development on Active Sand Dunes.
2. Any use within 300 feet of an Active Sand Dune will be considered a conditional use and will go through procedures in accordance to Section 12.100-150.
3. Any development on an Older Stabilized Dune area will be done in such a manner that it not cause the sand to become unstable.

Section 2.060 Special Regulations Applying to Noise Pollution.

Any new development when combined with existing development shall not violate noise pollution levels and standards as established by the appropriate state and federal agencies.

Section 2.065 Special Regulations Applying to Shorelands. In any area within 50 feet of the shoreline the following regulations shall apply in order to minimize erosion and maintain water quality.

1. Riparian vegetation shall be removed only when necessary to accommodate the proposed development.
2. Non-structural solutions to erosion control shall be preferred to structural solutions. Structural solutions shall be considered a conditional use and will go through procedures in accordance with Section 12.100-150.

Section 2.070 Geologic Hazards Protection.

1. Land to which this Section applies:

This Section shall apply to all areas of "Active Geologic Hazards" within the jurisdiction of the City of Lakeside.

Basis for establishing the areas of Active Geologic Hazards:

Known areas of active geological hazards shall mean only those areas clearly identified and described on maps issued by the U.S. Geological Survey, the U.S. Army Corps of Engineers, State disaster planning agencies, or City of Lakeside, which maps are on file at City Hall.

3. Compliance:

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

4. Administration:

- a. Building permits shall be issued for the erection, enlargement, remodeling, repair or alteration of structures in areas of know active geological hazards when:

- i. A written report by a geologist or other qualified person that describes the problems associated with the site in question and offers site specific alternatives necessary to solve those

problems is submitted with the application for a building permit (other qualified person must be approved by the City Engineer).

- ii. A waiver is executed relieving the City or any utility provide or any governmental unit or agency from any and all liability in connection with damage, loss or injury. The waiver shall be in the form prescribed by the City Attorney.
- iii. All other permits and approvals required under this and other ordinances have been obtained.

Section 2.075 Similar Uses. When the term "other than uses similar to the above" is mentioned, it shall be deemed to mean other uses which, in the judgement of the Planning Commission, are similar to and not more objectionable to the general welfare than the uses listed in the same section.

Section 2.080 Application. In general, only the owner of a subject property may apply for action by the Planning Commission under the provisions of this ordinance. An individual who has entered into an earnest money agreement to buy a property is considered to have an ownership interest for the purposes of this ordinance.

Section 2.085 Exemption from Partitioning. Public road and highway right-of-way acquisitions are exempt from the minor land partition regulations of this ordinance, providing the remainder of the property meets minimum lot size and setback requirements.

## ARTICLE 3. DEFINITIONS

### Section 3.000 Definitions.

For the purpose of this code, certain words, terms, and phrases are defined below. Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this code" is used herewith it shall be deemed to include all amendments there to as may hereafter from time to time be adopted.

**ABUT:** Means contiguous to; for example, two lots with a common property line are considered abutting.

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

**ACCESSORY BUILDING OR USE:** A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

**ACTIVE SAND DUNE:** A dune that migrates, grows or diminishes from force of wind and supply of sand. Active Dunes include all open sand dunes, active hummocks, and active force dunes.

**AIRPORT:** 1. Airport Approach Zone; 2. Airport Clear Zone. See Section 11.100.

**ALLEY:** A public way not over 30 feet wide providing a secondary means of access to private property.

**ALTER:** Any change, addition, or modification, in construction or occupancy of a building or structure.

**AMENDMENT:** A change in the wording, context, or substance of this code, or a change in the zone boundaries or area district boundaries upon the zoning map.

**APARTMENT HOUSE:** See DWELLING, MULTIPLE.

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

**AUTOMOBILE SALES:** See MOTOR VEHICLE/TRAILER SALES AREA.

**AUTO WRECKING YARDS:** See WRECKING YARD.

**AWNING:** Any stationary structure, permanent or demountable, used in conjunction with a mobile home, other than a window awning, 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.

**BASE FLOOD:** Means the flood having a one percent chance of being equalled or exceeded in any given year.

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

**BOARDING, LODGING, OR ROOMING HOUSE:** A building or portion thereof where lodging, with or without meals, is provided for compensation of any kind to persons other than members of a family occupying such a dwelling, but shall not include homes for the aged, nursing homes, or group care homes.

**BUILDABLE AREA:** That portion of a development site not required by this code or specific conditions, as a yard, open space, or easement.

**BUILDING:** Any temporary or permanent structure built and maintained for the support, shelter, or enclosure of people, motor vehicles, animals, chattel, or personal or real property of any kind. The words "building" and "structure" shall be synonymous.

**BUILDING HEIGHT:** The vertical distance from the average finished grade at the front of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to one-half ( $\frac{1}{2}$ ) the height of the highest gable of a pitch or hip roof.

**BUILDING-MAIN:** A building within which is conducted the principle use permitted on the lot, as provided by this code.

**CAMPGROUNDS:** Any lot, tract, or parcel of ground under the same ownership where two or more camp sites are located which provide facilities for living in any manner other than in a permanent building. (See RV Park)

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

**CHURCH:** A building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**CITY:** The City of Lakeside, Oregon and its officials or authorized agents.

**CLINIC:** Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths, optometrists, ophthalmologists, and other members of the healing arts, including a dispensary in each building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.

**CLINIC, SMALL ANIMAL:** A business establishment in which veterinary services are rendered to small domestic pets on an ongoing basis with no overnight boarding allowed.

**CLUB:** Any organization, group, or association supported by the members thereof, the purpose of which is to render a service customarily rendered 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 as a business.

**COMMISSION:** The Lakeside Planning Commission.

**COTTAGE INDUSTRIES:** Cottage industries are home occupations that occupy a detached or attached accessory building (See Home Occupation): Cottage industries must be conducted in such a manner so as not to give an outward appearance or outwardly manifest any characteristic of a business in the ordinary meaning of the term. Cottage industries must not infringe upon the right of neighboring property owners to enjoy the peaceful occupancy of their home. Cottage industries may involve the retail sale of a product on the premises. Sign requirements shall conform to Section 14.010(2).

**COURT:** An uncovered area partly or wholly enclosed by buildings or by walls and gates.

**DAY NURSERY:** Any institution, establishment, or place in which are commonly received at one time three or more children not of common parentage, under the age of six years, for a period or periods not exceeding 12 hours, for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward.

**DEVELOPMENT:** Means 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.

**DEVELOPMENT SITE:** A development site shall mean either:

1. A lot of record existing on the effective date of this code; or,
2. A tract of land either not subdivided or consisting of two or more contiguous lots of record, located within a single block which, on the effective date of this code, was in a single ownership; or,
3. A tract of land, located within a single block, which at the time of filing for a building permit (or, if no building permit is required, at the time of filing for a certificate of occupancy), is designated by the owner or developer as a tract, all of which is to be used, developed, or built upon as a unit under single ownership.

A "development site," therefore, may or may not coincide with a lot shown on the official tax maps of the City of Lakeside or any recorded subdivision plat or deed.

For the purpose of this definition, ownership of a "development site" is deemed to include a lease of not less than 50 years duration, with an option to renew such lease so as to provide a total lease of not less than 75 years duration.

A "development site" may be subdivided into two or more "development sites," provided that all resulting "development sites" and all buildings thereon shall comply with all of the applicable provisions of this code. If such "development site," however, is occupied by a non-conforming use or building, such "development site" may be subdivided provided such subdivision does not create a new non-conformance or increase the degree of non-conformance of such use or building.

**DWELLING:** A building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily by one or more families but excluding hotels, motels, and tourist courts.

**DWELLING, MULTIPLE:** A building designed and used for occupancy by three or more families, all living independently of each other and having separate housekeeping facilities for each family.

**DWELLING, SINGLE-FAMILY:** A building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.



**DWELLING, TWO-FAMILY (DUPLEX):** A building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family.

**FAMILY:** One or more persons, excluding servants, related by blood, marriage, legal adoption, or legal guardianship, occupying a single non-profit housekeeping unit and using common housekeeping facilities; a group of not more than five unrelated persons living together as a single nonprofit housekeeping unit and using common housekeeping facilities.

**FLOOD OR FLOODING:** Means 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):** Means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY:** Means 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.

**JOD PLAIN ZONE:** See Section 11.200

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

**GARAGE, PRIVATE PARKING:** A publicly or privately owned structure having one or more tiers of height used for the parking of automobiles for the tenants, employees, or owners of the property for which the parking spaces contained in or on said garage are required by this code and are not open for use by the general public.

**GARAGE, PUBLIC PARKING:** A publicly or privately owned structure having one or more tiers of height used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons, or clients as required by this code, provided said parking spaces are clearly identified as free parking spaces for the building or use required to provide said spaces.

**GARAGES, REPAIR:** A building used for the storage, parking care, and repair of motor vehicles, or where such vehicles are kept for remuneration, hire, or sale, provided the selling of motor fuel and oil for motor vehicles shall not be conducted.

**GENERAL COMMERCIAL ZONE:** See Section 5.100.

**GENERAL SINGLE-FAMILY ZONE:** See Section 4.000.

**GRADE (ADJOINING GROUND LEVEL):** The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, alley, or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley, or public way.

**GROUP CARE HOME:** Is defined as a "Residential Facility" licensed under ORS 443.400 to 443.455 for 11 or fewer unrelated physically or mentally handicapped persons or elderly persons. Site requirements will be consistent with ORS 443.530(1) and ORS 443.500.

**GUEST HOUSE OR SERVANTS QUARTERS:** An accessory building occupied solely by non-paying guests or by servants employed on the premises.

**HABITABLE FLOOR:** Means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

**HALF STORY:** That part of any building wholly or partly within the roof frame and not occupying more than two-thirds of the floor area immediately below it.

**HEAVY INDUSTRIAL ZONE:** See Section 6.200.

**HEIGHT OF BUILDING:** See BUILDING HEIGHT.

**HOMES FOR THE AGED:** Any home or institution that maintains facilities for rendering board and domiciliary care for compensation to three or more persons who are of the age of 65 years or more, or persons of less than 65 years who, by reason of infirmity, require domiciliary care.

**HOME OCCUPATION:** Home occupations constitute business that are conducted entirely within a dwelling by a family residing in the dwelling. Examples of home occupations include but are not limited to: beauty shops, engravers, professional offices, etc. Home occupations must be conducted in such a manner so as not to give an

outward appearance not outwardly manifest any characteristic of a business in the ordinary meaning of the term. Home occupations must not infringe upon the rights of neighboring property owners to enjoy the peaceful occupancy of their home. Home occupations may involve the retail sale of a product on the premises. Home occupations shall not occupy more than 30% of the usable floor area of the dwelling. Sign requirements shall conform to Section 14.010(2).

**HOSPITAL:** Any building or institution devoted primarily to the rendering of healing, curing, and nursing care, and which maintains and operates facilities for the diagnoses, treatment, and care of two or more non-related individuals suffering from illness, injury, or deformity, or where obstetrical or other healing, curing, and nursing care is rendered over a period exceeding 24 hours.

**HOSPITAL, SMALL ANIMAL:** A building together with animal runs in which veterinary services; clipping, bathing, boarding, and other services which are rendered to dogs, cats, and other small animals and domestic pets.

**HOTEL (MOTEL, MOTOR HOTEL, TOURIST COURT):** Any building or group of buildings used for transient residential purposes containing four or more guest rooms without housekeeping facilities and which are intended or designed to be used, rented, or hired out to be occupied for sleeping purposes by guests.

**KENNEL:** Any lot or premises on which three or more adult dogs or cats or any combination thereof are kept for compensation (sale or boarding), whether by owners of the dogs or cats or by person providing facilities and care. An adult dog or cat is one that has reached the age of six months.

**LIGHT INDUSTRIAL ZONE:** See Section 6.100.

**LOADING SPACE:** An off-street space or berth on the same lot with a main 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 appropriate means of access.

**LOT:** Land occupied or to be occupied by a building and its accessory buildings, including such open spaces as are required under this code and having frontage upon a street.

**LOT AREA:** The total area within the lot lines of a lot as measured on a horizontal plane.

**LOT COVERAGE:** That portion of a lot which, when viewed directly from above, would be covered by a building, or any part of a building.

**LOT LINE:**

1. **FRONT:** The private property line contiguous with the public street line or place. For corner lots, the front lot line shall be the narrowest street frontage or as shown on the official plat of the property.
2. **REAR:** A property 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.
3. **SIDE:** Any property line which is not a front or rear lot line.

**LOT MEASUREMENTS:**

1. **DEPTH:** The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
2. **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.

**LOT TYPES:**

1. **CORNER:** A lot or development site bounded entirely by streets or a lot having only one side not bounded by a street or a lot which adjoins the point of intersection of two or more streets and in which the interior angle formed by the extensions of the street lines in the direction which they take at their intersections with side lot lines forms an angle of 135 degrees or less. In the event that any street line is a curve at its point of intersection with a side lot line, the tangent to the curve at the point of intersection shall be considered the direction of the street line.
2. **DOUBLE-FRONTAGE OR THROUGH:** A lot or development site other than a corner lot with frontage on more than one street.
3. **INTERIOR LOT:** A lot or development site: other than a corner lot, having frontage only one street.

**MANUFACTURED HOME:** A structure, transportable in one or more sections, which in the traveling mode, is eight feet or more in width or forty or more feet in length, or when erected on site is five-hundred (500) or more square feet, and which is built on a permanent chassis, and designed to be used as

a dwelling with or without permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems herein. A manufactured home is a home built on or after June 15, 1976 to the standards and requirements of the National Manufactured Home Construction and Safety Standards Act of 1974. See also Section 2.045.

**MARINE COMMERCIAL ZONE:** See Section 5.200.

**MOBILE HOME, RESIDENTIAL:** A vehicle or structure constructed for movement on the public highways upon its own frame and that has, sleeping, cooking and plumbing facilities; is intended for human occupancy and is being used for residential purposes which was built prior to June 15, 1976 under the State Mobile Home Code in effect at the time of Construction. This definition does not include recreational vehicle (RV) or camping trailers. See also Section 2.040. If the occupancy of a vehicle or structure exceeds one hundred twenty (120) days in any twelve (12) month period, or if the vehicle or structure is connected to sanitary (sewer or septic system) facilities, it shall be presumed that said vehicle or structure is being used for residential purposes.

**MOBILE HOME PARK:** Any privately owned place where four or more mobile homes used for human occupancy are parked within 500 feet of one another on a lot, tract, or parcel of land under the same ownership.

**MOBILE HOME SPACE:** A plot of ground within a mobile park designed for the accommodation of one mobile home.

**MOTEL:** See HOTEL.

**MULTI-FAMILY RESIDENTIAL ZONE:** See Section 4.100.

**NEW CONSTRUCTION:** Means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

**NON-CONFORMING USE:** A building, structure, or land use which lawfully existed at the time this code became effective, but does not conform to the use regulations, setbacks, maximum lot coverage, or other provisions herein established for the district or zone in which it is located.

**NURSING HOME:** Any home, place, or institution which operates and maintains facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for two or more ill or infirm patients not

related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.

OPEN SPACE ZONE: See Section 7.100.

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

PARKING AREA, PUBLIC: Privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots which may be required by this code for retail customers, patrons, and clients.

PARKING SPACE: A permanently maintained space not less than eight feet wide and 18 feet long with proper access for one standard size automobile.

PLANNED UNIT DEVELOPMENT: See Section 10.000.

PUBLIC FACILITY ZONE: See Section 9.100

RAMADA: A stationary structure having a roof extending over a mobile home, said structure may also extend over a patio or parking area for motor vehicles, and is used principally for protection from sun and rain.

RECREATIONAL RESIDENTIAL ZONE: See Section 4.200.

RECREATIONAL VEHICLE: A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreation or emergency purposes and has a floor space of less than 400 square feet. The unit shall be identified as a recreational vehicle by the manufacturer.

RECREATIONAL VEHICLE PARK: A lot that is operated on a fee or other basis as a place for parking occupied recreational vehicles.

**RESIDENTIAL CARE HOME:** A residence for five or fewer unrelated physically or mentally handicapped persons and for staff persons who need not be related to each other or to any other home resident.

**RESIDENTIAL PURPOSES:** A vehicle or structure is presumed to be used for residential purposes if occupancy of said vehicle or structure exceeds one hundred twenty (120) days in any twelve (12) month period, or if said vehicle or structure is connected to sanitary (sewer or septic system) facilities.

**SERVICE STATION:** A place or station selling petroleum products, motor fuel, and oil for motor vehicles, servicing batteries, furnishing emergency or minor repairs and service, including painting, body work, steam cleaning, tire recapping, and mechanical car washing and at which accessory sales or incidental services are conducted.

**SIGN:** Any fabricated emblem or display, including its structure, consisting of any letter(s), character, design, figure, line, logo, mark, picture, plane, point, poster, stripe, stroke, trademark, reading matter, or illuminating device which is constructed, attached, erected, fastened, or manufactured in any manner whatsoever to attract the public in any manner for recognized purpose to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise display. The term "sign" shall not include any display of official court or public notices, nor shall it include the flag, emblem, or insignia of a nation, government, unit, school, or religious group, except such emblems shall conform to illumination standards set forth in this code.

**SIGN AREA:** The entire area within a single continuous perimeter formed by lines joined at right angles which encloses the extreme limits of a sign, and which in no case passes through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside and below the limits of such sign, and not forming an integral part of the display.

**STABLE, PRIVATE:** A building in which horses are kept for private use and not for remuneration, hire, or sale.

**STABLE, PUBLIC:** A building in which horses are kept for remuneration, hire, or sale.

**START OF CONSTRUCTION:** Means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land

preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for 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 as part of the main structure.

**STEEP SLOPE ZONE:** See Section 11.400.

**STORY:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above or for the topmost story the ceiling above.

**STREET:** A public thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane, court, or private easement providing the primary roadway for ingress and egress from the property abutting thereon.

**STRUCTURE:** Means a walled and roofed building or mobile home that is principally above ground.

**SUBSTANTIAL IMPROVEMENT:** Means 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.

**USE:** The purpose for which land or a building is arranged, designed, or intended or for which either land or a building or a building is or may be occupied or maintained.

**VACATION TRAILER:** A vehicle or structure equipped with wheels for highway use that is intended for human occupancy, is not being used for residential purposes, and is being used for vacation or recreation purposes (See Recreational Vehicle).

**VISION CLEARANCE:** A triangular area at the street corner of a corner lot, or the alley-street intersection of a lot, the space being defined by a lane across the corner, the ends of which are on the street lines or



alley lines, an equal and specified distance from the corner and containing no planting, wall, structure, or temporary or permanent obstruction from two and one-half feet in height above the curb level to eight feet above the curb level, except that an open chain link or other "see-through" fence may be constructed up to six (6) feet in height above the curb level.

**WATER USE ZONE:** See Section 8.100.

**WRECKING YARD, MOTOR VEHICLES AND BUILDING MATERIALS:** Any premises used for the storage, dismantling, or sale of either used motor vehicles, trailers, machinery, or building materials or parts thereof.

**YARD:** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

**YARD, FRONT:** An area lying between side lot lines, the depth of which is a specified horizontal distance between the street right-of-way line and a line parallel thereto on the lot.

**YARD, REAR:** An area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel thereto on the lot.

**YARD, SIDE:** An area adjacent to any side lot line the depth of which is a specified horizontal distance between measured at right angles to the side lot line and being parallel with said lot line.

**YOUNGER STABILIZED DUNE ZONE:** See Section 11.300.

## ARTICLE 4. RESIDENTIAL ZONES

### GENERAL SINGLE-FAMILY (G-S)

#### SECTION:

- 4.000: General Single Family Zone (G-S)
- 4.010: Permitted Buildings and Uses
- 4.020: Buildings and Uses Permitted Conditionally
- 4.030: Lot Requirements
- 4.040: Lot Dimensions
- 4.050: Yard Regulations
- 4.060: Site Development Standards

Section 4.000 General Single Family Zone (G-S). A district for an integrated variety of single-family dwelling types.

Section 4.010 Permitted Buildings and Uses.

1. Single-family homes.
2. Planned Unit Developments. Planned Unit Developments are subject to the provisions of Article 10 of this Code.
3. Home occupations. Home Occupations are subject to the provisions described in Section 2.050.
4. Gardens and greenhouses for the raising and harvesting of fruit and vegetables and flowers for non-commercial use.
5. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. Accessory buildings are not permitted in the front yard.
6. Manufactured homes.
7. Residential home care.

Section 4.020 Buildings and Uses Permitted Conditionally.

1. Cemetery.
2. Church, non-profit religious or philanthropic institution.
3. Community center.
4. Government structure and use of land including but not limited to park, playground, fire station, or library.
5. Hospital.
6. Kindergarten, nursery school, day nursery, or similar facility.
7. Private golf course and county club, but excluding golf driving range, miniature golf course or similar facility.

8. Private noncommercial recreational club such as tennis club, swimming club, an archery club, but excluding commercial amusement enterprises.  
Accredited public and private schools.
9. Public utility facility.
11. Mobile home trailer park.
12. Two-family dwellings.
13. Cottage industry.
14. Multi-family dwelling.
15. ~~Recreational vehicles and travel trailers (see Section 12.150).~~

Section 4.030 Lot Requirements. The minimum lot area shall be 6,000 square feet for a single-family dwelling and manufactured homes, and 8,000 square feet for a two-family dwelling. For three or more dwelling units per structure, 2,500 square feet of land will be required for each additional living unit. Each lot must be served by a public water system and a public sewerage disposal system. If these services are not provided, minimum lot size shall be governed by City Code and State Law. Existing 5,000 square foot lots are exempt from these provisions.

Section 4.040 Lot Dimensions. Lot width at front building line shall be at least 60 feet. Lot depth shall be at least 100 feet. See Section 2.020 of this Zoning Ordinance and Section 27 of Subdivision Ordinance.

Section 4.050 Yard Regulations.

1. The front yard shall be a minimum of 20 feet.
2. Each side yard shall be a minimum of 5 feet.
3. The street side yard shall be a minimum of 15 feet.
4. The rear yard shall be minimum of 15 feet, except that structures (including projections) shall be allowed to abut, but not intrude into, the right-of-way of an alley running parallel to the rear lot line.
5. No structure shall be located closer than 40 feet from the center line of a street, other than an alley or easement.

Section 4.060 Site and Development Provisions.

Building or Structural Height Limitations:

1. Residential Buildings: The maximum building or structural height shall be thirty-five feet (35').
2. Accessory Buildings: The maximum building or structural height shall be twenty feet (20').

Fences: See Code Section 2.015.

Vision Clearance: See Code Section 2.010.

Off-Street Parking: See Code Section 13.100.

Signs: See Code Article 14.

Manufactured Home Design Standards: See Code Section 2.045

## MULTI-FAMILY RESIDENTIAL (M-R)

### SECTION:

- 4.100: Multi-Family Residential Zone (M-R)
- 4.110: Permitted Buildings and Uses.
- 4.120: Buildings and Uses Permitted Conditionally
- 4.130: Lot Requirements
- 4.140: Lot Dimensions
- 4.150: Yard Requirements
- 4.160: Site Development Provisions

Section 4.100 Multi-Family Residential Zone (M-R). Higher density residential uses are allowed.

### Section 4.110 Permitted Buildings and Uses.

1. Single-family dwellings.
2. Duplexes.
3. Multiple dwelling units. However, all multiple dwelling units are subject to additional conditional use regulations. See Section 12.150. Planned Unit Developments. Planned Unit Developments are subject to the provisions of Article 10 of this Code.
5. Home occupations. Home Occupations are subject to the provisions of Section 2.050.
6. Gardens and greenhouses for the raising and harvesting of fruit and vegetables and flowers for non-commercial use.
7. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. Accessory buildings are not permitted in the front yard.
8. Manufactured homes.
9. Residential care homes.

### Section 4.120 Buildings and Uses Permitted Conditionally.

1. Cemetery.
2. Church, non-profit religious or philanthropic institution.
3. Community center.
4. Government structure and use of land including but not limited to park, playground, fire station, or library.
5. Hospital.
6. Kindergarten, nursery school, day nursery, or similar facility.
7. Private golf course and country club, but excluding golf driving range, miniature golf course, or similar facility.

8. Private non-commercial recreational club such as tennis club, swimming club, an archery club, but excluding commercial amusement enterprises.
9. Accredited public and private schools.
10. Public utility facility.
11. Mobile home trailer park.
12. Cottage industry.
13. Recreational Vehicle (RV) and travel trailers (see Section 12.150).

Section 4.130 Lot requirements. The minimum lot area shall be 6,000 square feet for a single-family dwelling and 8,000 square feet for a two-family dwelling. For three or more dwelling units per structure, an additional 2,500 square feet of land will be required for each additional living unit.

Section 4.140 Lot Dimensions. Lot width at the front building line shall be at least 60 feet. Lot depth shall be at least 100 feet. See Section 16.120 of this Zoning Ordinance and Section 27 of Subdivision Ordinance.

Section 4.150 Yard Regulations.

1. The front yard shall be a minimum of 20 feet.
2. Each side yard shall be a minimum of 5 feet.
3. The street side yard shall be a minimum of 15 feet.
4. The rear yard shall be a minimum of 15 feet, except that structures (including projections) shall be allowed to abut, but not intrude into, the right-of-way of an alley running parallel to the rear lot line.
5. No structure shall be located closer than 40 feet from the center line of a street, other than an alley or easement.

Section 4.160 Site and Development Provisions.

Building or Structural Height Limitations:

1. Residential Buildings: The maximum building or structural height shall be thirty-five feet (35').
2. Accessory Buildings: The maximum building or structural height shall be twenty feet (20').

Separation Between Buildings: The minimum separation between multiple-family buildings shall be thirty feet (30') unless the buildings are arranged end-to-end. In such a case, there shall be at least a ten foot (10') separation and no doorway or entry may open into the space between the buildings.

Fences: See Code Section 2.015.

Vision Clearance: See Code Section 2.010.

Off-Street Parking: See Code Section 12.100.

ns: See Code Article 14.

Manufactured Home Design Standards: See Code Section 2.045.

## RECREATIONAL RESIDENTIAL (R-R)

### SECTION:

- 4.200: Recreational Residential Zone (R-R)
- 4.210: Permitted Buildings and Uses
- 4.220: Buildings and Uses Permitted Conditionally
- 4.230: Lot Requirements
- 4.240: Lot Dimensions
- 4.250: Yard Requirements
- 4.260: Site and Development Provisions

Section 4.200 Recreational Residential Zone (R-R). A development commensurate with the unique recreational character of the City.

### Section 4.210 Permitted Buildings and Uses.

1. Single-family dwellings.
2. Duplexes.
3. Planned Unit Developments. Planned Unit Developments are subject to the provisions of Article 10 of this Code.
4. Home occupations. Home Occupations are subject to the provisions of Section 2.050.
5. Cottage Industries. Cottage industries are subject to the provisions of Section 2.050.
6. Gardens and greenhouses for the raising and harvesting of fruit and vegetables and flowers for non-commercial use.
7. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. Accessory buildings are not permitted in the front yard.
8. Manufactured Homes.
9. Recreational Vehicle Parks. However, all Recreational Vehicle Parks are subject to the provisions of Section 12.150(6) of this Code.

10. *Ref. Ord. 03-242 dtd. 4-10-03*

### Section 4.220 Buildings and Uses Permitted Conditionally.

1. Campground and picnic areas as well as rural park-like areas.
2. Private non-commercial recreational club such as tennis club, swimming club, an archery club, but excluding commercial amusement enterprises.
3. Public utility facility.
4. Mobile home parks.
5. Commercial enterprises related to permitted uses.
6. Multiple dwelling units.

- Ref. Ord. 03-242  
dtd. 4-10-03*
8. Cottage industries.



Section 4.230 Lot Requirements. The minimum lot area shall be 6,000 square feet for a single-family dwelling and manufactured homes, and 8,000 square feet for a two-family dwelling. For three or more dwelling units per structure, 2,500 square feet of land will be required for each additional living unit. Each lot must be served by a public water system and a public sewerage disposal system. If these services are not provided, minimum lot size shall be governed by City Code and State Law. Recreational Vehicle Parks shall be governed by minimum lot requirements specified in Article 12 of this Code.

Section 4.240 Lot Dimensions. Lot width at front building line shall be at least 60 feet. Lot depth shall be at least 100 feet. See Section 2.020 of this Zoning Ordinance and Section 27 of Subdivision Ordinance.

Section 4.250 Yard Regulations.

1. The front yard shall be a minimum of 20 feet.
2. Each side yard shall be a minimum of 5 feet.
3. The street side yard shall be a minimum of 15 feet.
4. The rear yard shall be a minimum of 15 feet, except that structures (including projections) shall be allowed to abut, but not intrude into, the right-of-way of an alley running parallel to the rear lot line.
5. No structure shall be located closer than 40 feet from the center line of a street, other than an alley or easement.

Section 4.260 Site and Development Provisions.

Building or Structural Height Limitations:

1. Residential Buildings: The maximum building or structural height shall be thirty-five feet (35').
2. Accessory Buildings: The maximum building or structural height shall be twenty feet (20').

Fences: See Code Section 2.015.

Vision Clearance: See Code Section 2.010.

Off-Street Parking: See Code Section 13.010.

Signs: See Code Article 14.

Manufactured Home Design Standards: See Code Section 2.045.

Recreational Vehicle Park Standards: See Code Section 12.150(6).

## ARTICLE 5. COMMERCIAL DISTRICTS

### GENERAL COMMERCIAL (G-C)

#### SECTION:

- 5.100: General Commercial Zone (G-C)
- 5.110: Permitted Buildings and Uses
- 5.120: Buildings and Uses Permitted Conditionally
- 5.130: Lot Requirements
- 5.140: Lot Dimensions
- 5.150: Yard Regulations
- 5.160: Site and Development Provisions

Section 5.100 General Commercial Zone (G-C). A zone designed to provide areas suitable for a wide spectrum of commercial uses.

#### Section 5.110 Permitted Buildings and Uses.

1. A commercial use, including business, professional, or governmental offices.
2. Manufacturing, processing, repairing, or storage of products clearly incidental to a commercial use and not occupying more than 50% of the floor area of the building.
3. Laundromat.
4. Automobile service station. Service stations are subject to the provisions of 12.160(6).
5. Commercial amusement or recreation establishment including such as bowling alley, theater, pool hall, or miniature golf course but excluding establishments such as a race track or automobile speedway.
6. Gift or souvenir shop.
7. Motel or hotel.
8. Restaurant.
9. Tavern, night club, or cocktail lounge.
10. Barber or beauty shop.
11. Bus station, taxi stand.
12. Clinics including animal clinics except that animals may not be boarded overnight unless proper sound proofing is approved by the Planning Commission.
13. Club, lodge, fraternal organization.
14. Drug store.
15. Food store.
16. Museum, art gallery, or similar facility.

7. Accessory buildings and uses normal and incidental to the uses permitted in this Section.
8. Household appliance and small equipment repair and maintenance service.
19. Home occupations. Home Occupations are subject to the provisions of Section 2.050 of this Code.
20. Cottage industry.
21. Planned Unit Developments. Planned Unit Developments are subject to the provisions of Article 10 of this Code.

Limitations on Use. In a G-C zone, the following limitations on use shall apply:

1. All business, service, processing, storage or display of merchandise on a lot abutting or facing a lot in a residential zone shall be conducted wholly within an enclosed building or shall be screened from the residential zone by a sight obscuring fence or hedge, permanently maintained.
2. Openings or access to structures on side adjacent to or across the street from a residential zone shall be prohibited if they result in glare or excessive noise or otherwise adversely affect residential areas.

Section 5.120 Buildings and Uses Permitted Conditionally.

1. Governmental structure or use other than office.
2. Bakery or milk processing and manufacturing.
3. Nursing homes.
4. Churches.
5. Recreation Vehicle (RV).
6. Mobile home parks.
7. Public parks, playgrounds, and community centers.
8. Public parking areas and structure.
9. Public and semi-public buildings (fire stations, libraries, sub-stations, reservoirs - essential to the physical, social, and economic welfare of an area).
10. Automobile and/or truck repair or maintenance garage.
11. Public utilities.
12. Travel trailer parks.
13. Veterinary Hospital.
14. Storage facilities.
15. Conventional dwellings, manufactured homes and modular homes, provided the standards established for the residential zones are complied with.

Section 5.130 Lot Requirements. In a G-C zone, buildings may occupy all of the lot area not required for off-street parking (See Section 14.000).

Section 5.140 Lot Dimensions. The minimum lot width shall be 50 feet.

Section 5.150 Yard Regulations. In a G-C zone, minimum yard requirements are as follows:

1. Front yards shall not be required except where specified setbacks are required for road widening purposes. Except where side and rear yards abut a residential district, they will not be required unless specified setbacks are required for road widening purposes.
2. On the side of a lot abutting a residential zone, a yard shall be at least 15 feet plus one foot for each two feet by which the height of the building exceeds twenty-eight feet.
3. On the rear of a lot abutting a residential zone, the rear yard shall meet the same requirements as the side yard, unless an alley or street divides the zones.

Section 5.160 Site and Development Provisions.

1. The maximum building or structural height shall be thirty-five feet (35').
2. Fences: See Code Section 2.015.
3. Vision Clearance: See Code Section 2.010.
4. Off-Street Parking: See Code Article 13.
5. Signs: See Code Article 14.

## MARINE COMMERCIAL (M-C)

### SECTION:

- 5.200: Marine Commercial Zone (M-C)
- 5.210: Permitted Buildings and Uses
- 5.220: Buildings and Uses Permitted Conditionally
- 5.230: Lot Requirements
- 5.240: Lot Dimensions
- 5.250: Yard Regulations
- 5.260: Site and Development Provisions

Section 5.200 Marine Commercial Zone (M-C). Provides for areas of water-dependent and water-related commercial activities in land areas surrounding the lakes and Tenmile Creek. The recreational attraction of the area enhances the importance of this designation for water-related and water-dependent activities.

### Section 5.210 Permitted Buildings and Uses.

1. Boat launching or moorage facilities, marina, boat charter service.
2. Boat or marine equipment sales, service, storage, rental or repair.  
Retail sale of water sporting goods or similar goods if physical access to the water is needed.
4. Professional office space which is marine oriented, if physical access to the water is needed.
5. Open recreation area.
6. Other water-dependent facilities not listed.

### Section 5.220 Buildings and Uses Permitted Conditionally if Water Related.

1. Gift or souvenir shop.
2. Motel or hotel.
3. Restaurant, bar, tavern, nightclub, cocktail lounge.
4. Club, lodge, fraternal organization.
5. Government structure and use of land.
6. Recreational Vehicle park.
7. Light processing of seafood in conjunction with wholesale or retail trade.
8. Storage of marine oriented materials.
9. Grocery store.
10. Automobile service station in conjunction with boat service.
11. One-family dwelling built on site with or attached to another permitted use.
12. Public park, playground or similar recreation area.
13. Public utility or community facility.  
Small boat manufacturer.

15. Seafood sales, wholesale, or retail.
16. Experimental laboratory for research of marine coastal production or resource.
17. Home occupations. Home Occupations are subject to the provisions of Section 2.050.
18. Cottage industry.
19. Conventional dwellings, manufactured homes, and modular homes, provided the standards established for the residential zones are complied with.
20. Recreational Vehicle (RV).
21. Planned Unit Development. Planned Unit Developments are subject to the provisions of Article 10 of this Code.

Section 5.230 Lot Requirements. In a M-C zone, buildings may occupy all of the lot area not required for off-street parking. See Section 14.000.

Section 5.240 Lot Dimensions. The minimum lot width shall be 50 feet.

Section 5.250 Yard Regulations. In an M-C zone, minimum yard requirements are as follows:

1. Front yards shall not be required except where specified setbacks are required for road widening purposes. Except where side and rear yards abut a residential district, they will not be required unless specified setbacks are required for road widening purposes.
2. On the side of a lot abutting a residential zone, a yard shall be at least 15 feet plus one foot for each two feet by which the height of the building exceeds twenty-eight feet.
3. On the rear of a lot abutting a residential zone, the rear yard shall meet the same requirements as the side yard, unless an alley or street divides the zones.

Section 5.260 Site and Development Provisions.

1. The maximum building or structural height shall be thirty-five feet (35').
2. Fences: See Code Section 2.015.
3. Vision Clearance: See Code Section 2.010.
4. Off-Street Parking: See Code Article 13.
5. Signs: See Code Article 14.
6. Shoreline Restrictions: See Code Section ~~2.060~~ 2.065

## ARTICLE 6. INDUSTRIAL DISTRICTS

### LIGHT INDUSTRIAL (L-I)

#### SECTION:

- 6.100: Light Industrial Zone (L-I)
- 6.110: Permitted Buildings and Uses
- 6.120: Buildings and Uses Permitted Conditionally
- 6.130: Lot Requirements
- 6.140: Lot Dimensions
- 6.150: Yard Regulations
- 6.160: Site and Development Provisions

Section 6.100 Light Industrial Zone (L-I). A zone to provide suitable areas for a wide spectrum of industrial uses.

#### Section 6.110 Permitted Buildings and Uses.

1. Retail or service establishment.
2. Automobile service station.
3. Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
4. Building material storage yard.
5. Plumbing, electrical, or paint contractor's storage, repair or sales shop.
6. Tire retreading or Vulcanizing Shop.
7. Machine shop or cabinet shop.
8. Manufacturing, repairing, compounding, processing, storage, research, assembling or fabricating activities.

#### Section 6.120 Buildings and Uses Permitted Conditionally.

1. Multi-family dwelling.
2. Hotel or motel.
3. Club or lodge.
4. Hospital, sanitarium, retirement home, medical or dental clinic.
5. Church or school.
6. Park playground.
7. Public facilities.
8. Mobile home park.
9. Veterinary hospital.
10. Recreational Vehicle (RV).

11. Conventional dwellings, manufactured homes and modular homes, provided the standards established for the residential zones are complied with.
12. Planned Unit Development. Planned Unit Developments are subject to the provisions of Article 10 of this Code.

Section 6.130 Lot Requirements. Minimum lot area requirement shall be 9,000 square feet. Each lot must be served by public water system and public sewerage disposal system. If these services are not provided, minimum lot size shall be governed by City codes and State Law.

Section 6.140 Lot Dimensions. Lot width at the front of the building line shall be at least 90 feet. Lot depth shall be at least 100 feet.

Section 6.150 Yard regulations. In the L-l zone, minimum yard requirements are as follows:

1. Front yards shall not be required except where specified setbacks are required for road widening purposes. Side and rear yards will not be required except where they abut a residential zone or where setbacks are required for road widening purposes.
2. On the side of a lot abutting a residential zone, a yard shall be at least 15 feet plus one foot for each two feet by which the height of the building exceeds 28 feet.
3. On the rear of a lot abutting a residential zone, the rear yard shall meet the same requirements as the side yard.

Section 6.150 Site and Development Provisions.

Building and Structural Height Limitations:

1. The maximum building height shall be forty feet (40') and shall be in compliance with the Airport Approach (A-A) overlay district where applicable (see Section 11.100).
2. Towers, spires, chimneys, machinery penthouses, water tanks, radio aerials and similar structures and mechanical appurtenances shall not exceed sixty feet (60') in height and shall not be used for any commercial, residential, or advertising purposes.
3. All buildings and structures taller than thirty-five feet (35') shall be set back at least one hundred fifty feet (150') from any property line that abuts a residential district.



Fences: See Code Section 2.015.

Clearance: See Code Section 2.010.

Parking and Loading Space: See Code Article 13.

Signs: See Code Article 14.

## HEAVY INDUSTRIAL (H-I)

### SECTION:

- 6.200: Heavy Industrial Zone (H-I)
- 6.210: Permitted Buildings and Uses
- 6.220: Buildings and Uses Permitted Conditionally
- 6.230: Lot Requirements
- 6.240: Lot Dimensions
- 6.250: Yard Regulations
- 6.260: Site and Development Provisions

Section 6.200 Heavy Industrial Zone (H-I). A zone intended to provide suitable areas for heavier industrial uses.

Section 6.210 Permitted Buildings and Uses.

1. Manufacturing plant, including lumber and plywood mills.
2. Boat building and repair.
3. Manufacturing electrical equipment.
4. Wholesale trucking and storage establishments.
5. Accessory uses including but not limited to industrial land fills and storage. Land fills are subject to appropriate State regulations.

Section 6.220 Buildings and Uses Permitted Conditionally.

1. Mobile home park.
2. Public facility.
3. Retail and wholesale establishments.
4. Pulp or paper mill.
5. Cement or asphalt plant.
6. Rendering plant or slaughter house.
7. Planned Unit Development. Planned Unit Developments are subject to the provisions of Article 10 of this Code.

Section 6.230 Lot Requirements. Minimum lot area requirement shall be 9,000 square feet. Each lot must be served by public water system and public sewerage disposal system. If these services are not provided, minimum lot size shall be governed by City codes and State law.

Section 6.240 Lot Dimensions. Lot width at the front of the building line shall be at least 90 feet. Lot depth shall be at least 100 feet.

Section 5.250 Yard Regulations. In a Heavy Industrial zone, minimum yard requirements are as follows:

1. Front yards shall not be required except where specified setbacks are required for road widening purposes. Side and rear yards will not be required except where they abut a residential zone or where setbacks are required for road widening purposes.
2. On the side of a lot abutting a residential zone, a yard shall be at least 15 feet plus one foot for each two feet by which the height of the building exceeds 28 feet.
3. On the rear of a lot abutting a residential zone, the rear yard shall meet the same requirements as the side yard.

Section 5.260 Site and Development Provisions.

Building and Structural Height Limitations:

1. The maximum building height shall be forty feet (40') and shall be in compliance with the Airport Approach (A-A) overlay district where applicable (see Section 11.100).
2. Towers, spires, chimneys, machinery penthouses, water tanks, radio aerials and similar structures and mechanical appurtenances shall not exceed sixty feet (60') in height and shall not be used for any commercial, residential, or advertising purposes.
3. All buildings and structures taller than thirty-five feet (35') shall be set back at least one hundred fifty feet (150') from any property line that abuts a residential district.

Fences: See Code Section 2.015.

Vision Clearance: See Code Section 2.010.

Parking and Loading Space: See Code Article 13.

Signs: See Code Article 14.

## ARTICLE 7. OPEN SPACE DISTRICT

### SECTION:

- 7.100: Open Space Zone
- 7.110: Permitted Buildings and Uses
- 7.120: Buildings and Uses Permitted Conditionally
- 7.130: Lot Requirements
- 7.140: Lot Dimensions
- 7.150: Yard Regulations
- 7.160: Conditional Use Approval Criteria and Conditions

Section 7.100 Open Space Zone. Is intended to provide adequate recreation areas and to act as a buffer or transitional area between incompatible use classifications. Also, areas unsuited for development because of slope and soil limitations or aesthetic value might best remain open.

#### Section 7.110 Permitted Buildings and Uses.

1. Recreational uses limited to day use such as:
  - a. Exhibition of natural conditions, and
  - b. Picnicking areas and playgrounds.
2. Wildlife and marine life sanctuaries.
3. Management and harvest of forest products.
4. Agriculture use including grazing and farming.
5. Single-family dwelling or business with single-family dwelling associated with the above activities.
6. Private parks and playgrounds.
7. Rehabilitation, replacement, minor betterment, repair, and improvement of existing overnight camping facilities which do not cause significant increases in camping spaces.

#### Section 7.120 Buildings and Uses Permitted Conditionally.

1. Solid waste disposal facility.
2. Private hunting and fishing preserves.
3. Single-family dwelling on a parcel not less than 10 acres.
4. Golf course.
5. Home occupation. Home Occupations are subject to the provisions of Section 2.050.
6. Cottage industry.
7. Overnight camping facilities.

Section 7.130 Lot Requirements. For single-family dwellings the minimum lot size shall be 10 acres.

Section 7.140 Lot Dimensions. There shall be no minimum lot sizes for other permitted or conditional uses except as required by state and local sanitation regulations.

Section 7.150 Yard Regulations.

1. The front yard shall be a minimum of 20 feet.
2. Each side yard shall be a minimum of 5 feet.
3. The street side yard shall be a minimum of 15 feet.
4. The rear yard shall be a minimum of 15 feet, except that structures (including projections) shall be allowed to abut, but not intrude into, the right-of-way of an alley running parallel to the rear lot line.
5. No structure shall be located closer than 40 feet from the center line of a street, other than an alley or easement.

Section 7.160 Conditional Use Approval Criteria and Conditions. The Planning Commission shall require that the following approval criteria and conditions of approval be met:

1. Approval Criteria:
  - a. The proposed use is consistent with the preservation of managed use of the open space resource identified, if any, on the subject property in the Comprehensive Plan.
  - b. Where the subject property is designated for urban development in the Comprehensive Plan, the proposed use must clearly be interim in nature or consistent with the ultimate planned use.
  - c. A site investigation report may be required to determine the extent and location of the resource.
2. Conditions of Approval:
  - a. Conditions may be imposed to implement the recommendations and findings of a site investigation report.
  - b. Design review may be required.
  - c. General conditions listed in Article 2 of this code may be applied.
  - d. Conditions may be imposed to implement the recommendations and findings of an impact assessment.

## ARTICLE 8. WATER USE DISTRICT

### SECTION:

- 8.100: Water Use Zone (W-U)
- 8.110: Permitted Buildings and Uses
- 8.120: Buildings and Uses Permitted Conditionally

Section 8.100 Water Use Zone (W-U). The Water Use zone is a zone for such uses as boating, recreational marine harvesting, and navigational requirements. This classification is designed to protect the organisms living in the water but allow for the use of the waters surface.

#### Section 8.110 Permitted Uses and Buildings.

1. Boating.
2. Recreational marine harvesting.
3. Navigational improvements.
4. Marine recreational activities such as boating and similar uses.
5. Public park or recreation facilities if water related.
6. Marinas, docks and other similar floating structures.

#### Section 8.120 Buildings and Uses Permitted Conditionally.

1. Pilings, and dredge and fill activities. These activities are subject to State and Federal permit.
2. Public utility or communication facility easements.

## ARTICLE 9. PUBLIC FACILITY DISTRICT (P-F)

### SECTION:

- 9.100: Public Facility Zone (P-F)
- 9.110: Permitted Buildings and Uses
- 9.120: Buildings and Uses Permitted Conditionally
- 9.130: Lot Requirements
- 9.140: Commercial Exhibit and Public Events Permits

Section 9.100 Public Facility Zone (P-F). Designates land used for public facilities such as government offices, schools, hospitals, transportation facilities, community centers and utility structures.

#### Section 9.110 Permitted Buildings and Uses.

1. Government office.
2. Schools.
3. Hospitals.
4. Transportation facilities.
5. Utility structures.
- Community activities/recreation center.

#### Section 9.120 Buildings and Uses Permitted Conditionally.

1. Boat Launching or moorage facilities.
2. Open recreation area.
3. Experimental Laboratory for research of marine coastal production or resource.
4. Bus station, taxi stand.
5. Museum, art gallery, or similar facility.
6. Accessory buildings and uses normal and incidental to the uses permitted in this section.
7. Temporary in-door or out-door commercial or non-profit exhibits, public events, concerts or gatherings. Such use will require Commercial Exhibit or a Public Events Permit (see Section 9.140 below).

Section 9.130 Lot Requirements. There shall be no minimum lot area where both a public or community water supply system and a public sewerage disposal system are available. If these systems are not available, minimum lot size shall be determined by local and state law requirements.

Section 9.140 Commercial Exhibit and Public Events Permits. Commercial Exhibit and Public Events Permits can be issued for a period of not more than four days, upon completion of permit applications and payment of required fees. If permit extensions are needed, Planning Commission consideration will be required.



## ARTICLE 10: PLANNED UNIT DEVELOPMENT ZONE (P-D)

### SECTION:

- 10.100: Planned Unit Development Zone (P-D)
- 10.110: Permitted Buildings and Uses
- 10.120: Buildings and Uses Permitted Conditionally
- 10.130: Development Standards
- 10.140: Yard Regulations, Parking Requirements, Wood Fences, Walls and Other Structures
- 10.150: Open Space
- 10.160: Construction Standards
- 10.170: Dedication and Maintenance of Facilities
- 10.180: Use of Professional Coordinator and Design Team
- 10.190: Planned Unit Development Procedure

Section 10.100 Planned Unit Development Zone (P-D). The use of innovative residential development for large land areas. Both Planned Unit Development (PUD) concepts and other innovative subdivision approaches would be appropriate types or development. Greater flexibility for integrated single and multi-family units and open space areas can be achieved along with more diverse options for lot size, densities, and land uses within these approaches. The Planned Unit Development regulations are intended to:

1. Encourage the coordinated development of unplatted land.
2. Encourage innovative land utilization through a flexible application of zoning regulations.
3. Preserve the natural amenities of land and water.
4. Promote an attractive, safe, efficient and stable environment which incorporates a compatible variety and mix of uses and dwelling types.
5. Provide for the efficient use of public utilities, services and facilities.
6. Encourage comprehensive site planning in areas of sufficient size to provide developments at least equal in quality than that resulting from traditional lot-by-lot development.

Section 10.110 Permitted Buildings and Uses.

1. Planned residential developments:

- a. General - Single-family.
- b. Multi-Family Residential.
- c. Recreational Residential.
- d. Common public and private non-profit parks and playgrounds, community center and recreation facilities.
- e. Hiking and riding trails.
- f. Private non-commercial clubs, such as golf, swim, tennis and country clubs.
- g. Accessory structures and uses.

2. All other districts:

- a. All uses permitted outright in the designated zoning district.
- b. Conditional uses permitted in the designated zoning districts provided the requirements of Article 12 of this code are met.
- c. Recreational uses, such as a golf course, private park, recreational building, club house, or social hall.
- d. Commercial uses.

Section 10.120 Buildings and Uses Permitted Conditionally.

- 1. Commercial uses within a planned residential development which are designed to serve the residents of the development with goods and services.
- 2. Libraries.
- 3. Churches.
- 4. Educational structures.
- 5. Public utilities.
- 6. Service structures.
- 7. Planned commercial and industrial districts.
  - a. Uses permitted in the underlying district.
  - b. Other uses as approved by the Planning Commission consistent with the development plan and program approved by the Planning Commission.
  - c. Accessory buildings and uses.
- 8. Planned civic, public service, and educational development districts.
  - a. Municipal and civic centers, parks and recreational facilities.
  - b. Public or private educational institution.
  - c. Hospitals, including retirement homes.
  - d. Research facilities limited to academic research functions.
  - e. Service uses including but not limited to civic theaters, museums, churches, convents, and monasteries.

## Section 10.130 Development Standards.

**Conflicts Between Standards:** In case of conflict between standards set forth in this section and other parts of this zoning ordinance, the standards provided for in such other parts of the zoning ordinance shall govern unless the Planning Commission and Council shall have granted a variance from said standards in the approval of the final plan.

2. **Minimum Development District Size:** A planned residential zone shall not be established on less than 5 acres of contiguous land unless the Planning Commission finds that property of less than 5 acres is suitable as a Planned Unit Development zone by virtue of its unique character, topography, or landscaping features, or by virtue of its qualifying as an isolated problem area as determined by the Planning Commission.
3. **Lot Requirements:** Lot requirements including area, dimensions and coverage shall be the same as the underlying zoning districts unless the Planning Commission finds that an exception is warranted in terms of character and amenities proposed in the total development plan.
4. **Maximum Building Height:** Buildings shall not exceed the height limitations prescribed in the underlying zoning district(s) in which the P-D is located.
5. **Off-Street Parking:** The requirements for off-street parking and loading shall be in accordance with requirements specified in Section 13.010 of this Code. Parking spaces or garages may be grouped together when the Planning Commission determines that such grouping of parking spaces, and the location thereof, will be accessible and useful to the residents, guests, and patrons of the P-D.

Section 10.140 Yard Regulations, Parking Requirements, Wood Fences, Walls and Other Structures. Requirements pertaining to these categories shall be the same as the underlying zoning districts unless the Planning Commission finds an exception is warranted in terms of character and amenities proposed in the total development plan.

Section 10.150 Open Space. Open space within a Planned Unit Development Zone means the land area is to be used for scenic, landscaping or open recreational purposes within the development. Open space shall be adequate for the recreational and leisure needs and use of the occupants and users of the Planned Unit Development zone. To the maximum extent possible the development plan and program shall assure that natural features of the land are preserved and landscaping is provided. In order to insure that open space will be permanent, dedication of the development right may be required to be dedicated to the City of Lakeside. Such instruments and documents guaranteeing the maintenance of open space shall be approved as to form by the City Attorney. Failure to maintain the

open space or any other property set forth in the development plan and program shall empower the City of Lakeside to enter the property and bring said property up to the standards set forth in the development plan, and the City may assess the real property and improvements within the Planned Unit Development zone or the cost of creating and maintaining said open and recreational lands.

Section 10.160 Construction Standards. The provisions of the Zoning Ordinance, Subdivision Ordinance, Building Code and all other City Codes shall apply and control all design and construction of improvements within a Planned Unit Development zone except as specifically varied by the Council in approval of the Final Plan and subdivision plat as provided for.

Section 10.170 Dedication and Maintenance of Facilities. The City may require that land has been set aside, improved, conveyed, or dedicated for the following uses:

1. Easement necessary to accommodate existing or proposed public utilities.
2. Streets, street lights, bikeways and pedestrian paths necessary for the proper development of either the P-D or adjacent properties.

Section 10.180 Use of Professional Coordinator and Design Team. The developer is required to employ a design team to ensure that the project is well planned, and to coordinate the process of application. The design team shall include an Architect or Engineer, a Landscape Architect, a Planner, a Surveyor, and in some cases, a Soils Engineer. Designation of a professional coordinator doesn't prohibit the owner from taking part in the process.

Section 10.190 Planned Unit Development Procedure.

1. Description and Purpose

The purpose of this section is to set forth the procedure to be followed in developing a Planned Unit Development.

2. Preliminary Development Plan and Program, Filing Fee

Any owner of real property in excess of 5 acres desiring to develop a Planned Unit Development zone shall submit a preliminary development plan and program to the Planning Commission of the City of Lakeside together with, a Planned Unit Development zone filing fee. For the purposes of this article "owner" shall mean and include any public body, corporation or a holder of a written option to purchase said property. Such preliminary development plan and program shall consist of a preliminary plan in schematic design and a written program jointly containing the following information:

a. Identification and Description

Proposed name of Planned Unit Development zone, location by legal description, names and addresses of applicant, owners, and designers of the Planned Unit Development zone; bar scale and written scale of plan (1" to 100'); date of plan and program and north point.

b. Existing Conditions

Contours at an interval of 1 foot for ground slopes less than 5%, 2 foot contour intervals for ground slopes between 5% and 10%, 5 foot contour intervals for ground slopes exceeding 10%, location and direction of all water courses; natural features, such as rock outcroppings, marshes, wooded areas, etc.; location and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other open public spaces, permanent buildings and structures and their uses, permanent easements and City boundaries within 500 feet of the development; existing sewers, water mains, culverts, and other underground facilities within the development, indicating pipe sizes, grades, manholes, and their exact location.

c. Proposed Development

A preliminary plan shall show the following in addition to other requirements of the Planning Commission:

- i. A map showing street systems, lot or partition lines, and other divisions of land for management, use or allocation purposes.
- ii. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings, and similar public and semi-public areas.
- iii. A plot plan for each building site and common open space area, showing the approximate location of buildings, structures, and other improvements and indicated the open spaces around buildings and structures.
- iv. Elevation and perspective drawings of proposed structures.
- v. A development schedule indicating:
  - A. The approximate date when construction of the project can be expected to begin.

- B. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
  - C. The anticipated rate of development.
  - D. The approximate dates when each stage of development of common open space that will be provided at each stage.
  - E. The area, location, and degree of development of common open space that will be provided at each stage.
- vi. Agreements, provisions, or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas.
  - vii. The following plans and diagrams, insofar as the reviewing body finds that the planned unit development creates special problems of traffic, parking, landscaping, or economic feasibility:
    - A. An off-street parking and loading plan.
    - B. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development and to and from the thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation patten shall be shown.
    - C. A landscaping and tree plan.
    - D. An economic feasibility report or market analysis.

3. Review of Preliminary Development Plan and Program

Upon filing of the preliminary development plan and program and receipt of the initial filing fee, the Planning Director and the appointed City representative of Public Works shall review the preliminary development plan and program and shall prepare for submission to the Planning Commission a planning staff report containing the following information in addition to such other information as is pertinent:

- a. A map showing the existing zoning of the subject property and adjoining properties within or without the boundaries of the City of Lakeside.
- b. Existing land use map of the area within 1,000 feet of the subject property.
- c. Report comments on consistency of the proposed Planned Unit Development with the Lakeside Comprehensive Plan, the zoning; Subdivision Ordinances of the City of Lakeside, and a prospective effect of said Planned Unit Development on land use, character and environment, traffic, City services, etc.

4. Planning Commission Review of Preliminary Development Plan and Program

Following receipt by the Planning Commission of the Planning Director's report upon the preliminary; development plan and program, the Planning Commission shall hold a public hearing following adequate publication of the notice of public hearing in a newspaper or general circulation.

5. Conditional Approval by Planning Commission

Upon review at the public hearing, or any continuance thereof, the Planning Commission may conditionally approve the principle of the preliminary plan and program, require amendment and modification thereto, or reject said Planned Unit Development. The Planning Commission may require such changes and impose such conditions as they determine to be prudent and desirable. The Planning Commission may, at its discretion, authorize submission of the final plan in stages, corresponding to the different phases or elements of the development, after receiving evidence assuring completion of the entire project on schedule.

6. Time Limit - Filing Final Development Plan and Program

Upon acceptance of the Planned Unit Development in principle with modifications required by the Planning Commission, the owner-applicant shall file with the Planning Director within six months of the preliminary approval of the Planning Commission, a final development plan and program. In addition, the developer may submit such additional data as may be required by the Subdivision Code of the City seeking contemporaneous approval of the subdivision plat with approval of the final plan and program.

7. Final Development Plan and Program

The final development plan and program shall contain the following information:

- a. Land use:
  - i. A land use plan showing all proposed uses within the Planned Unit Development.
  - ii. All areas proposed to be dedicated or reserved for interior circulation, Public parks, playgrounds, school sites, public buildings, or otherwise dedicated or reserved for the public.
  - iii. Open space that is to be maintained and controlled by the owners of the property and their successors in the interest of being available for the recreational and leisure use of the occupants and users of the Planned Unit Development.
  
- b. Contours and Drainage:
  - i. Contours as they will be after development.
  - ii. Drainage system and sanitary sewers and treatment facilities as required.
  
- c. Circulation:
  - i. A street system and lot design with appropriate dimensions. A subdivision plat if the land is to be subdivided shall comply with this requirement.
  - ii. A traffic flow map showing circulation patterns within and adjacent to the proposed development. Any special engineering features and regulation devices needed to facilitate or insure the safety of the circulation pattern shall be shown.
  - iii. Location and dimensions of pedestrian walkways, malls, and foot and horse trails.
  
- d. Parking and Loading:
  - i. Location, arrangement, number and dimensions of automobile garages, parking spaces and the width of aisles, bays, and angle of parking.
  - ii. Location, arrangement and dimensions of truck loading spaces and docks.
  
- e. Architectural Sketches:
  - i. In a Planned Unit Development containing less than 25 acres the developer shall submit preliminary architectural sketches depicting the types of buildings and their approximate location on lots. The sketches shall also depict the general height, bulk, and type of construction and proximity of structure on lots.



- ii. In a Planned Unit Development containing more than 25 acres the developer shall submit architectural sketches as required above for each phase of development containing less than 25 acres before the time such phase begins actual construction. For a Planned Unit Development or phase thereof in excess of 25 acres the developer shall submit architectural sketches depicting the types of buildings (single-family, duplex, multi-family, commercial, etc.) and their prospective locations in the development, showing their general height and bulk in relationship to the other improvements in the development and upon adjacent land.

f. Landscaping:

- i. In Planned Unit Development or construction phases therein containing less than 25 acres the developer shall submit a preliminary landscaping plan depicting tree plantings, ground cover, grades, slopes, screen plantings and fences, etc. and showing existing trees in excess of 12 inches in diameter measured four feet from ground level and showing the location of trees to be removed by the development.
- ii. In a Planned Unit Development containing more than 25 acres the developer shall submit a preliminary landscaping plan or written portion of the program of development setting forth the proposed landscaping design concepts around residential and commercial structures and in and around open spaces and public recreational areas.

g. Program Elements:

The written program shall contain the following information:

- i. Table showing the total number of acres and their distribution by use, the percentage designed for each dwelling type and for non-residential uses, including off-street parking, streets, parks, playgrounds, schools and open spaces as shown in the proposed development plan.
- ii. Table showing the overall density of the proposed residential development and showing density by dwelling types.
- iii. Drafts of appropriate restrictive covenants and all other documents providing for the maintenance of any public open space and recreational areas not dedicated to the City including

agreements by property owners associations, dedicatory deeds or reservations of public open spaces.

- vi. A time schedule showing construction commencement, rate of development, and approximate completion date for each phase of construction and type of structure.
- v. The stages for development of private and public facilities planned.
- vi. Written consent of all persons owning any interest in the real property within the Planned Unit Development to the final development plan and program.
- vii. Such other information as the Planning Commission may require.

8. Planning Commission Public Hearing on Final Development Plan and Program

- a. Upon receipt and review by the Planning Director of the final development plan and program, the Planning Commission at a regular public meeting shall consider the final development plan and program and shall approve the final development plan and program as being in compliance with the requirements and intent of this ordinance; or
- b. Continue the public hearing to a date certain date and refer the petition and final development plan to the Planning Director with recommendations as to amending the petition and proposed development plan and program; or,
- c. Disapprove the final development plan and program as inconsistent with the intent of this article and abandon hearings and proceedings therein.

9. Filing of Approved Final Plan and Program

Following approval of the final development plan and program by the City Council, the owner-applicant shall file with the Recorder of the City of Lakeside and the Planning Director of the City of Lakeside a conformed and approved final development plan and program together with all documents approved as to form by the City Attorney relating to dedication, improvements, maintenance agreements, covenants, deed restrictions and bylaws of neighborhood associations, cooperatives, and improvement of the district.

10. Recording of Notice of Final Development Plan

Each owner of the property within the Planned Unit Development shall execute a notice prepared by the City of Lakeside that the final development plan and program approved by the Planning Commission. Such notice shall contain a legal description of the property, referring to the certified copy of the final development plan and program filed in the office of the City Recorder and be acknowledged by each of the owners of property within the Planned Unit Development. Said notice shall be recorded in the office of the City Recorder of Lakeside.

11. Development Improvement Prohibited Pending Compliance

No excavating, grading, construction, improvement or building or permits therefore shall be authorized or issued within a Planned Unit Development pending compliance with the following:

- a. Full compliance with all provisions of this article including execution and filing of all documents required herein.
- b. Compliance with the subdivision code of the City of Lakeside, improvement ordinances of the City of Lakeside, and building code of the City of Lakeside.
- c. Full compliance with the final development plan and program.

12. Changes to Final Development Plan and Program

The owner-applicant may make such changes in the approved final plan and program as are consistent with any subsequent subdivision plat approved by the Planning Commission, provided such changes do not alter total density, ratio of dwelling unit types, boundaries of the Planned Unit Development or location or area of public spaces. In the event a subdivision plat containing such changes is not submitted for approval to the Planning Commission, proposed changes to the approved final plan and program may be submitted in writing to the Planning Director for approval and amendment to the final plan and program on file with the City provided such changes do not alter the dwelling unit density; do not alter the ratio of different types of dwelling units to each other; do not increase or change the type or location of commercial structures; do not change the boundaries of the Planned Unit Development and do not change the location and area of public open spaces and recreational area. Changes which alter or change dwelling unit density, ratio of number of different types of dwelling units, commercial uses, boundaries of the Planned Unit Development or affects location or area of open and recreational spaces shall be made in the form of a petition for

approval of a new Planned Unit Development and shall be made in accordance with this Article.

13. Expiration of Planned Unit Development

If substantial construction or development of the Planned Unit Development has not occurred in accordance with the approved final development plan and program and schedule for stage completion in substantial compliance with said final development plan and program, the Planning Commission may initiate a review of the Planned Unit Development sub-district at a public hearing to determine whether or not its continuation in whole or in part is in the public interest, and if found not to be, shall recommend to the City Council that the Planned Unit Development sub-district be removed, and necessary amendments to the zoning code be made in accordance with this article.

## ARTICLE 11. OVERLAY ZONES

### AIRPORT APPROACH (A-A)

#### SECTION:

- 11.100: Airport Approach Zone (A-A)
- 11.110: Special Definitions
- 11.120: Application of Airport Approach Provisions
- 11.130: Permitted Uses Not Requiring An Airport Approach Permit
- 11.140: Permitted Uses Requiring An Airport Approach Permit
- 11.150: Procedure
- 11.160: Limitations

Section 11.100 Airport Approach Zone (A-A). Applies to properties which lie within the air approaches to airports. Further, this zone is intended to prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Lakeside.

#### Section 11.110 Special Definitions.

1. "Airport Approach" means a fan-shaped area beyond the end of a runway where special land-use and height regulations are established.
2. "Airport Hazard" means any structure, tree, or use of land which unreasonably obstructs the air space required for the safe flight of aircraft in landing or taking off at an airport or landing field, or is otherwise hazardous to such landing or taking off of aircraft.
3. "Place of Public Assembly" means a structure which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, or awaiting transportation.
4. "Airport-Clear Zone" The fan shaped area 1,000 feet beyond the end of the runway which is kept clear of airport hazards.

Section 11.120 Application of Airport Approach Provisions. In any zoning district where an A-A designation is combined with a primary district, the following regulations shall apply. If any conflict in regulation or procedure occurs with zoning districts hereinafter specified, the provisions of the Airport Approach Overlay District shall govern.

Section 11.130 Permitted Uses Not Requiring An Airport Approach Permit.

1. Agriculture, excluding the commercial raising of animals which would be adversely affected by aircraft passing overhead.
2. Landscape nursery, cemetery, or recreational areas, which do not include buildings or structures.
3. Roadways, parking areas, and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, or result in glare, or in any other way impair visibility in the vicinity of the land approach.
4. Pipelines.
5. Underground utility wires.

Section 11.140 Permitted Uses Requiring An Airport Approach Permit.

1. A structure or building accessory to a permitted use.
2. A single-family dwelling, or commercial or industrial use if permitted in the primary zoning district.
3. Buildings and uses of a public works, public service or public utility nature.

Section 11.150 Procedure. The authority for issuing an Airport Approach Permit shall be subject to review by the Planning Commission to assure ordinance requirements are met.

An application for an Airport Approach Permit shall be made in writing to the City Recorder. Information accompanying the application shall include:

1. Property boundary lines as they relate to the Airport Approach Zone and the end of the runway;
2. Location and height of existing and proposed buildings, structures, utility lines, and roads;
3. Statement from the State Aeronautics Division indicating that the proposed use will not interfere with the landing facility, and;
4. A signed property covenant and hold harmless agreement.

Section 11.160 Limitations.

1. No place of public assembly shall be permitted in the airport approach zone between Forth Lake Road on the south and Kings Avenue on the north.
2. The height of any structure shall be limited to requirements prescribed by the Planning Commission or by any other local ordinance or regulation.

3. Whenever there is a conflict in height limitations prescribed by this ordinance or another pertinent ordinance, the lowest height limitation fixed shall govern. Provided, however, that the height or other limitations and restrictions here imposed shall not apply to such structures or uses customarily employed for aeronautical purposes.
4. No glare producing materials shall be used on the exterior of any structure located within the airport approach district.

## FLOOD PLAIN ZONE (F-P)

### SECTION:

- 11.200: Flood Plain Zone (F-P)
- 11.205: Special Definitions
- 11.210: Lands to Which This Ordinance Applies
- 11.215: Basis for Establishing the Areas of Special Flood Hazard
- 11.220: Establishment of Development Permit
- 11.225: Designation of the Planning Commission
- 11.230: Duties and Responsibilities of the Planning Commission
- 11.240: General Standards
- 11.250: Specific Standards
- 11.260: Floodways

Section 11.200 Flood Plain Zone (F-P). The Legislature of the State of Oregon has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by methods and provisions designed for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 11.205 Special Definitions. Unless specifically defined in Article 3 of this Ordinance, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. Further, for the purposes of Section 11.200-260,



"mobile home" does not include recreational vehicles or travel trailers.

"Manufactured Home" means 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.

11.210 Lands to Which This Ordinance Applies. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Lakeside.

11.215 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 "The Flood Insurance Study for the City of Lakeside" dated June 17, 1983, 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 the Lakeside City Hall.

11.220 Establishment of Development Permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 11.215. The permit shall be for all structures including mobile homes or manufactured homes, as set forth in the "Definitions" and for all other development including fill and other activities. Also as set forth in the "Definitions".

11.222 Designation of the Planning Commission. The Planning Commission is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

11.230 Duties and Responsibilities of the Planning Commission. Duties of the Planning Commission shall include, but not be limited to:

1. Permit Review:
  - a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
  - b. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
  - c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 11.260 are met.

2. Use of Other Base Flood Data:

When base flood elevation data has not been provided in accordance with Section 11.215, 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 Sections 11.250 SPECIFIC STANDARDS, and 11.260 FLOODWAYS.

3. Information to be Obtain and Maintained:

- a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all net or substantially improved structures, and whether or not the structure contains a Basement.
- b. For all new or substantially improved flood proofed structures:
  - i. Verify and record the actual elevation (in relation to mean sea level), and
  - ii. Maintain the flood proofing certifications required in Section 11.250(2)(c).

4. Alteration of Watercourses & Neighboring Communities

- a. Notify adjacent neighboring communities and the State Coordinating Agency (DLCD) 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.

5. Interpretation of FIRM Boundaries

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 1920.6 of the rules and regulations of the National Flood Insurance Program (24 CFR 1090, etc.).

11.240 General Standards. 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 mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
  - i. Over-the-top be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;
  - ii. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;
  - iii. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
  - iv. Any additions to the mobile home be similarly anchored.
- c. An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the Planning Commission that this standard has been met. Defer to FEMA's Manufactured Home Installation in flood hazardous guide book 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. Design, elevation or locating of all utility systems of a structure to prevent floodwater from entering.

3. Utilities:

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 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; and
- c. On-site waste disposal systems and other utilities 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; and,
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (which ever is less).

5. Review of Building Permits.

Where elevation data is not available, 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 judgement and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

11.250 Specific Standards. In all areas of special flood hazards where flood elevation data has been provided as set forth in Section 11.215 "Basis For Establishing the Areas of Special Flood Hazard" or Section 11.230(2) Use of Other Base Flood Data, the following provisions are required:

1. Residential Construction

Construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

- a. 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 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 flood proofed 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; and
- c. Be certified by a registered professional engineer or architect that the standards of this subsection satisfied. Such certifications shall be provided to the official as set forth in Section 11.230(3)(b).
- d. Elevated nonresidential structures meet the same criteria for space beneath the lowest floor as residential structures.

## 3. Mobile Homes or Manufactured Homes

- a. Mobile homes or manufactured homes shall be anchored in accordance with Section 11.240(l).
- b. For new mobile home parks or manufactured home subdivisions; for expansions to existing mobile home parks and mobile home

subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes or manufactured homes not placed in a mobile home park or mobile home subdivision, require that:

- i. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
  - ii. Adequate surface drainage and access for water are provided, and,
  - iii. In the instance of elevation on pilings, that:
    - lots are large enough to permit steps;
    - piling foundations are placed in stable soil no more than ten feet apart; and
    - reinforcement is provided for more than six feet above ground.
- c. A Mobile Home or Manufactured Home may be placed in a floodway if it meets all the standards as provided in 11.250 and 11.260.
4. Placement of Fill in Areas of Special Flood Hazards. Prior to any placement of fill material in Areas of Special Flood Hazards an engineering study shall be prepared and provided to the City by the applicant. The engineering study shall be prepared by a registered professional engineer or architect and shall demonstrate that placement of fill, on the subject site in the manner described, shall not result in any increase in flood levels or damage to other properties during the occurrence of the base flood discharge. This study shall, as a minimum, present assessments of:
- a. Changes in floodplain hydrology due to proposed placement of fill;
  - b. Engineering actions necessary to assure non-movement of proposed fill (i.e. soil type, compaction, embankment protection, drainage, etc.).

11.260 Floodways. Located within areas of special flood hazard established in Section 11.215 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 apply:

1. Prohibit encroachments including fill, new construction, substantial improvement, and other development in unless certification by a registered professional 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 Section 11.260 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provision of Sections 11.240-11.260.
3. No development shall be allowed in the wetland areas as identified in the Lakeside Comprehensive Plan.

## YOUNGER STABILIZED DUNES (Y-S)

### SECTION:

- 11.300: Younger Stabilized Dune Zone (Y-S)
- 11.310: Special Definitions
- 11.320: Application of Younger Stabilized Dune Provisions
- 11.330: Permitted Uses
- 11.340: Conditional Uses
- 11.350: Procedure
- 11.360: Minimum Requirements

Section 11.300 Younger Stabilized Dune Zone (Y-S). Zone is intended to be applied to properties that lie within areas of Younger Stabilized Dunes. This district is intended to prevent the reactivation of sand dunes through minimal vegetation removal and stabilization program. This district is deemed essential to protect the health, safety and welfare of the people of the City of Lakeside.

### Section 11.310 Special Definitions.

1. "Younger Stabilized Dunes" means a sand dune formation with sufficient vegetation to be stabilized from wind erosion but with weakly developed soils or little if any cohesion of sand under the vegetation.
2. "Stabilization Program" is a program of controlling the movement of sand by vegetative growth such as natural grasses and shrubs and mechanical means such as wire net or fencing.

Section 11.320 Application of Younger Stabilized Dune Provisions. Any zoning district where a Y-S designation is combined with a primary district the following regulation shall apply. If any conflict in regulation of procedures occurs with the zoning districts hereinbefore specified, the provisions of the Younger Stabilized Dune Overlay shall govern.

### Section 11.330 Permitted Uses.

1. All uses permitted in the primary zone subject to Planning Commission review.
2. Sand stabilization activities.

### Section 11.340 Conditional Uses.

1. All uses permitted conditionally with primary zone subject to Planning Commission review.



Section 11.350 Procedure. An applicant seeking a site review before the Planning Commission shall make an application to the City office. Information accompanying the application shall include:

1. Property boundaries as they relate to the Younger Stabilized Dunes.
2. Existing topography, vegetation, and uses.
3. Location of proposed structures, uses, roads and other improvements.
4. Proposed grading plan to include cut and fill areas, general slope of the property and any retaining walls or slope protection.
5. Proposed stabilization program and timing for the program.
6. The type of proposed use.

Section 11.360 Minimum Requirements. A development in the Y-S overlay zone shall go through a Planning Commission site review and receive approval prior to any development that will cause the sand to become active. Development shall be regulated in accordance with the following minimum standards:

1. Removal of vegetation during construction in the Y-S overlay zone shall be kept to the minimum required for building placement or other valid purposes.
2. Removal of vegetation should not occur more than 30 days prior to grading or construction.
3. Permanent re-vegetation or stabilization shall be started as soon as practical after construction, grading or utility placement.
4. Storage of materials should not suffocate vegetation.
5. Excavation and grading shall be carefully controlled through the enforcement of the Uniform Building Code and the above policies.
6. The developer or party initiating action in the Y-S overlay zone shall be responsible for preventing adverse impacts on adjacent properties, city streets or utilities. Where necessary the City may cause such impacts to be corrected at the expense of the developer, and place a lien on the property.
7. All development in the Y-S overlay zone shall be connected to the municipal water system to prevent groundwater drawdown.
8. Construction and siting of a building shall be done in such away as to minimize blowing sand under the foundation.

## STEEP SLOPES (S-S)

### SECTION:

- 11.400: Steep Slopes (S-S)
- 11.410: Special Definitions
- 11.420: Application of the Steep Slope Provisions
- 11.430: Permitted Uses
- 11.440: Conditional Uses
- 11.450: Procedure
- 11.460: Minimum Requirements

Section 11.400 Steep Slopes Zone (S-S). Zone is intended to be applied to properties that lie within those areas that have been identified as having steep regional slopes as identified by the Soil Conservation Service. This district is intended to minimize erosion through vegetation management, drainage control and lot size. The district is deemed necessary to protect the health, safety and welfare of the people of the City of Lakeside.

### Section 11.410 Special Definitions.

1. "Steep Slope Areas" are those areas that have been identified as having steep slopes by the Soil Conservation Service, or any slope over 30% within the City.
2. "Vegetation Management Program" is a program of managing the vegetation to minimize erosion in steep slope areas. This program includes tree and shrub removal as well as re-vegetation of those areas that vegetation has been removed.
3. "Drainage Plan" is a plan of how surface water will be drained. This includes proposed culverts, alteration of drainage patterns and how down spouts and other sources of water will be disposed of.

Section 11.420 Application of the Steep Slopes Provisions. Any district where a S-S designation is combined with a primary district the following regulations shall apply. If any conflict in regulation of procedures occurs with the zoning districts hereinbefore specified the provisions of the steep slopes overlay shall govern.

### Section 11.430 Permitted Uses.

1. All uses permitted in the primary zone provided the parcel size is 10,000 square feet or larger and is subject to Planning Commission review.

Section 11.440 Conditional Uses.

All uses permitted in the primary zone if the lot size is between 6,000 and 10,000 square feet and is subject to Planning Commission review.

2. All uses permitted conditionally in the primary zone and is subject to Planning Commission review.

Section 11.450 Procedure. An applicant seeking a site review before the Planning Commission shall make an application to the City office. Information accompanying the application shall include:

1. Property boundaries as they relate to the steep slopes.
2. Existing topography, vegetation and uses.
3. Location of proposed structures, uses, roads and other improvements.
4. Proposed grading plan to include cut and fill areas, general slope of the property, and any retaining walls or slope protection.
5. Proposed vegetation management program.

Proposed drainage plan to include location of existing drainage patterns locations of springs, streams or drainage ditches.

Section 11.460 Minimum Requirements. A development in the S-S overlay zone will go through a Planning Commission site review and receive approval prior to any development that may cause slope failure, erosion, or may alter drainage patterns. Development shall be regulated in accordance with the following minimum standards:

1. Removal of vegetation stabilizing the slopes will be kept to the minimum required for building placement or other valid purposes.
2. Removal of vegetation should not occur more than 30 days prior to grading or construction.
3. Permanent re-vegetation shall be started as soon as practical after construction, grading or utility placement.
4. Excavation and grading will be carefully controlled through enforcement of the Uniform Building Code.
5. Surface water will not be drained off onto a fill area or shall not cause problems to down slope properties.

6. The developer or the party initiating an action in the S-S overlay zone shall be responsible for preventing adverse impacts on adjacent or down slope properties, streets or utilities.

## ARTICLE 12. CONDITIONAL USE PERMITS

### SECTION:

- 12.100: Description and Purpose
- 12.105: Use Permit Prerequisite to Building
- 12.110: Applications, etc.
- 12.115: Public Hearing and Notice
- 12.120: Action
- 12.125: Effective Date
- 12.130: Expiration of Conditional Use Permits
- 12.135: Revocation
- 12.140: General Criteria
- 12.145: General Conditions
- 12.150: Additional Conditions

Section 12.100 Description and Purpose. Certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for such considerations requiring special consideration involve, among other things, the size of the area required for the development of such uses, the effect such uses have on the public utility systems, the nature of the traffic problems incidental to operation of the use, the effect such uses have on any adjoining lands, and the effect such uses have on the growth and development of the community as a whole.

All uses conditionally are declared to be possessing their being included as outright uses in any of the various districts created by this code. The authority for the location and operation of certain uses shall be a subject to review by the Planning Commission and the issuance of a Conditional Use Permit. The purpose of review shall be to determine that the characteristics of a proposed conditional use shall not be unreasonably incompatible with the type of uses permitted in surrounding areas, and for the further purpose of stipulating such conditions as may be reasonable so that the basic purposes of this code shall be served. Nothing construed herein shall be deemed to require the Planning Commission to grant a Conditional Use Permit.

Section 12.105 Use Permit Prerequisite to Building. No building permit shall be issued when a Conditional Use Permit is required by the terms of this section, unless a permit has been granted by the Planning Commission and then only in accordance with the terms and conditions of the Conditional Use Permit. Conditional Use Permits may be temporary or permanent for any use or purpose for which such permits are required or permitted by provisions of this section.

Section 12.110 Applications, etc. The application for a Conditional Use Permit shall be made in writing to the City Recorder by the owner of the land in consideration on forms provided by the City. The City of Lakeside has established a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. This consolidated procedure is subject to time limits set out in ORS 227.178 and incorporated in this zoning ordinance. This procedure shall be available for use at the option of the applicant, and has been made available for use following Lakeside's first periodic review provided for in ORS 227.175 and ORS 197.640. The application shall be accompanied by the following information:

1. Site and building plans and elevations;
2. Existing conditions on the site and within 300 feet of the site;
3. Utility and access data;
4. Operational data; and
5. All other information requested by the Planning Commission.

Section 12.115 Public Hearing and Notice. The Planning Commission shall hold at least one public hearing on each Conditional Use Permit filed with the City Recorder.

Section 12.120 Action. The Planning Commission shall make specific findings for granting or denying a Conditional Use Permit in accordance with the general criteria and/or conditions of this section. The Planning Commission of the City of Lakeside or its designee shall take final action on an application for a permit or zone change, including resolution of all appeals under Section 1.140 and in accordance with ORS 227.180 within 120 days after the application is determined complete.

Section 12.125 Effective Date. No Conditional Use Permit granted by the Planning Commission shall become effective until after an elapsed time of 15 days from the date the notice of the action or decision has been served.

Section 12.130 Expiration of Conditional Use Permits. A Conditional Use Permit shall be subject to the plans and other conditions upon the basis of which it was granted and shall terminate and become void unless:

1. The use authorized for such permit shall have commenced or construction necessary thereto shall have commenced, on or before the time limit specified in such permit and thereafter diligently advanced; or
2. If no time limit is specified, on or before six months after the date the permit became effective; or

3. Such period of time may be extended by the Planning Commission for a period of six months but not in excess of 18 months from the date the first order granting became effective.

Section 12.135 Revocation. The Planning Commission, after notice and public hearing, may revoke any Conditional Use Permit on the basis of any one or more of the following grounds:

1. Violation of any of the provisions of the zoning code.
2. Failure to comply with any prescribed requirement of the Conditional Use Permit.
3. The use for which the permit was granted has ceased to exist or has been suspended for six consecutive months or for 18 months during any 3 year period.
4. The use for zoning which the permit was granted has been so exercised as to be detrimental to the public health, safety, or general welfare, or so as to constitute a nuisance.

Section 12.140 General Criteria. A Conditional Use Permit may be granted only if the proposal conforms to the following general criteria, as well as to all other additional criteria or conditions required by this section or the Planning Commission.

1. That the proposed development shall be compatible with the general purpose and intent of the Lakeside Comprehensive Plan.
2. That the required dedication and improvement of streets within the development site for the proper extension and/or connection of necessary streets shall be made.
3. That the required dedication of right-of-way within the development site for the extension of collector and arterial streets shall be made.
4. That the use of the development site shall not adversely affect access to and subdivision of abutting properties.

Section 12.145 General Conditions. The Planning Commission shall designate conditions in connection with the Conditional Use Permit as it deems necessary to secure the purpose of this section and may require the guarantees and evidence that such conditions may include:

Regulation of uses, special yard setbacks, coverage, and height.

2. Requiring fences, walls, screens, landscaping, and maintenance.
3. Regulation and control of points of vehicular ingress and egress.
4. Regulation of signs.
5. Regulation of noise, vibration, odors, and sightliness.
6. Requiring surfacing of parking, areas.
7. Requiring rehabilitation plans.
8. Regulation of hours of operation and duration of use of operation.
9. Requiring a time period within which the proposed use shall be developed.
10. Requiring bonds to ensure performance of special conditions.
11. Such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purposes set forth in this section.

Section 12.150 Additional Conditions. Some land uses by the nature of the activity associated with them require separate and intense consideration by the Planning Commission prior to their establishment. Such uses and additional conditions follow:

1. Churches
  - a. Any building used for church purposes in any residential area, except free standing parsonages, shall provide and maintain a minimum setback of 20 feet from any property line which is under a different ownership and is zoned for residential use.
2. Hospitals
  - a. Any building used for hospital purposes shall provide and maintain a minimum of 50 feet from side and rear property lines, except in the street side of a corner lot where the street is dedicated to the public. Alleys contiguous to or within the property being used for hospital purposes may be included in the required setback.
3. Public or Parochial Schools
  - a. Any building used for school purposes shall provide and maintain setbacks of 50 feet from side and rear property lines, except on the



street side of a corner lot where a setback of at least 25 feet shall be required. Alleys contiguous to or within the property being used for school purposes may be included in the required setback.

#### 4. Agricultural Uses

- a. Domestic farm animals except fowl and rabbits shall not be kept on lots having an area of less than 20,000 square feet. The total number of all such animals, other than their young under the age of six months, allowed on a lot shall be limited to the square footage of the lot divided by the total minimum areas required for each animal as listed below:

Horses, Cattle	10,000 square foot area
Goats, Sheep	5,000 square foot area
Bee Colonies	1,000 square foot area

The area of a property may be utilized one time only for the computation of the above allowable animal usage.

- b. Animal runs or barns, fowl, and rabbit pens, and bee colonies shall be located on the rear half of the property but not closer than 70 feet to the front property line nor closer than 50 feet from any residence nor closer than 20 feet to any interior property line.
- c. Domestic farm animals shall be properly caged or housed and proper sanitation shall be maintained at all times.
- d. All animal or fowl food shall be stored in metal or other rodent-proof receptacles.

#### 5. Service Stations.

- a. General principles.
  - i. Service stations shall be located adjacent to and integrated with other commercial uses and shall not be developed in "spot" locations.
  - ii. A service station shall be located adjacent to an arterial street.
  - iii. Service stations in retail commercial shopping centers shall be integrated with but located on the periphery of retail commercial centers.

- iv. The size and nature of a service station may be expected to vary with the location of a service station and market it is intended to serve.
  - v. The siting and architectural character of a service station shall blend with the existing or proposed character of the surrounding area. Variations in building design, materials, and functional features are encouraged.
  - vi. A pleasing uncluttered appearance of service stations should be assured by adherence to sign regulations, maintenance of adequate landscaping, and limited outdoor display of automotive accessories.
- b. Conditional Use Permit Provisions.
- i. Location.
    - A. The site shall have a minimum of 125 feet of frontage on an arterial street.
    - B. At the time of its establishment, the property lines of the site shall not be conterminous with the property lines of an existing residential use.
    - C. The minimum distance from the site to a residential zone, school, park, playground, church, museum, or similar use shall be 200 feet except at an intersection.
    - D. The minimum distance between service stations shall 400 feet, except at intersections with exception of Section F.
    - E. Not more than two stations shall be located at any given intersection. When two service stations are proposed to be located near an at-grade intersection, they should be situated on diagonally opposite corners.
    - F. Service stations on the same side of a street or road shall hereafter be constructed no closer than 1,500 feet to any part of a building housing another service station. This shall not prevent the re-modeling of a structure already in existence.

- G. Service stations developed in conjunction with other commercial development shall be situated on arterial streets on the perimeter of such development.

ii. Site Improvements.

- A. A minimum of eight percent of the net area of a service station site shall be improved with well-maintained landscaping elements. These elements may include but will not be limited to plant materials, street furniture, and decorative surfaces. Emphasis should be on a pleasing appearance, quality of design, and proper balance between structure and landscape elements, rather than satisfaction of quantitative criteria. Existing specimen trees, mature ornamental shrubs, and ground cover shall be preserved whenever possible.
- B. A fence, hedge, or wall shall be erected on all interior property lines. Such a fence, hedge, or wall shall be a minimum of five feet and a maximum of seven feet in height, except within 40 feet of street rights-of-way where it may be no greater than three feet in height. No fence, hedge, or wall shall be within 15 feet of a street right-of-way. The fence, hedge, or wall shall screen 70 percent of the view between the service station and adjacent property and shall be reviewed by the Planning Commission for aesthetic and maintenance factors.
- C. Each landscaped and planted area shall be serviced by an installed irrigation system which is remotely operated.
- D. A screened trash enclosure shall be provided on each station site.

iii. Area and dimensions.

- A. Area. The maximum site area shall be 30,000 square feet. The minimum site area shall be 10,000 square feet.
- B. Dimensions. The minimum width along an arterial street shall be 125 feet; the minimum depth shall be 80 feet.

vi. Access.

- A. A service station shall be permitted not more than two curb cuts for each arterial street frontage.

- B. Service station driveways on arterial streets shall be located at least 10 feet from the nearest point of the intersection of public right-of-way.
  - C. Driveways for service stations which are developed as part of or in conjunction with adjacent uses shall be located as part of the total circulation element of such adjacent uses.
- v. Signs.
- A. Service stations shall be required to adhere to the sign regulations of the zoning district in which they are located. The aggregate to area of all signs shall not exceed the sign regulations of the zoning district in which they are located.
  - B. The following signs shall be allowed:
    - (1) One freestanding sign containing only the name, identifying symbol, or company trademark of the gasoline offered shall be permitted to a maximum area of 36 square feet each on no more than two sides; said sign shall lie placed in a planter or decorative wall structure and shall not exceed 35 feet in height.
    - (2) Signs aggregating not more than 20 square feet for the purpose of quoting gasoline prices, advertising trade stamps, a announcing service available, or any other like purpose.
    - (3) Signs for traffic and customer directions shall be permitted, provided no such sign is more than two square feet in area.
  - C. Signs attached to the building shall not extend above the roof line, parapet wall, or other integral part of the station building, provided that any such sign shall be limited to the same function as a freestanding hallmark and the area thereof shall be charged against the maximum area allowance for freestanding hallmark or hallmarks on the premises. Signs shall not be attached to and extend above the pump islands canopies.

- D. Signs, except for hallmark signs, existing on the effective date of this amendment, and not conforming to the provisions of this section, shall be removed within six months. Hallmark signs existing on the effective date of this amendment, and not conforming with the provisions of this section, shall be removed or made to comply within a period of five (5) years from the effective date of this code, the said hallmark sign shall also be adjusted so as not to exceed the maximum permitted by this code.

vi. Exterior Lighting.

- A. Freestanding lighting fixtures shall not exceed a height of 20 feet. Other exterior lighting as may be necessary shall be permitted no nuisance or traffic hazard is created.
- B. All lighting shall be of such illumination, direction, color, and intensity as not to create a nuisance on adjacent property or to create a traffic hazard.
- C. Lighting fixtures shall be shielded as to reflect light away from adjacent properties.

vii. Operations.

- A. One gasoline pump shall be permitted per 2,000 square feet of site area. A double pump station shall represent one pump.
- B. Only those vehicles awaiting service shall be permitted to be stored on the premises.
- C. Operations outside permanent structures shall be limited to the dispensing of gasoline, oil, water, servicing tires, and attaching and detaching trailers.
- D. No auto body repair shall take place on the premises.
- E. No major mechanical auto repair shall take place on the premises, unless such repair existed at the time this code was passed; then such repair shall be exempt from the requirements of Section 11.150(7)(b)(xii) of this code.
- F. Utility trailers, not exceeding 10 in number, may be stored for rent at service stations provided they occupy

the rear half of the property and occupy an area of at least 2,000 square feet.

- G. No mechanical-type car washing facilities shall be operated outside a structure.
- H. Exterior sales display and storage areas shall be considered as areas of principal business activity and therefore they shall be required to be located and designed in a manner which will not detract from the pleasing appearance of the station.
- I. No merchandise shall be stored overnight outside of an enclosed structure.

viii. Discontinuance of Operations.

- A. When a service station is not operated for any nine months out of any 18 consecutive months, the Conditional Use Permit for the service station may be revoked.
- B. When a service station is not operated for any nine months out of any 18 consecutive months, all storage tanks above and below ground shall be removed at the expense of the property owner.
- C. Abandoned station premises shall be maintained in a safe and businesslike manner and shall not be allowed to deteriorate and become a nuisance or safety hazard. After the effective date of this code, all service stations shall be subject to subsections xiii(A) and xiii(B) above. The nature of a service station structure is such that, with long-continued vacancy and the accompanying deterioration and obsolescence, the building serves no useful economic or social purpose and injures the value and impairs the development of adjacent properties, all to the public detriment.

- ix. Truck service stations. Service stations designed to primarily serve the trucking market shall be located in industrial districts. Such service stations shall have a minimum of 300 foot of frontage on an arterial Street. Such service stations shall be exempt from the maximum area, dimensions, and curb cut requirements.

- x. Design.
  - A. The architectural design of the service station shall be submitted with the plans on file for the request for a Conditional Use Permit.
  - B. A landscaping plan of the service station shall be submitted with the plans on file for the request for a Conditional Use Permit.
- xi. A copy of the conditional use requirements for service stations shall be posted in each service station.
- xii. Service stations in operation on the effective date of this code shall be deemed as conditional uses and shall continue to operate. These service stations shall meet the conditional use requirement of this code within the time limitations noted. Where no time limitations are noted for site improvements and operations the service stations shall meet these requirements within three years of the effective date of this code.
- xiii. Off-site signs.
  - A. No off-site sign shall exceed a height of 35 feet or a sign area of 300 square feet; provided, however, that cut-out extensions may be added increasing the sign area not more than 20 percent and such extension shall not extend more than five feet above, two feet to either side, or two feet below tire display surface.
  - B. Off-site signs erected after the effective date of this code shall have primary structural members of steel or pressure-treated wood.
  - C. Off-site signs may not project over public property.
  - D. No off-site signs shall be located within 250 feet of another off-premise advertising sign on the same side of the street or highway. The spacing may be reduced to 150 feet if such signs are located in separate blocks with an intervening street intersection
  - E. There shall not be more than 1,500 square feet of area of off-site signs, including cut-outs, in one-half mile lineal as measured parallel to the center line of the highway or street.

- F. Off-site signs shall not block the visibility of on-premise signs.
- G. All off-site signs must comply with all State requirements, Chapters 377 ORS.

6. Recreational Vehicle Parks.

Recreational Vehicle Parks shall comply with all applicable state standards and shall comply with the following additional standards:

- a. The space provided for each recreational vehicle shall be not less than seven hundred (700) square feet exclusive of any space used for common areas, such as roadways, general use structures, and landscaped areas.
- b. Roadways shall be not less than thirty feet in width if parking is permitted on the margin of the roadway, or less than twenty feet in width if parking is not permitted on the edge of the roadway, shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each recreational vehicle space.
- c. A space provided for a recreation vehicle shall be covered with crushed gravel or paved with asphalt, concrete or other similar material and be designed to provide runoff of surface water. The part of the space which is not occupied by the recreational vehicle, not intended as an access way to the recreational vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
- d. A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
- e. A recreation vehicle space shall be provided with electrical service.
- f. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park in located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
- g. Recreational vehicles that are occupied for more than 120 days in a 12 month period shall be considered being used for "residential purposes".



- h. The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employee of the park, shall be equal to one space per recreation vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
- i. The park shall provide toilets, lavatories and showers for each sex in the following ratios: for each fifteen (15) recreational vehicle spaces or fraction thereof: one toilet, one urinal, one lavatory and one shower for men; and one toilet, one lavatory, and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
- j. The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and 15 square feet of space for clothes drying lines for each 10 recreation vehicle spaces or fraction thereof.
- k. Building spaces required by subsections (i) and (j) of this section shall be lighted at all times of the day and night, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature no lower than 65° F, shall have floors of waterproof material, shall have a sanitary ceiling, floor and wall surfaces and shall be provided with adequate floor drains to permit easy cleaning.
- l. Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring hedge or fence not less than six feet in height.
- m. The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.

7. Temporary Mobile Building Space.

- a. A conditional use permit may be issued to provide adequate temporary building space for the following uses:
  - i. Temporary offices accessible to the general public for use during construction or remodeling.
  - ii. Temporary building space for education, nonprofit and government agencies.

8. Recreational Vehicle.

- a. A conditional use permit may be issued for a recreational vehicle provided the applicant provides a property plan showing in detail the proposed location and site of the recreational vehicle with respect to the surrounding area, setbacks, existing structures and improvements to be made.
- b. Conditions of approval:
  - i. There shall be no change of occupancy under the permit.
  - ii. The recreational vehicle shall not be expanded.
  - iii. If the recreational vehicle is deemed a "residential use" under the definitions provided in Article 3 of this code, the recreational vehicle shall have approved connections to utility systems and the owners shall be allowed to hook to an existing residential service lateral.

## ARTICLE 13. OFF-STREET PARKING REQUIREMENTS

### SECTION:

- 13.100: Off-Street Parking Requirements
- 13.110: Parking Spaces Required
- 13.120: Parking Requirements for Uses Not Specified
- 13.130: Common Facilities for Mixed Uses
- 13.140: Parking Area Improvements
- 13.150: Parking Space Dimensions
- 13.160: Off-Street Loading

Section 13.100 Off-Street Parking Requirements. For each new structure or use, each structure or use, uncleared in area, and each change in the use of any structure, there shall be permanently maintained parking spaces in accordance with the provisions of this code.

Groups of three or more parking spaces, except those in conjunction with single-family or two-family dwellings on a single lot, shall be serviced by a service drive so that no backward movements or other maneuvering of a vehicle within a street, or other than an alley shall be required. Service drives shall be designated and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the right.

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

Section 13.110 Parking Spaces Required. Space requirements for off-street parking shall be as listed in this section. Fractional space requirements shall be counted as a whole space.

1. All institutional, commercial, and industrial uses shall provide no less than five parking spaces for visitors.
2. All uses shall provide parking space for each employee working on or from the site as determined by the maximum number of employees during any single hour of a day.
3. All uses shall provide parking space for each vehicle operating on or from the site.

USE	PARKING SPACE REQUIRED
1. Residential Types	
a. Dwelling single, two and multi-family dwelling	Once space per dwelling unit.
b. Mobile home park	One space per dwelling unit.
c. Hotels, motels, motor hotels, etc.	One space for each guest room, plus one space for the owner or manager.
d. Rooming or boarding house	One space for each guest room.
2. Institutional Types	
a. Hospitals	Three spaces for two beds.
b. Place of public assembly including church, auditorium, gymnasium, community center, theater club, lodge hall, and fraternal organizations.	One space per four seats, or eight feet of bench length in the main auditorium, or, if seating is not fixed to the floor, one space per 75 square feet of floor area.
c. Libraries, museums, art galleries	One space for each 300 square feet of gross floor area.
d. Welfare or correctional institution, nursing home, retirement home, asylums, etc.	One space for five beds for residents, patients, or inmates.
3. Schools	
a. Pre-school, nursery, day nursery, kindergarten	Two spaces per teacher or adult supervisor.
b. Elementary or junior high school	One space for each teaching station plus one space for every eight seats or for every 42 square feet of eating area where there are no fixed seats in the auditorium.
c. Senior high	One and one-half spaces for each teaching station, plus one space for every six fixed seats or for every 28 square feet of seating area where there are no fixed seats in the auditorium.
4. Commercial Types	
a. Retail establishments, except as otherwise specified in this code	One space for each 175 square feet of retail floor area.
b. Retail store exclusively handling bulky merchandise such as automobiles and furniture	One space per 600 square feet of floor area.
c. Service or repair establishment	One space per 600 square feet of floor area.
d. Barber and beauty shops	One space for each 100 square feet of gross floor area.
e. Bowling alleys	Six spaces for each bowling lane.
f. Office buildings, businesses, and professional offices	One space for every 300 square feet of gross floor area.
g. Recreational and entertainment establishments	
aa. Spectator type auditoriums, assembly halls, theaters, stadiums, places of public assembly	One for each four seats
bb. Participating type skating units, dance halls, etc.	One space for each 100 feet of gross floor area.
5. Industrial Type	
a. Industrial uses, except as otherwise specified in this code.	One space per 200 square feet of floor space plus one space for every four seats.

Section 13.120 Parking Requirements for Uses Not Specified. The parking space requirements for buildings and uses not set forth herein shall be determined by the Planning Commission and such determination shall be based upon the requirements for the most comparable building or use specified herein.

Section 13.130 Common Facilities for Mixed Uses.

1. In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use except as provided in paragraph 2, Joint Use of Parking Facilities.
2. Joint Use of Parking Facilities. The Planning Commission may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility, provided that:
  - a. The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed;
  - b. The parking facility for which joint use is proposed is no further than 400 feet from the building or use required to have provided parking; and
  - c. The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the City Attorney as to form and content. Such instrument, when approved as conforming to the provisions of this code, shall be recorded in the office of the County Recorder and copies thereof filed with the City Recorder.

Section 13.140 Parking Area Improvements. All public or private parking areas, which contain four or more parking spaces, and outdoor vehicle sales area, shall be improved according to the following:

1. All parking areas shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement, concrete, or other approved materials.
2. All parking areas, except those in conjunction with a single-family or two-family dwelling, shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.
3. All parking areas, except those required in conjunction with a single-family or two-family dwelling, shall provide a substantial bumper or curb stop which will prevent cars from encroachment on abutting private or public property.

4. All parking areas and service drives shall be enclosed along any interior property which abuts any residential district, with a 70 percent opaque, site-obscuring fence, wall, or hedge not less than three (3) feet nor more than six (6) feet in height, but adhering to the visual clearance and front and interior yard requirements established for the district in which it is located. If the fence, wall, or hedge is not located on the property line, said area between the fence, wall, or hedge and the property line shall be landscaped with lawn or low-growing evergreen ground cover, or vegetable or rock mulch. All plant vegetation in this area shall be adequately maintained by a permanent irrigation system, and said fence, wall, or hedge shall be maintained in good condition. Screening or plantings shall be of such size as to provide the required degree of screening within 24 months after installation. Adequate provisions shall be maintained to protect walls, fences, or plant materials from being damaged by vehicles using said parking area.
5. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district or use.
6. All parking spaces shall be appropriately and substantially marked.

Section 13.150 Parking Space Dimensions.

1. Parking Table. The following table provides the minimum dimensions of public or private parking areas, except single-family or two-family dwellings on a single lot, based on the diagram where "A" equals the parking angle, "B" equals the stall width, "C" equals the minimum stall depth, "D" equals the minimum clear aisle width, "E" equals the stall distance at bay side, "F" equals the minimum clear bay width, and "G" is the maximum permitted decrease in clear aisle width for private parking areas. (See Table on following page)

Section 13.160 Off-Street Loading. All loading spaces for commercial and industrial buildings and uses shall be off the street and shall be in excess of required parking spaces. All loading spaces shall be approved by the Planning Commission. No loading space or dock shall be located in a manner which will cause vehicles being served to project into the required front yard.

A	B	C	D	E	F	G
Parallel	8'0"		12.0	22.0	20.0	2
20°	8'0"	13.6	11.0	23.4	24.6	1
	8'6"	14.1	11.0	24.9	25.1	
	9'0"	14.6	11.0	26.3	25.6	
	9'6"	15.1	11.0	27.8	26.1	
	10'0"	15.5	11.0	29.2	26.5	
30°	8'0"	16.0	11.0	16.0	27.0	1
	8'6"	16.4	11.0	17.0	27.4	
	9'0"	16.8	11.0	18.0	27.8	
	9'6"	17.3	11.0	19.0	28.3	
	10'0"	17.7	11.0	20.0	28.7	
45°	8'0"	18.4	14.0	11.3	32.4	3
	8'6"	18.7	13.5	12.0	32.2	
	9'0"	19.1	13.0	12.7	32.1	
	9'6"	19.4	13.0	13.4	32.4	
	10'0"	19.8	13.0	14.1	32.8	
60°	8'0"	19.7	19.0	9.2	38.7	3
	8'6"	20.0	18.5	9.8	38.5	
	9'0"	20.3	18.0	10.4	38.3	
	9'6"	20.5	18.0	11.0	38.5	
	10'0"	20.8	18.0	11.5	38.8	
70°	8'0"	19.8	20.0	8.5	39.8	3
	8'6"	20.1	19.5	9.0	39.6	
	9'0"	20.4	19.0	9.6	39.4	
	9'6"	20.6	18.5	10.1	39.1	
	10'0"	20.9	18.0	10.6	38.9	
80°	8'0"	19.2	25.0	8.1	44.2	3
	8'6"	19.3	24.0	8.6	43.3	
	9'0"	19.4	24.0	9.1	43.4	
	9'6"	19.5	24.0	9.6	43.5	
	10'0"	19.6	24.0	10.2	43.6	
90°	8'0"	18.0	26.0	8.0	44.0	3
	8'6"	18.0	25.0	8.5	43.0	
	9'0"	18.0	24.0	9.0	42.0	
	9'6"	18.0	24.0	9.5	42.0	
	10'0"	18.0	24.0	10.0	42.0	

## ARTICLE 14. SIGNS

### ***AN ARTICLE ESTABLISHING ZONING CODE REGULATIONS CONCERNING SIGNS AND AMENDING ARTICLE 14 OF LAKESIDE ORDINANCE 168 REGULATING SIGNS IN THE CITY OF LAKESIDE***

#### ***THE CITY OF LAKESIDE ORDAINS AS FOLLOWS:***

#### ARTICLE 14 SIGNS

##### SECTION:

- 14.000: General Regulations
- 14.005: Definitions***
- 14.010: Permitted Sign Uses in All Districts
- 14.020: Signs in G-S, M-R, and R-R Districts
- 14.030: Signs in the Planned Unit Development (P-D) District
- 14.040: Signs in the General or Marine Commercial District
- 14.050: Signs in the Planned Industrial District
- 14.060: Signs in Open Space Districts
- 14.070: Other Signs
- 14.080: Variances***

##### Section 14.000: GENERAL REGULATIONS

***The Council of the City of Lakeside finds that it is in the public interest to establish uniform regulation of the construction and presentation of signs within the City to safeguard the orderly growth and development of the City, to protect the values and uses of property, to secure safety and well being of the public, and to prevent the creation of nuisances. The Council of the City of Lakeside further finds that the establishment of a uniform regulation for signs under one ordinance will facilitate the administration and understanding of the regulations provided in this ordinance.***

##### ***The provisions of this ordinance are intended to:***

- 1. Prevent signs from detracting from the enjoyment and pleasure of the City's natural beauty.***
- 2. Provide uniform sign standards and fair and equal treatment of sign users.***
- 3. Protect public safety by ensuring that official traffic regulating devices are easily visible.***
- 4. Ensure the safe construction, erection, and maintenance of outdoor signs.***



No sign or outdoor advertising of any character shall be permitted in any zoning district of the City Of Lakeside except in conformity with the following regulations:

1. All signs or outdoor advertising displays shall comply with ***all applicable State of Oregon, County of Coos and Lakeside City Code***. Each structure surrounded by one framework, whether of a regular or irregular slope, shall be considered one sign whether supported from **one** or more poles.
2. No sign or outdoor advertising display shall by its light, brilliance, type, design, lack of maintenance, or character create a public or private nuisance.
3. No sign shall extend above the maximum permitted ridge, line or roof of a building or project beyond property lines except as specifically provided in the section concerning industrial or commercial zones.
4. The Planning Commission may grant a larger sign in these zones if the project warrants it. This will be done by issuing a special permit
5. ***No sign allowed by this ordinance shall be placed so that it is supported within a public right of way, unless this ordinance specifies otherwise. Some signs may project over rights of way, subject to the standards for that type of sign or for the underlying zoning district.***

#### ***Section 14.005: DEFINITIONS***

***Animated Electric Signs: Electronic video or digital signs that display changing images, animated scenes or pictures. Animated Electric Signs that are distracting or confusing and may constitute a hazard to the public health, safety or welfare are not allowed in any zone. Definition does not include Reader Boards.***

***Banner: Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic or fabric of any kind.***

***Billboard: A sign which advertises a business, commodity or activity which is not sold manufactured or conducted on the property where the sign is located.***

***Construction Signs: Signs identifying the architect, engineer, contractor, or other firm involved with building construction, and naming the building or its purpose, and the expected completion date.***

***Double Faced Sign: A sign with advertising on two surfaces, generally back to back or with an angle that does not exceed 45 degrees.***

**Freestanding Sign:** A sign erected on a freestanding frame, mast, or pole supported in or on the ground and not attached to any building. Freestanding signs may be temporary or permanent and must comply with all other sign requirements for the zone.

**Frontage:** All property abutting a public right of way or building frontage along a parking lot.

**Grade (adjacent ground level):** The lowest point of elevation of the finished surface of the ground between the exterior wall of a structure and a point five (5) feet from the structure. In case the walls are parallel to and within five (5) feet of a public sidewalk, alley, or other public way the grade shall be the elevation of the sidewalk, alley or public way.

**Height:** Height is measured from the lowest point of the grade below the sign to the topmost point of the sign.

**Home Occupation:** Home occupations constitute business that are conducted entirely within a dwelling by a family residing in the dwelling. Examples of home occupations include but are not limited to: beauty shops, engravers, professional offices, etc. Home occupations must be conducted in such a manner so as not to give an outward appearance or outwardly manifest any characteristic of a business in the ordinary meaning of the term. Home occupations must not infringe upon the rights of neighboring property owners to enjoy the peaceful occupancy of their home. Home occupations may involve the retail sale of a product on the premises. Home occupations shall not occupy more than 30 percent of the usable floor area of the dwelling. Sign requirements shall conform to Section 14.010 (2).

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

**Marquee:** A permanent or temporary roofed structure attached to and supported by the building and projecting over public property.

**Memorial Signs:** Non-illuminated memorial signs or tablets indicating the name of a building and/or the date of erection.

**Monument Sign:** A low profile freestanding sign affixed to the ground. A monument sign shall include a support structure of wood, masonry or concrete that is incorporated into the overall design of the sign.

**Mural:** Any pictorial or graphic decoration, other than a sign which is applied directly to a structure and is neither used for, or intended to achieve the purposes of, advertising by the use of lettering or script to draw attention to or to direct the observer to a particular business or business location, nor to draw attention to specific products, goods or service by the use of a brand name, trademark, copyright or any other device restricted in use without permission of the owner.

**Nameplates:** Non-illuminated, single-faced, wall-mounted nameplates indicating only the name, address, and occupation of the occupant.

**Off-Premise Sign:** A sign advertising a business, commodity or activity which is not sold manufactured or conducted on the property where the sign is located.

**Political Campaign Signs:** A sign promoting a political candidate or other public election matter.

**Portable Sign:** A freestanding sign such as an "A frame" not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailer signs but excluding signs affixed to or painted on a vehicle.

**Private Traffic Directional Signs:** Signs guiding vehicular and pedestrian traffic on private property may contain the name or logo but no other advertising copy.

**Projecting Sign:** A sign other than a wall mounted sign which projects from and is supported by a wall of a building or structure.

**Public Sign:** Signs of a public or noncommercial nature, which shall include public transit service signs, public utility information signs, directional signs, safety signs, danger signs, signs indicating scenic or historical points of interest, and all signs erected by a public officer in the performance of a public duty.

**Reader Board Sign:** A sign with letters and/or advertising that can be readily changed. Includes electronic message or mechanical reader boards. Definition does not include Animated Electronic Signs.

**Real Estate Signs:** Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed.

**Roof Line:** The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**Sign:** Any device designed to inform or to attract the attention of persons not on the premises.

**Sign Area:** An area measured within lines drawn between the outermost points of a sign but excluding essential sign structure, foundations or supports lying outside and below the limits of a sign and not forming an integral part of the display.

**Single Faced Sign:** A sign with advertising on only one side.

**Special Event Signs:** Signs or outdoor displays of a temporary nature advertising or promoting a specific event.

***Street:*** The entire width between the right of way lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and including the terms road, highway, lane, place, avenue, alley or other similar designations.

***Temporary Sign:*** A sign which is erected or displayed temporarily for a particular event, occurrence or purpose and which shall be removed within 30 days.

***Vehicle Sign:*** Advertising copy painted or affixed to lawfully parked and operable vehicles or trailers.

***Wall Mounted Sign:*** A sign affixed directly to or painted or otherwise inscribed on an exterior wall and confined to the limits thereof.

***Window Sign:*** Any sign, picture, symbol, banner, message or combination thereof designed to communicate information about the business, event, sale, or service placed inside or upon the window with the primary purpose of being viewed from the exterior.

#### Section 14.010 PERMITTED SIGN USES IN ALL DISTRICTS

1. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification on premises not having commercial connotations.
2. A non-illuminated sign not exceeding **two (2)** square feet in area placed flat against the building for each home occupation.
3. A non-illuminated sign not exceeding 6 square feet in area pertaining to the sale, lease, rental or display of a structure or land.
4. A subdivision identification sign displaying the name of a residential office, or industrial subdivision, complex, park or planned development. Such permanent entrance signs may be in the form of monuments, or gates, or similar features displaying the name of the development as approved by the Planning Commission based upon factors of safety and aesthetic compatibility. There shall not be more than two monuments or such features at each entrance to the subdivision or development. Such structure or sign shall not be erected on public right-of-way and shall be maintained by the developer or property owners association in accordance with the provisions of the City Code.
5. An illuminated bulletin board not exceeding 24 square feet in area for each church, neighborhood community center, educational institution, professional center, or other permitted or conditionally permitted uses in the district.
6. One political and/or election campaign sign not exceeding 8 square feet may be placed on any privately owned property within the City with the approval of the

property owner for a period of 60 days before the election and 10 days after the election for which the sign pertains. Any such sign may not be lighted.

#### Section 14.020 SIGNS IN G-S, M-R, AND R-R DISTRICTS.

No sign or outdoor advertising of any character shall be permitted in the G-S, M-R or RR zones except the following:

1. Signs permitted in all districts as stated above.
2. One non-illuminated temporary sign not exceeding 6 square feet in area pertaining only to the subdivision, sale, or lease of only the particular building, property, or premises upon which it is displayed. Two signs are permitted on larger sites of five acres or more, in one ownership, fronting on two or more lots.
3. One non-illuminated sign for each housing development, not to exceed 25 square feet in area or 5 feet in any dimension, and containing no advertising matter except the name and street address of the housing development.
4. All businesses that are non-conforming uses in industrial zones shall be allowed signs as provided in the commercial zones.

#### Section 14.030 SIGNS IN THE PLANNED UNIT DEVELOPMENT (P-D) DISTRICT

All signs permitted in the P-D zone shall be designated in the development plan and program submitted for each particular Planned Unit Development.

#### Section 14.040 SIGNS IN THE GENERAL OR MARINE COMMERCIAL DISTRICT

No sign or outdoor advertising of any character shall be permitted in a General or Marine Commercial District except for the following:

1. Permitted sign uses in all districts.
2. No exterior advertising or signs shall be displayed – except signs indicating the name of the person, building or business or use conducted within the building or on the property.
3. Only one sign with a single or double face may be located within the required front yard setback, or a portion of a larger sign on the property may extend within the front yard setback, provided that said sign or portion of sign extending into the front yard setback shall not exceed one hundred square feet in area. The area shall not be considered a portion of the one hundred square feet as allowed above.
4. Permitted signs may be illuminated.

5. *Free-standing signs including sandwich boards, that comply with the sign regulations and zoning ordinance of the City, may be placed on sidewalks adjacent to the premises to which the sign relates; provided that such sign shall not occupy more than 20% of the width of the sidewalk measured from the property line. The area of one face of the sign shall not exceed nine (9) square feet and the sign shall remain on the sidewalk only during business hours of the adjacent premises.*

#### Section 14.050 SIGNS IN THE PLANNED INDUSTRIAL DISTRICT

No signs or outdoor advertising of any character shall be permitted in the L-1 and H-1 districts except the following:

1. Permitted sign uses in all districts.
2. No exterior advertising or signs of any kind shall be displayed except signs indicating the name of the person, building, or business or use conducted within the building or on the property.
3. One identity sign for each development site – separate ownership, not to exceed 150 square feet in total area for one or more sides.
4. The area of any sign or signs located within the allowable building area shall not be considered a portion of the 150 square feet as allowed in (3).
5. Permitted signs may be illuminated.

#### Section 14.060 SIGNS IN OPEN SPACE DISTRICTS

No sign or outdoor advertising of any character shall be permitted in the Open Space District except for the following:

1. Sign uses permitted in all districts.
2. Sign uses permitted in the G-S, M-R, R-R and P-D Districts.

#### Section 14.070 OTHER SIGNS

~~(Signs for traffic and customer directions shall be permitted provided no such sign is more than one square feet in area. Hospitals, churches, nursing homes, schools, and similar uses shall be allowed one sign not to exceed 20 square feet of area per side or 40 square feet of total area.)~~

## **PROHIBITED SIGNS:**

1. **Obscene or Indecent Signs:** Any visual representation or verbal description of sexual conduct, sexual excitement, sado-masochistic abuse, or excretory functions or products, as further defined in ORS 167.060 et seq.
2. **Signs Interfering with Traffic:** No sign shall be installed which will unduly distract or confuse operators of motor vehicles or aircraft by interfering with the effectiveness of a traffic control device or railroad sign or signal or by using words such as "stop", "look" and "danger" in an appearance similar to traffic signs or lights. No sign may contain lighting that will distract operators of motor vehicles or air-crafts, including but not limited to, rotating or animated signs, motion (video) picture, strobe or zip lights, rotary beacons, flashing lights, search lights, festoons of lights, strings of twirlers or propellers or flares.
3. **Defunct Businesses:** Signs that advertise an activity, business, product or services no longer operating or available on the premises, including all related off-premise signs shall either be removed, covered, painted over or otherwise obscured within 30 days of the termination of said activity or business.
4. **Unsafe Signs:** No person shall construct or maintain any sign or supporting structure except in a safe and structurally sound condition. If the Building Official finds that any sign regulated herein is unsafe or insecure as to constitute a real and present danger to the public a written notice shall be mailed to the last known address of the sign owner and the property owner. If said sign is not removed, altered or repaired so as to comply with the standards herein set forth within thirty (30) days after such notice, the Building Official may cause said sign to be removed or altered to comply at the expense of the sign owner or property owner of the property on which it is located. The Building Official may cause any sign that is determined to be an immediate peril to persons or property to be removed summarily and without notice at the expense of the sign or property owner.
5. **Nonconforming signs:** Signs that were lawfully installed prior to the adoption of this ordinance may remain subject to subsection (4) above. Normal maintenance and repair are allowed provided the cost of the structural repairs does not exceed 50% of the value of the sign. If the structural repairs exceed 50% of the value of the sign it must conform to the current requirements.

## **SPECIAL SIGNS**

**These signs require a permit and shall conform to the maintenance and safety requirements of Section 14.070 PROHIBITED SIGNS (4) and to requirements of the underlying zone. Applications for sign permits shall contain at least the following information:**

1. **Name and address of the applicant.**
2. **Location of the property on which the sign is to be erected, and the**

*amount of lot and building frontages.*

*3. Dimensions of the sign and its height above grade.*

*4. A sketch showing the location and dimensions of all existing and proposed signs on the premises. And a description of the advertising copy on the proposed sign. And, if required, a drawing showing clearly the structural elements.*

*1. Street Banners: Banners authorized to be erected over public rights of way that advertise events or entertainment of community interest under the sponsorship of a nonprofit organization. These banners may only be erected in places and in a fashion authorized by the Planning Department for a maximum of 14 days. A longer period of time may be allowed if no other organization reserves the installation.*

*2. Portable Signs: Signs containing advertising copy which are not permanently affixed to a building, structure, or the ground and are designed to be moved, such as sandwich boards and signs on wheels, political campaign and real estate signs. One portable sign per business with a maximum of two (2) faces and nine (9) square feet or less per face is allowed and shall not be charged to the property's allowable sign area. Portable signs may not be placed in the public right of way fronting the business except as provided in Section 4 (11) of this ordinance.*

*3. Off-Premise Signs: Other than private directional.*

*A. Permits applications for out of town business off-premise signs must include a certified letter of approval of the property owner.*

*4. Billboards:*

*A. The sign area of these signs shall be charged to the property on which they are located. Therefore, the permit must be accompanied by a written documentation from the owner of the property on which the sign is to be located acknowledging this charge.*

*B. Billboards located in the following areas that are (along the highways must obtain a permit from the Oregon Department of Transportation) along county roads must obtain a permit from the County Department) in addition to obtaining a permit from the City:*

*C. The size of billboards shall not exceed a total of 300 square feet; back-to-back installation on one supporting structure is permitted. There shall be not more than six (6) billboards permitted within the City and shall be located subject to the limitations set forth in this ordinance.*

*D. The replacement of, or the relocation of, a billboard or billboard structure must be approved through a conditional use process by the*



**Planning Commission. If structural repairs exceed 50% of the value of the sign it must conform to the current requirements and be approved through the conditional use process.**

**Section 14.080 VARIANCES**

**The Planning Commission may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this ordinance would cause an undue or unnecessary hardship; except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance, the City may attach conditions that it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this ordinance.**

Passed this 8th day of Sept, 2005

**ATTEST:**

  
\_\_\_\_\_  
Susan Chauncey, City Administrator

**APPROVED:**

  
\_\_\_\_\_  
Ed Gowan, Mayor

## ARTICLE 14. SIGNS

### SECTION:

- 14.000: General Regulations
- 14.010: Permitted Sign Uses in All Districts
- 14.020: Signs in G-S, M-R, and R-R Districts
- 14.030: Signs in the Planned Unit Development (P-D) District
- 14.040: Signs in the General or Marine Commercial District
- 14.050: Signs in the Planned Industrial District
- 14.060: Signs in Open Space Districts
- 14.070: Other Signs

Section 14.000 General Regulations. No, sign or outdoor advertising of any character shall be permitted in any zoning district of the City of Lakeside except in conformity with the following regulations:

1. All signs or outdoor advertising displays shall comply with, the sign regulations of the Lakeside City Code. Each structure surrounded by one framework, whether of a regular or irregular slope, shall be considered one sign whether supported from or more poles.
2. No sign or outdoor advertising display shall by its light, brilliance, type, design, lack of maintenance, or character create a public or private nuisance.
3. No sign shall extend above the maximum permitted ridge, line or roof of a building or project beyond property lines except as specifically provided in the section concerning industrial or commercial zones
4. The Planning Commission may grant a larger sign in these zones if the project warrants it. This will be done by issuing a special permit.

Section 14.010 Permitted Sign Uses in All Districts.

1. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification on premises not having commercial connotations.
2. A non-illuminated sign not exceeding 1 ½ square feet in area placed flat against the building for each home occupation.
3. A non-illuminated sign not exceeding 6 square feet in area pertaining to the sale, lease, rental or display of a structure or land.

4. A subdivision identification sign displaying the name of a residential office, or industrial subdivision; complex, park or planned development. Such permanent entrance signs may be in the form of monuments or gates or similar features displaying the name of the development as approved by the Planning Commission based upon factors of safety and aesthetic compatibility. There shall not be more than two monuments or such features at each entrance to the subdivision or development. Such structure or sign shall not be erected on public right-of-way and shall be maintained by the developer or property owners association in accordance with the provisions of the City Code.
5. An illuminated bulletin board not exceeding 24 square feet in area for each church, neighborhood community center, educational institution, professional center, or other permitted or conditionally permitted uses in the district.
6. One political and/or election campaign sign not exceeding 8 square feet may be placed on any privately owned property within the City with the approval of the property owner for a period of 60 days before the election and 10 days after the election for which the sign pertains. Any such sign may not be lighted.

Section 14.020 Signs in G-S, M-R, and R-R Districts. No sign or outdoor advertising of any character shall be permitted in the G-S, M-R, or RR zones except the following:

1. Signs permitted in all districts as stated above.
2. One non-illuminated temporary sign not exceeding 6 square feet in area pertaining only to the subdivision, sale, or lease of only the particular building, property, or premises upon which it is displayed. Two signs are permitted on larger sites of five acres or more in one ownership fronting on two or more lots.
3. One iron-illuminated sign for each housing development, not to exceed 25 square feet in area or 5 feet in any dimension, and containing no advertising matter except the name and street address of the housing development.
4. All businesses that are non-conforming uses in industrial zones shall be allowed signs as provided in the commercial zones.

Section 14.030 Signs in the Planned Unit Development (P-D) District. All signs permitted in the P-D zone shall be designated in the development plan and program submitted for each particular Planned Unit Development.

Section 14.040 Signs in the General or Marine Commercial District. No sign or outdoor advertising of any character shall be permitted in a General or Marine Commercial District except for the following:

1. Permitted sign uses in all districts.
2. No exterior advertising or signs of shall be displayed - except signs indicating the name of the person, building or business or use conducted within the building or on the property.
3. Only one sign with a single or double face may be located within the required front yard setback or a portion of a larger sign on the property may extend within the front yard setback, provided that said sign or portion of sign extending into the front yard setback shall not exceed one hundred square feet in area. The area shall not be considered a portion of the one hundred square feet as allowed above.
4. Permitted signs may be illuminated.

Section 14.050 Signs in the L-I and H-I Districts. No signs or outdoor advertising of any character shall be permitted in the L-I and H-I districts except the following:

1. Permitted sign uses in all districts.
2. No exterior advertising or signs of any kind shall be displayed except signs indicating the name of the person, building, or business or use conducted within the building or on the property.
3. One identity sign for each development site - separate ownership, not to exceed 150 square, feet in total area for one or more sides.
4. The area of any sign or signs located within the allowable building area shall not be considered a portion of the 150 square feet as allowed in (3).
5. Permitted signs may be illuminated.

Section 14.060 Signs in Open Space Districts. No sign or outdoor advertising of any character shall be permitted in the Open Space District except the following:

1. Sign uses permitted in all districts.
2. Sign uses permitted in the G-S, M-R, R-R, and P-D Districts.

Section 14.070 Other Signs. Signs for traffic and customer directions shall be permitted provided no such sign is more than one square feet in area. Hospitals,

churches, nursing homes, schools, and similar uses shall be allowed one sign not exceed 20 square feet of area per side or 40 square feet of total area.

## ARTICLE 15. NON-CONFORMING USES

### SECTION:

- 15.000: Purpose
- 15.010: Continuation of a Non-conforming Use or Structure
- 15.020: Undersized Lots of Record
- 15.030: Discontinuation of a Non-Conforming Use or Structure
- 15.040: Change of Non-conforming Use

Section 15.000 Purpose. There were lots, structures and uses that were lawful before the effective date hereof, or amendment hereto, but which have become either prohibited, regulated or restricted under the new terms and conditions of this Code. They shall hereafter be referred to as pre-existing, non-conforming uses or buildings.

It is the intent of this ordinance to permit these non-conformities until they are removed or abandoned, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the zones involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, except as provided for in this ordinance.

To avoid undue hardship, nothing in this ordinance shall be deemed to require change in plans, construction, or use of any building on which a building permit in accordance with the Lakeside Building Code has been legally issued prior to the effective date or amendment of this ordinance, except that applications for extension of a building permit shall not be approved to exceed a period of one year from the date of adoption or amendment of this ordinance.

Section 15.010 Continuation of a Non-conforming Use or Structure. Subject to the provision of this section, a non-conforming use or structure may be continued and maintained in reasonable repair, but shall not be altered or extended. The extension of a non-conforming use to a structure which was arranged or designed for the non-conforming use at the time of passage of this ordinance is not an enlargement or expansion of a non-conforming use. A non-conforming structure which conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this ordinance.

Section 15.020 Undersized Lots of Record.

1. Any lot having an area or dimension less than the minimum shall be designated a building site, provided the following criteria are met:

- a. The lot is shown on an officially approved and recorded subdivision map.
  - b. A deed or a valid contract of sale is recorded with the Coos County Clerk.
  - c. The lot was of legal area and dimension for a building site at the time the sale was recorded.
2. No lot or combination of contiguous lots, either vacant or containing a single-family or multiple-family dwelling, shall be replatted so that an undersized lot is created, nor shall a lot be replatted if setbacks or dimensions less than the minimum would result.

Section 15.030 Discontinuation of a Non-Conforming Use or Structure. If a non-conforming building or structure in any district is removed or destroyed voluntarily or involuntarily, every building, structure, or use occupying the premises thereafter, shall conform to the regulations of the district in which it is located.

Whenever, in any district, a non-conforming building or structure is damaged or destroyed by any means in excess of 60 percent of the replacement value of the building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations, including the regulations, of the district in which it is located.

In the event such damage or destruction by any means of 60 percent or less of the replacement value of the building or structure, only the building, structure, or use which existed at the time of such partial destruction may be restored and continued provided, however, if such restoration is started within a period of six months from the date of such damage or destruction and is diligently prosecuted to completion. The Planning Commission, upon a written request of the applicant, may extend the period six months but not in excess of 18 months from the date of the damage or destruction.

Section 15.040 Change of Non-Conforming Use. A change from one non-conforming use to another non-conforming use requires a conditional use permit issued by the Planning Commission pursuant to the procedures and conditions of Article 12 of this Code.

## ARTICLE 16. VARIANCES

### SECTION:

- 16.000: Purpose
- 16.010: Limitations
- 16.020: Application
- 16.030: Conditions
- 16.040: Period of Validity
- 16.050: Public Hearing

Section 16.000 Purpose. The purpose of a variance shall be to prevent or to lessen such practical difficulties and unnecessary physical hardships which are inconsistent with the objectives of this code. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a site or the location of existing structures thereon, from geographic, topographic, or other physical conditions on the site or in the immediate vicinity.

Section 16.010 Limitations. A variance shall not be granted as a substitute or in lieu of, a change in zone. The power to grant variances does not extend to use regulations. The Planning Commission may grant a variance to a regulation prescribed by this code with respect to the following:

1. Fences, hedges, or walls.
2. Site area, width, frontage, depth, or coverage.
3. Front, side, or rear yards.
4. Height of structures.
5. Distance between structures.

Section 16.020 Application. The applicant shall set forth in detail on forms provided by the Planning Commission:

1. Existing conditions on the site.
2. Reasons for the requested variance.
3. Reasons for a variance being the most practicable solution to the problem.
4. All other information requested by the Planning Commission.



Section 16.030 Conditions. The Planning Commission may grant a variance to a regulation prescribed by this code if on the basis of the petition, investigation and evidence submitted, the Planning Commission finds that one or more of the following conditions exist:

1. Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning code.
2. Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
3. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district.
4. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
5. The granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

Section 16.040 Period of Validity. No order of the Planning Commission granting a variance shall be valid for a period longer than six months unless such permitted use is established within such period, or in event such permitted use is dependent upon the erection or alteration of a building, unless a building permit for said erection or alteration is obtained within such six-month period, provided, however, that the Planning Commission, upon a written request of the applicant, may extend the period six months but not in excess of 18 months from the date the first order granting the variance was given.

Section 16.050 Public Hearing. Upon the filing of a verified application for variance, the Planning Commission shall set a time and place for a public hearing of the request.