

TITLE XV: LAND USAGE

Chapter

- 150. GENERAL PROVISIONS**
- 151. BUILDING REGULATIONS**
- 152. COMPREHENSIVE PLAN**
- 153. FLOOD DAMAGE PREVENTION**
- 154. SUBDIVISIONS**
- 155. ZONING CODE**

CHAPTER 150: GENERAL PROVISIONS

Section

150.01 Steep slope development; erosion control

steep slope permit is not required. The preventative controls must be sufficient to prevent erosion and must make adequate provision to control drainage.

150.01 STEEP SLOPE DEVELOPMENT; EROSION CONTROL.

(A) *Steep slope permit requirements.*

(1) Slopes of 30 degrees or more shall require a steep slope permit, and must be approved by the City Planning Commission. An engineered erosion and drainage control plan shall be submitted with the steep slope permit application. The plans for erosion control will be reviewed by the City Engineer at the expense of the applicant. The fee for the steep slope permit and the City Engineer's review cost must be paid before the permit is issued. The preventative controls in the erosion and drainage control plan must be sufficient to prevent erosion and made adequate provision for drainage. The preventative controls must be completed within 60 days after excavation or removal of the natural ground cover.

(2) Slopes between 15 degrees and 30 degrees shall require a steep slope permit. An erosion and drainage control plan shall be submitted with the application for the steep slope permit. The steep slope permit and the erosion and drainage control plans must be approved by the City Recorder/Manager. The preventative controls must be sufficient to prevent erosion and must make adequate provisions to control drainage. The City Recorder/Manager may require an engineering plan be submitted by the applicant.

(3) Slopes of zero up to 15 degrees shall require an erosion and drainage plan that is approved by the City Recorder/Manager. An engineered plan or

(B) *Preliminary site plan.* A preliminary site plan addressing drainage and erosion must be submitted to the City Recorder/Manager prior to any construction, grading, clearing or excavating.

(C) *Final plan.* The final plan will be submitted after clearing, excavation has occurred and a footprint of the building has been established.

(D) *Unlawful acts.* A landowner may not divert water onto adjoining land that would not otherwise have flowed there. The upper landowner may not change the place where the water flows onto the lower owner's land. The upper landowner may not accumulate large quantities of water, then release it, greatly accelerating the flow onto the lower owner's land.

(E) *Conditions.* These conditions may not be waived by the City Planning Commission and shall be added to the planning ordinances of the city and the subdivision ordinances.

(F) *Permit required.* All construction of areas over one acre requires a DEQ approved NPDES stormwater permit.

(G) *Responsibility.* The property owners shall be responsible for all damages resulting from uncontrolled erosion or drainage coming from their property. The cost of cleaning city culverts, drainage ditches and roads will be billed to the property owner responsible for the erosion or inadequate drainage controls.

(H) *Application.* The above requirements pertain to all lands being developed within the city.
(Ord. 225, passed 2-11-1999)

CHAPTER 151: BUILDING REGULATIONS

Section

General Provisions

- 151.01 Administrative rules for enforcement of Building Code
- 151.02 Property and survey required; placement; building permit

State Specialty Codes

- 151.15 Adoption of codes
- 151.16 Local interpretation
- 151.17 Fees
- 151.18 Investigative authority and corrective action of Building Official and Inspector
- 151.19 Violations
- 151.20 Grading Code adopted

Abatement of Building Nuisances

- 151.35 Definitions
- 151.36 Nuisance declared
- 151.37 Initial action
- 151.38 Mailed notice
- 151.39 Published and posted notices
- 151.40 Hearing
- 151.41 Council orders; notice
- 151.42 Abatement by the city
- 151.43 Assessment
- 151.44 Summary abatement
- 151.45 Errors in procedure

- 151.99 Penalty

GENERAL PROVISIONS

' 151.01 ADMINISTRATIVE RULES FOR ENFORCEMENT OF BUILDING CODE.

The Administrative Rules for the Enforcement of the Oregon Building Code (Ord. 206) is hereby adopted by reference and incorporated into this code as fully as if set out at length herein.
(Ord. 206, passed 11-14-1996)

' 151.02 PROPERTY AND SURVEY REQUIRED; PLACEMENT; BUILDING PERMIT.

(A) All home placement and building permit applications shall be accompanied by a complete boundary description. The description shall be accompanied by a survey map showing the location of the property for which a permit is sought and shall show the locations, width and names of all public streets, public rights-of-way, public easements within and adjacent to the property.

(B) The description and map will be provided at the expense of the property owner(s).

(C) The property description and map will be reviewed by the City Recorder/Manager, staff planner or City Planning Commission as part of the plan design review. All setbacks will be clearly identified by the city as part of the plan design review.

(D) This section does not affect subdivisions or planned unit developments if certified surveys are submitted as part of the plan review.

(E) It is the responsibility of the property owner(s) to correct at his or her expense any encroachments on to any public street, right of way or easement. At the time of property transfer, any response for a city lien search shall include notice of any known encroachment or setback violation. No building permits or placement permits will be issued until such violations are corrected.

(Ord. 220, passed 10-8-1998)

STATE SPECIALTY CODES

' 151.15 ADOPTION OF CODES.

The city adopts the following codes by reference, and each code is incorporated and made a part of this ordinance, except as specifically provided by this section:

(A) The State of Oregon Structural Specialty Code (O.A.R. 918-460-0010) including ' ' 104(d) and 203, except that ' 302(b) and (c) are amended to read as follows:

(b) Plans and Specifications. Plans, engineering calculations, diagrams, and other data shall be submitted in one or more sets with each application for a permit. The building official may require plans, computations, and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such.

Submittals shall include construction inspection requirements as defined in Section 302(c).

EXCEPTIONS: The building official may waive the submission of plans, calculations, construction inspection requirements, etc., if he finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

(c) Construction Inspection. The engineer or architect in responsible charge of the structural design work shall include in the construction documents the following:

1. Special inspections required by Section 306.
2. Other structural inspections required by the engineer or architect in responsible charge of the structural design work.

(B) The State of Oregon Mechanical Specialty Code (O.A.R. 918-440-0010);

(C) The State of Oregon One and Two Family Dwelling Specialty Code (O.A.R. 918-480-0005);

(D) The State of Oregon Plumbing Specialty Code (O.A.R. 918-750-0110);

(E) The State of Oregon Electrical Specialty Code (O.A.R. 918-305-0000 to 918-305-0700). Electrical plan reviews are required as per O.A.R. 918-305-0500 to 918-305-0520 for all nonresidential occupancies and residential occupancies in excess of two dwelling units. Minor installation labels shall be permitted in accordance with (O.A.R. 918-309-0210 through 918-309-0260);

(F) Manufactured Dwelling and Cabana Installation Standards (O.A.R. 918-Division 520). Manufactured Dwelling and Manufactured Dwelling Accessory Building or Structure Standards (O.A.R. 918-Division 520). Manufactured Dwelling heat-producing appliances (O.A.R. 918-Division 520);

(G) Mobile Home Parks (O.A.R. 918-Division 600); and

(H) Recreational Parks and Organizational Camps (O.A.R. 918-Division 650). (Ord. 158, passed 6-28-1993)

' 151.16 LOCAL INTERPRETATION.

(A) The City Board of Appeals shall be the City Council which shall have no authority to waive requirements of a specialty code.

(B) A person affected by a ruling of the Building Official may appeal the ruling to the Board of Appeals within 30 days of the ruling with further appeal to the appropriate state specialty code board.

(C) The city recognizes that a person may request a ruling from the Administrator of the State Building Codes Agency prior to submitting an application to the city for a permit or after withdrawing a previously submitted application.

(D) Electrical Code appeals shall be processed to the City Lead Electrical Inspector who will render a final decision. Appeals from final decisions made by the City Electrical Inspector on electrical installations or electrical products shall be made to the State Chief Electrical Inspector according to the provisions of O.R.S. 479.853 and O.A.R. 918-305-0470. (Ord. 158, passed 6-28-1993)

' 151.17 FEES.

(A) Value or valuation of a building or structure shall be determined as established by Structural Specialty Code ' ' 304(b) and 423 as adopted by ' 151.15(A).

(B) Permit, plan checking, investigation and other fees charged by the Building Official shall be as established in the specialty codes listed below as adopted by ' 151.15(A) and as follows:

(1) Structural (building), ' 304 and Table No. 3-A thereof;

(2) Mechanical, ' 304 and Table No. 3-A thereof;

(3) One and Two Family Dwelling, Section R. 110.2 and State of Oregon adopted fee schedules, tables, Structural Permit Fees Page 2.E, Mechanical Permit Fees Pages 2.F and 2.G, Plumbing Permit Fees Page 2.H, and Electrical Permit Fees Page 2.1 thereof;

(4) Plumbing, ' 20.7, and Attachment A;

(5) Electrical as indicated in Attachment B Electrical Fee Table. Limited energy permit fees shall be \$40, as indicated on the electrical specialty permit application form. Minor electrical labels shall be \$50 per ten minor labels;

(6) Manufactured Dwelling, Cabana, Accessory and Appliances (installations), O.A.R. 918-500-0100;

(7) Mobile Home Parks, O.A.R. 918-600-0030; and

(8) Recreational Parks and Organizational Camps, O.A.R. 918-650-0030. (Ord. 158, passed 6-28-1993)

' 151.18 INVESTIGATIVE AUTHORITY AND CORRECTIVE ACTION OF BUILDING OFFICIAL AND INSPECTOR.

(A) In addition to any other authority and power granted to the Building Official or delegated inspector under the specialty codes adopted by this subchapter, except where inconsistent with other provisions of the law, the Building Official or delegated inspector may enforce the provisions of the specialty codes against any person regardless of whether a permit, certificate, license or other indicia of authority has been issued.

(B) The Building Official or delegated inspector may investigate, order corrective action and if an immediate hazard to health and safety in imminent, issue an order to stop all or any work under the applicable specialty code. (Ord. 158, passed 6-28-1993)

' **151.19 VIOLATIONS.**

(A) It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure, mechanical system or equipment, plumbing system or fixtures, electrical system or equipment or cause or permit the same to be done in violation of a specialty code or other regulation established by ' ' 151.15 through 151.20.

(B) It shall be unlawful for a person, firm or corporation to construct, enlarge, alter, repair, move, improve, convert or demolish, set up, use, occupy or maintain any manufactured dwelling, accessory structure or appliances, manufactured dwelling park or recreational park or camp or cause or permit the same to be done in violation of a specialty code or other regulation established by ' ' 151.15 through 151.20.
(Ord. 158, passed 6-28-1993)

' **151.20 GRADING CODE ADOPTED.**

A publication, a copy of which is on file with the Building Official, marked and entitled Appendix Chapter 33 of the Uniform Building Code, adopted by the State of Oregon, 2000 edition, is hereby adopted in its entirety, as the codes of the city for regulating and controlling the removal or relocation of earthwork construction is hereby adopted.
(Ord. 03-243, passed 11-14-2003)

ABATEMENT OF BUILDING NUISANCES

' **151.35 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS BUILDING.

(1) A structure that, for lack of proper repairs, or because of age and dilapidated condition or of poorly installed electrical wiring or equipment, defective chimney, gas connection or heating apparatus, or for any other reason, is liable to cause fire, and which is situated or occupied in a manner that endangers other property or human life.

(2) A structure containing combustible or explosive materials or inflammable substances liable to cause fire or danger to the safety of the building, premises or to human life.

(3) A structure that is in a filthy or unsanitary condition liable to cause the spread of contagious or infectious disease.

(4) A structure in such weak, dilapidated or deteriorated condition that it endangers a person or property because of the probability of partial or entire collapse.

PERSON. Every natural person, firm, partnership association or corporation.
(Ord. 181, passed 6-6-1994)

' **151.36 NUISANCE DECLARED.**

Every building found by the Council to be a dangerous building is declared to be a public nuisance and may be abated by the procedures specified in this ordinance or by a suit for abatement brought by the city.
(Ord. 181, passed 6-6-1994)

' **151.37 INITIAL ACTION.**

When a city official determines that there is a dangerous building, the official shall report it to the Council. The Council shall, within a reasonable time, fix a time and place for a public hearing.
(Ord. 181, passed 6-6-1994)

' 151.38 MAILED NOTICE.

(A) The City Recorder/Manager shall notify the owner of the building and, if not the same person, the owner of the property on which the building is situated. The notice shall state:

(1) A hearing will be held concerning the nuisance character of the property; and

(2) The time and place of the hearing.

(B) A copy of this notice shall be posted on the property.
(Ord. 181, passed 6-6-1994)

' 151.39 PUBLISHED AND POSTED NOTICES.

Ten days= notice of the hearing shall be published in a newspaper of general circulation in the city or by posting notices in three public places in the city.
(Ord. 181, passed 6-6-1994)

' 151.40 HEARING.

(A) At the hearing, the owner or other persons interested in the dangerous building shall have a right to be heard.

(B) The Council may inspect the building and may consider the facts observed by it in determining if the building is dangerous.

(C) If the Council determines that the building is dangerous, the Council may by resolution:

(1) Order the building to be abated; or

(2) Order the building to be made safe and prescribe what must be done to make it safe.
(Ord. 181, passed 6-6-1994)

' 151.41 COUNCIL ORDERS; NOTICE.

Five days= notice of the Council=s findings and any orders made by the Council shall be given to the

owner of the building, the owner=s agent or other person controlling it. If the orders are not obeyed and the building not made safe within the time specified by the order (being not less than five days), the Council may order the building demolished or made safe at the expense of the property on which it is situated.
(Ord. 181, passed 6-6-1994)

' 151.42 ABATEMENT BY THE CITY.

(A) If the Council orders are not complied with, the Council may:

(1) Specify the work to be done;

(2) File a statement with the City Recorder/Manager; and

(3) Advertise for bids for doing the work in the manner provided for advertising for bids for street improvement work.

(B) Bids shall be received, opened and the contract let.
(Ord. 181, passed 6-6-1994)

' 151.43 ASSESSMENT.

(A) The Council shall determine the probable cost of the work and assess the cost against the property upon which the building is situated. The assessment shall be declared by resolution, and it shall be entered in the docket of city liens and become a lien against the property.

(B) The creation of the lien and the collection and enforcement of the cost shall be performed in substantially the same manner as assessments for street improvements.
(Ord. 181, passed 6-6-1994)

' 151.44 SUMMARY ABATEMENT.

The procedures of this subchapter need not be followed if a building is unmistakably dangerous and imminently endangers human life or property. In this

instance, the Chief of the Fire Department, the Fire Marshal or the law enforcement officer may summarily demolish the building.

(Ord. 181, passed 6-6-1994)

' 151.45 ERRORS IN PROCEDURE.

Failure to conform to the requirements of this subchapter that does not substantially affect a legal right of a person does not invalidate a proceeding under this subchapter.

(Ord. 181, passed 6-6-1994)

' 151.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) (1) The provisions and penalties herein are in addition to those remedies established for trades licensing under O.R.S. Chapters 446, 447, 455, 479 and 693 more specifically O.R.S. 446.990, 447.992, 455.895, 479.990 and 693.190 penalty provisions.

(2) A violation of ' 151.19 is punishable by a fine not to exceed \$1,000 per violation. In the case of a continuing violation, every day=s continuance of the violation is a separate offense.

(C) A person who owns or is in possession or in charge of a dangerous building, and who allows the building to remain dangerous for as long as ten days after receipt of the notice specified in ' 151.41, may be fined not more than \$250. Each day following the tenth day after receipt of notice, a violation of this notice continues.

(Ord. 158, passed 6-28-1993; Ord. 181, passed 6-6-1994)

CHAPTER 152: COMPREHENSIVE PLAN

Section

152.01 Adoption

' 152.01 ADOPTION.

The Comprehensive Plan, as amended, is hereby adopted by reference and incorporated into this code as fully as if set out at length herein.

(Ord. 200, passed - -; Ord. 116, passed 3-19-1987; Ord. 227, passed 12-9-1999; Ord. 13-276, passed 1-9-2014)

CHAPTER 153: FLOOD DAMAGE PREVENTION

Section

153.01 Adoption

' 153.01 ADOPTION.

The flood damage prevention ordinance, as amended, is hereby adopted by reference and incorporated into this code as fully as if set out at length herein.

(Ord. 09-266, passed 3-11-2010)

CHAPTER 154: SUBDIVISIONS

Section

154.01 Adoption

' 154.01 ADOPTION.

The subdivision regulations, as amended, are hereby adopted by reference and incorporated into this code as fully as if set out at length herein.
(Ord. 194, passed 9-14-1995)

CHAPTER 155: ZONING CODE

Administrative Regulations

- 155.001 Title
- 155.002 Scope
- 155.003 Purpose
- 155.004 Interpretation

Amendments and Changes

- 155.010 Purpose
- 155.011 Introduction
- 155.012 Application Fees
- 155.013 Application
- 155.014 Public Hearing and Notice
- 155.015 Action by the Planning Commission
- 155.016 Action by the City Council
- 155.017 Notice of Action of Decision
- 155.018 Appeals
- 155.019 Limitations on the Renewal or Refiling of Applications

Enforcement

- 155.020 Code Enforcement
- 155.021 Abatement
- 155.022 Violation and Penalties
- 155.023 Each Day a Separate Offense

Establishment of Zones

- 155.030 Classification of Zones

Boundaries

- 155.040 Uncertainties of Boundaries
- 155.041 Changes in Boundaries

Zoning of Annexed Areas

- 155.045 Procedure

General Provisions

- 155.050 Building Permits
- 155.051 Occupancy Permits

- 155.052 Vision Clearance
- 155.053 Fences, Hedges, Wall and Other Structures
- 155.054 General Exceptions to Lot Size Requirements
- 155.055 Access
- 155.056 Building Setback Requirements
- 155.057 Height Restrictions
- 155.058 Special Regulations Applying to Mobile Homes
- 155.059 Special Regulations Applying to Manufactured Homes
- 155.060 Special Regulations Applying to Recreational-Vehicles
- 155.061 Special Regulations Applying to Home Occupations and Cottage Industries
- 155.062 Special Regulations Applying to Areas of Active Sand Dunes
- 155.063 Special Regulations Applying to Noise Pollution
- 155.064 Special Regulations Applying to Shorelands
- 155.065 Geologic Hazards Protection
- 155.066 Similar Uses
- 155.067 Application
- 155.068 Exemption from Partitioning
- 155.069 Wetlands Development

Definitions

- 155.075 Definitions

Residential Districts

General Single-Family (G-S)

- 155.080 Description
- 155.081 Permitted Buildings and Uses
- 155.082 Buildings and Uses Permitted Conditionally
- 155.083 Lot Requirements
- 155.084 Lot Dimensions
- 155.085 Yard Regulations
- 155.086 Site and Development Provisions

CHAPTER 155: ZONING CODE

Multi-Family Residential (M-R)

- 155.090 Description
- 155.091 Permitted Buildings and Uses
- 155.092 Buildings and Uses Permitted
Conditionally
- 155.093 Lot Requirements
- 155.094 Lot Dimensions
- 155.095 Yard Regulations
- 155.096 Site and Development Provisions

Recreational Residential (R-R)

- 155.100 Description
- 155.101 Permitted Buildings and Uses
- 155.102 Buildings and Uses Permitted
Conditionally
- 155.103 Lot Requirements
- 155.104 Lot Dimensions
- 155.105 Yard Regulations
- 155.106 Site and Development Provisions

Commercial Districts

General Commercial (G-C)

- 155.110 Description
- 155.111 Permitted Buildings and Uses
- 155.112 Limitations on Use
- 155.113 Buildings and Uses Permitted
Conditionally
- 155.114 Lot Requirements
- 155.115 Lot Dimensions
- 155.116 Yard Regulations
- 155.117 Site and Development Provisions

Marine Commercial (M-C)

- 155.120 Description
- 155.121 Permitted Buildings and Uses
- 155.122 Buildings and Uses Permitted
Conditionally
- 155.123 Lot Dimensions
- 155.124 Lot Requirements
- 155.125 Yard Regulations
- 155.126 Site and Development Provisions

Industrial Districts

Light Industrial (L-I)

- 155.130 Description
- 155.131 Permitted Buildings and Uses
- 155.132 Buildings and Uses Permitted
Conditionally
- 155.133 Lot Requirements
- 155.134 Lot Dimensions
- 155.135 Yard Regulations
- 155.136 Site and Development Provisions

Heavy Industrial (H-I)

- 155.140 Description
- 155.141 Permitted Buildings and Uses
- 155.142 Buildings and Uses Permitted
Conditionally
- 155.143 Lot Requirements
- 155.144 Lot Dimensions
- 155.145 Yard Regulations
- 155.146 Site and Development Provisions

Other Zoning Districts

Open Space District (O-S)

- 155.150 Description
- 155.151 Permitted Buildings and Uses
- 155.152 Buildings and Uses Permitted
Conditionally
- 155.153 Lot Requirements
- 155.154 Lot Dimensions
- 155.155 Yard Regulations
- 155.156 Conditional Use Approval Criteria
and Conditions

Water Use District (W-U)

- 155.160 Description
- 155.161 Permitted Buildings and Uses
- 155.162 Buildings and Uses Permitted
Conditionally

CHAPTER 155: ZONING CODE

Public Facility District (P-F)

- 155.170 Description
- 155.171 Permitted Buildings and Uses
- 155.172 Buildings and Uses Permitted Conditionally
- 155.173 Lot Requirements
- 155.174 Commercial Exhibit and Public Events Permits

Overlay Zones

Planned Unit Development Zone (P-D)

- 155.180 Description
- 155.181 Permitted Buildings and Uses
- 155.182 Buildings and Uses Permitted Conditionally
- 155.183 Development Standards
- 155.184 Yard Regulations, Parking Requirements, Wood Fences, Walls and Other Structures
- 155.185 Open Space
- 155.186 Construction Standards
- 155.187 Dedication and Maintenance of Facilities
- 155.188 Use of Professional Coordinator and Design Team
- 155.189 Procedure

Airport Approach Zone (A-A)

- 155.190 Description
- 155.191 Special Definitions
- 155.192 Application of Airport Approach Provisions
- 155.193 Application of Height Restrictions to Transitional Surface
- 155.194 Permitted Uses Not Requiring An Airport Approach Permit
- 155.195 Permitted Uses Requiring An Airport Approach Permit
- 155.196 Procedure
- 155.197 Limitations
- 155.198 Runway Protection Zone (RPZ)

- 155.199 Permitted Uses and Compliance Review of the RPZ

Flood Plain Zone (F-P)

- 155.200 Description
- 155.201 Special Definitions
- 155.202 Basis for Establishing the Areas of Special Flood Hazard
- 155.203 Warning and Disclaimer of Liability
- 155.204 Establishment of Development Permit
- 155.205 Designation of the Planning Commission
- 155.206 Duties and Responsibilities of the Planning Commission
- 155.207 Variance and Appeal Procedure
- 155.208 General Standards
- 155.209 Specific Standards
- 155.210 Before Regulatory Floodway
- 155.211 Floodways—Generally
- 155.212 Manufactured Dwellings in Floodways
- 155.213 Critical Facility

Younger Stabilized Dunes Zone (Y-S)

- 155.220 Description
- 155.221 Special Definitions
- 155.222 Application of Younger Stabilized Dune Provisions
- 155.223 Permitted Uses
- 155.224 Conditionally Permitted Uses
- 155.225 Procedure
- 155.226 Minimum Requirements

Steep Slopes Zone (S-S)

- 155.230 Description
- 155.231 Special Definitions
- 155.232 Application of Steep Slope Provisions
- 155.233 Permitted Uses
- 155.234 Conditionally Permitted Uses
- 155.235 Site Plan Required

CHAPTER 155: ZONING CODE

- 155.236 Steep Slope Permit Requirements
- 155.237 Procedure
- 155.238 Minimum Requirements

Conditional Use Permits

- 155.240 Description and Purpose
- 155.241 Use Permit Prerequisite to Building
- 155.242 Application
- 155.243 Public Hearing
- 155.244 Action and Effective Date
- 155.245 Expiration
- 155.246 Revocation
- 155.247 General Criteria
- 155.248 General Conditions
- 155.249 Additional Conditions

Off-Street Parking Requirements

- 155.250 Parking Requirements
- 155.251 Parking Spaces Required
- 155.252 Parking Requirements for Uses Not Specified
- 155.253 Common Facilities for Mixed Uses
- 155.254 Parking Area Improvements
- 155.255 Off-Street Loading
- 155.256 Parking Space Dimensions

Signs

- 155.300 General Regulations
- 155.301 Definitions
- 155.302 Permitted Sign Uses in All Districts
- 155.303 Signs in G-S, M-R, and R-R Districts
- 155.304 Signs in the P-D District
- 155.305 Signs in the G-C and M-C Districts
- 155.306 Signs in the Planned Industrial District
- 155.307 Signs in the O-S District
- 155.308 Other Signs
- 155.309 Prohibited Signs
- 155.310 Special Signs

- 155.311 Special Sign Application Requirements
- 155.312 Variances

Non-Conforming Uses

- 155.320 Purpose
- 155.321 Continuation of a Non-Conforming Use or Structure
- 155.322 Undersized Lots of Record
- 155.323 Discontinuation of a Non-Conforming Use or Structure
- 155.324 Change of Non-Conforming Use

Variances

- 155.330 Purpose
- 155.331 Limitations
- 155.332 Application
- 155.333 Conditions
- 155.334 Period of Validity
- 155.335 Public Hearing

ADMINISTRATIVE REGULATIONS

§ 155.001 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.

§ 155.002 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

CHAPTER 155: ZONING CODE

such building conform in all respects with the provisions of this code.

§ 155.003 PURPOSE

The purpose of this Code is to establish, for the City of Lakeside, a comprehensive zoning plan. The zoning plan is designed to:

- (A) encourage the most appropriate use of land in accordance with Comprehensive Plan and development pattern for the City of Lakeside.
- (B) conserve and stabilize the value of property.
- (C) aid in rendering fire and police protection.
- (D) provide for adequate light and air.
- (E) avoid congestion.
- (F) encourage the orderly growth of the City.
- (G) facilitate adequate provisions for community facilities.
- (H) provide for the adequate use and conservation of natural resources.
- (I) maintain and where possible enhance the quality of air, land, and water resources.
- (J) provide adequate space for recreational opportunity.
- (K) promote the economic well-being of the City and to provide areas for economic development.
- (L) provide adequate space for housing.
- (M) reserve and protect areas needed for educational facilities; to conserve energy.
- (N) comply with the provisions of State Law and the Land Conservation and Development Commission.
- (O) promote public health, safety, convenience, and general welfare of the people.

§ 155.004 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, statute, resolution, law or regulation, the provisions which are more restrictive shall govern. It shall be the duty of the Planning Commission to:

(A) Interpret the provisions of the Code in such a way as to carry out its intent and purpose.

(B) Rule on the proper application ~~to~~ and interpret the meaning of the zoning code in case there is a dispute between the administrative officials of the City and any owner or owners of a property.

AMENDMENTS AND CHANGES

§ 155.010 PURPOSE

The Lakeside Comprehensive Plan will be reviewed and revised periodically, as required by ORS 197.629. As changes are made in the plan, there may also be a need to make changes in this ordinance.

§ 155.011 INTRODUCTION

A quasi-judicial hearing for change to the text of this zoning code or to a zoning map may be initiated by the City Council, City Planning Commission, or by application of a property owner. An application to the Planning Commission for a zone change, change in the boundaries of a zoning district, variance or Conditional Use Permit may be initiated by the owner of the land under 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

CHAPTER 155: ZONING CODE

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 and its recommendation returned to the Council.

§ 155.012 APPLICATION FEES

When proceedings are by a property owner(s), fees for change of zone, conditional use permit, variance, appeal and plan amendment shall be set by resolution of City Council.

Such fees shall not exceed the cost to the city for the processing the application. Fee 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 Manager, City Council or Planning Commission. Such costs are in addition to fees and will be billed as actuals.

§ 155.013 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:

- (A) May be received by the City Recorder at any time and shall not be considered as accepted solely because of having been received.
- (B) Shall be reviewed by the Planning Director within 30 days to determine if the application is complete, including required drawings, plans, forms, statements and fees paid.

- (C) Shall be determined to be complete and shall be accepted when the required information, forms, and fees are included.
- (D) 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, and fees. The application shall be deemed to be complete with regard to missing information upon receipt of written notice from the applicant that no additional information will be provided. The application shall be withdrawn if the application has not been completed within 180 days of notice of missing information. The City shall mail written notice to the applicant when the application is accepted.
- (E) The Planning Director 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 this application. In setting the date of the hearing, the Planning Director shall take into consideration the time required for proper notice of such hearing in accordance with Section 115.014 of this Code, and should also consult with the

CHAPTER 155: ZONING CODE

Chairperson of the Planning Commission.

- (F) 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.

§ 155.014 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.

- (A) Notice of the public hearing for each application shall be by one publication in a newspaper of general circulation in the City, the notice being at least 20 days before that public hearing.
- (B) 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.

- (C) 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.
- (D) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
- (E) Information required in the notice of public hearing shall be as follows:
- (1) 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.
 - (2) Description of the proposed use of the property.
 - (3) List of the applicable criteria from the Code and the Plan that apply to the application at issue.
 - (4) The nature of the proposal or hearing.
 - (5) The time and place and before whom such hearing is to be held.
 - (6) Substantiation by the individual(s) seeking the zone change, that such change is in accordance with Lakeside's Comprehensive Plan, and

CHAPTER 155: ZONING CODE

- that it is in the best interest of the public health, safety, and welfare.
- (7) 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 to the Oregon Land Use Board of Appeals.
- (8) Statement that a copy of the application will be available for inspection at no cost and will be provided at reasonable cost.
- (9) Include the name of a local government representative to contact and a telephone number where additional information may be obtained.
- (F) With respect to hearing procedures:
- (1) At the commencement of any quasi-judicial hearing required by this Code, a statement shall be made to those in attendance that:
- (a) Lists the applicable substantive criteria.
- (b) States that the testimony and evidence must be directed toward the criteria described in paragraph (a) of this subsection or other criteria described in the Plan or land use regulations which the person believes to apply to the decision.
- (c) States that failure to raise an issue with sufficient specificity to afford the decision maker and parties an opportunity to respond to the issue precludes further appeal based on that issue to the Oregon Land Use Board of Appeals.
- (2) 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.
- (3) 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.
- (4) If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing.
- (5) 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

CHAPTER 155: ZONING CODE

the giving of notice by other means, including posting, newspaper publication, electronic communication, and radio or television.

§ 155.015 ACTION BY THE PLANNING COMMISSION

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

(A) 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.

(B) 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.

(C) 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 finding 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.

(D) 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.

(E) Final action. The City Council of the City of Lakeside shall take final action

on an application for a permit, limited land use decision or zone change, including resolution of all appeals under Section 155.018 and in accordance with ORS 227.178 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.

§ 155.016 ACTION BY THE CITY COUNCIL

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

§ 155.017 NOTICE OF ACTION OF 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.

§ 155.018 APPEALS

CHAPTER 155: ZONING CODE

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.

(A) Such appeal shall be initiated within 15 days after the Planning Commission has rendered the decision by filing written notice of intent to appeal with the City Recorder.

(B) 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.

(C) 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.

(D) 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 155.014 of this Code. The City Recorder shall also notify the Planning Commission of such appeal.

(E) 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.

(F) 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.

(G) Individuals who file appeals under this section shall include the appropriate fee pursuant to Section 155.012 of this Code.

§ 155.019 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 refile 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

§ 155.020 CODE ENFORCEMENT

It shall be the duty of the city administrator to see that this Code is enforced. The city administrator or their designee 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.

§ 155.021 ABATEMENT

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

§ 155.022 VIOLATION AND PENALTIES

Any person, firm, or corporation found guilty of a violation shall be deemed guilty

CHAPTER 155: ZONING CODE

of misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$200.

§ 155.023 EACH DAY A SEPARATE OFFENCE

Each person, firm, or corporation found guilty of a violation shall be deemed guilty of a separate offense any 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

§ 155.030 CLASSIFICATION OF ZONES

<u>Zone</u>	<u>Designation</u>
General Single-Family	G-S
Multi-Family Residential	M-R
Recreational Residential	R-R
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
 <u>Overlay Zones</u>	
Planned Unit Development	P-D
Airport Approach	A-A
Flood Plain	F-P
Younger Stabilized Dunes	Y-S
Steep Slopes	S-S

BOUNDARIES

§ 155.040 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:

(A) Where such boundaries are indicated as approximately following street lines, alley lines, or lot lines, such lines shall be construed to be such boundaries.

(B) 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.

(C) 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.

(D) 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 included in the Public Facility Zone.

(E) When railroad right-of-way converts so that it is no longer in use as a railroad and is sold so that it is no longer owned by the railroad, the zoning regulations applicable to abutting property on each side of the track or center line, if there is no track, shall apply up to the track or centerline on each respective side thereof.

(F) In the event that the Runway Protection Zone, RPZ, is no longer required by the City of Lakeside, RPZ overlay zoning shall be removed and the zoning regulations of the abutting property on each side of the center line of public streets, alleys, and railroad right-of-way shall apply.

(Ord. 99-229, passed 12-9-1999)

§ 155.041 CHANGES IN BOUNDARIES

CHAPTER 155: ZONING CODE

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

§ 155.045 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. The City Council shall establish such zoning within 90 days of annexation.

GENERAL PROVISIONS

§ 155.050 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:

(A) No building permit shall be issued for any construction that increases building footage until a drainage plan showing the ability to remove drainage water without damage to adjoining property, streets or existing drainage systems on private or City property is approved by the City Manager or City Engineer; erosion of mud must also be controlled.

(B) All applications shall contain a statement setting forth the use, height,

structure size, and the location of the building on the lot.

(C) 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.

§ 155.051 OCCUPANCY PERMITS

(A) No building permit for construction, alteration, or excavation shall be issued unless the application contains or is accompanied by a written statement signed by the applicant specifying the uses of occupancy for which the proposed construction or alteration is designed or intended.

(B) Following completion of construction, and upon request of the owner or city administrator, the Building Inspector shall issue in writing over his signature a certificate of occupancy for any building or structure certifying that a proposed use or occupancy does or does not conform to the provisions of the code, as the case may be.

(C) 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.

§ 155.052 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 not be greater than 3 ½ feet in height, except for open chain link or other “see-through” fences, which may be constructed up to six (6) feet in height.

CHAPTER 155: ZONING CODE

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 ½ 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.

§ 155.053 FENCES, HEDGES, WALL AND OTHER STRUCTURES

(A) 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 ½) 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.

(B) 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 ½ feet in height.

§ 155.054 GENERAL EXCEPTIONS TO LOT SIZE REQUIREMENTS

(A) Any lot created prior to the effective date of this Code 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 155.083 and .084, 155.093 and .094, and 155.103, as long as the lot is used for a single family dwelling and all other requirements of this Code have been satisfied.

(B) Any parcel of land or lot not within the above exception shall be subject to all the requirements of the Zoning Code and shall be relieved from the requirements of Sections 155.083 and .084, 155.093 and .094, and 155.103 only upon the granting of a variance therefor.

(C) If any lot or parcel mentioned in Subsection 2 above is granted a variance relieving it of the requirements of Sections 155.083 and .084, 155.093 and .094, or 155.103 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 Code.

§ 155.055 ACCESS

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

§ 155.056 BUILDING SETBACK REQUIREMENTS

When the master road plan or zoning plan indicate that a street is to be opened or widened, the setbacks required for front, side, and rear yards – shall be measured

CHAPTER 155: ZONING CODE

from the proposed right-of-way which shall be considered to be 50 feet unless expressly designated otherwise.

(A) Front Yards

(1) 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 2 ½ feet high may be built within a front yard.

(2) 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.

(B) Side yards

(1) 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 eaves or cornices may extend over the required side yard for a distance of not more than two feet;

(2) Accessory structures under 120 square feet are exempt from side yard setback requirements provided they do not have a permanent foundation.

§ 155.057 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, except in the Airport Approach Zone (A-A).

§ 155.058 SPECIAL REGULATIONS APPLYING TO MOBILE HOMES

(A) 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.

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

(C) 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.

§ 155.059 SPECIAL REGULATIONS APPLYING TO MANUFACTURED HOMES

The following standards shall apply to all manufactured homes, placed within the City of Lakeside and outside the boundaries of a mobile home park. The terms “manufactured home” and “mobile home park” shall be construed pursuant to the definitions provided in ORS 488.003.

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

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

(C) Manufactured homes shall be placed on an excavated and permanent back-filled foundation and enclosed at the perimeter such that the bottom edge of the manufactured home exterior wall is located

CHAPTER 155: ZONING CODE

not more than 16 inches above grade. Where the building site has a sloped grade no more than 16 inches of the enclosed material shall be exposed on the uphill side, except in the floodplain zones.

(D) The manufactured home shall have a pitched roof, but no slope need be greater than a nominal three feet in height for each twelve feet in width.

(E) The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing used on residential buildings within the community or which is comparable to the predominate materials used on surrounding dwellings as determined by the Lakeside Planning Commission.

(F) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope, meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010 and as subsequently amended.

(G) If the manufactured home has a garage or carport, the structure shall be constructed of like materials as the manufactured home.

(H) The manufactured home shall be anchored to the foundation in accordance with state building code provisions for conventional single family residential dwellings in effect at the time the manufactured home is installed. (Ord 98-214, Adopted 5-14-1998; Ord 98-217, Adopted 7-9-1998, Ord. 98-218, Adopted 8-13-1998)

§ 155.060 SPECIAL REGULATIONS APPLYING TO RECREATIONAL VEHICLES

The following standards shall apply to all occupied recreational vehicles, placed within the City of Lakeside and outside the boundaries of a campground or recreational vehicle park. Of the following standards, only (A) applies to unoccupied recreational vehicles in storage.

(A) Wastewater shall not be discharged from a recreational vehicle, except when the recreational vehicle is connected to an approved wastewater system.

(B) Occupation of a recreational vehicle for residential purpose, as defined in Section 155.075, is prohibited except as allowed by Conditional Use Permit. All use of a recreational vehicle for residential purpose shall conform to the requirements of Section 155.239(H).

(C) Occupation of a recreational vehicle for residential purpose, as defined in Section 155.075, shall not be a Conditionally Permitted use on any lot that is the site of a habitable structure, unless said lot is the site of a permitted recreational vehicle park.

(D) No lot shall contain more than a single recreational vehicle, unless said lot is the site of a permitted recreational vehicle park or campground, and/or a permitted commercial recreational vehicle storage service.

§ 155.061 SPECIAL REGULATIONS APPLYING TO HOME OCCUPATIONS AND COTTAGE INDUSTRIES

Home occupations and cottage industries are permitted by this Code

CHAPTER 155: ZONING CODE

provided they conform with the following criteria:

(A) No on-site employment of help other than the members of the resident family.

(B) No use of material or mechanical equipment that is inconsistent with the residential character of the neighborhood.

(C) No on-site sales of products or services not produced on the premises.

(D) The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.

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

(F) No storage of materials/supplies outdoors.

(G) It shall not involve the use of signs and/or structures other than those permitted in the district of which it is a part.

(H) 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 the Home Occupation's color, materials, construction, lighting, signs, sounds, noises, or vibrations).

(I) There shall be no use of utilities or community facilities beyond that normal to residential purposes.

§ 155.062 SPECIAL REGULATIONS APPLYING TO AREAS OF ACTIVE SAND DUNES

(A) 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.

(B) Any use within 300 feet of an Active Sand Dune will be considered a conditional use and will go through

procedures in accordance with Section 155.220 – .229.

(C) Any development on an Older Stabilized Dune will be done in a manner that does not cause the sand to become unstable.

§ 155.063 SPECIAL REGULATIONS APPLYING TO AREAS OF NOISE POLLUTION

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

§ 155.064 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.

(A) Riparian vegetation shall be removed only when necessary to accommodate the proposed development.

(B) 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 155.240–249.

(C) A setback of not less than fifty (50) feet is required and no clearing or removal of existing plant life is allowed without a variance from the Lakeside Planning Commission.

(Ord. 97–211, passed 11–13–1997)

§ 155.065 GEOLOGIC HAZARDS PROTECTION

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

CHAPTER 155: ZONING CODE

(A) Basis for establishing areas of 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.

(B) 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.

(C) Administration: Building permits shall be issued for the erection, enlargement, remodeling, repair or alteration of structures in areas of known active geological hazards when:

(1) 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).

(2) A waiver is executed relieving the City or any utility provider 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.

(3) All other permits and approvals required under this and other ordinances have been obtained.

§ 155.066 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.

§ 155.067 APPLICATION

In general, only the owner of a subject property, or individuals authorized in writing by the property owner, 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.

§ 155.068 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.

§ 155.069 WETLANDS DEVELOPMENT

(A) Wetlands Development Subject to External Requirements. Notwithstanding any provisions herein, no development shall be authorized or permitted if such development is regulated or affected pursuant to state or federal law as a wetland. In addition to the regulations of this Code each use, activity or operation within the City of Lakeside shall comply with the applicable state and federal standards relating to wetlands.

(B) Evidence of Compliance. Prior to approval of a development application, the city will require submission of evidence demonstrating compliance with State, Federal and local wetland regulations and receipt of the necessary permits.

(C) Responsibility. Compliance with State, Federal and local wetlands regulations

CHAPTER 155: ZONING CODE

is the continuing obligation of the property owner and operator.
(Ord. 00-232, passed 10-12-2000)

DEFINITIONS

§ 155.075 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 it shall include all amendments subsequently adopted.

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

ACCESS: 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 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; 3. Runway Protection Zone. See Section-155.191.

AGRICULTURAL USE: Use of land for the primary purpose of obtaining a monetary profit by raising, harvesting and selling crops, animals and/or animal products.

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 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.

AUTO WRECKING YARDS: See WRECKING YARD.

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.

BUILDABLE AREA: The 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.

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 (1/2) the height of the highest gable of a pitch or hip roof.

BUILDING-MAIN: A building within which the principal use is conducted on the lot, as provided by this Code.

CHAPTER 155: ZONING 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 temporary (30 days or less) living in any manner other than in a permanent building. (See RV PARK)

CEMETARY: 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.

CERTIFICATE OF OCCUPANCY: A document issued by a local building or zoning authority to the owner of premises, attesting that the structures on the premises have been built and maintained according to the provisions of building or zoning ordinances.

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; may include a dispensary 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 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: 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 Sections 155.300 – .309

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.

CHAPTER 155: ZONING CODE

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 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-and motels.

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.

FAMILY: One or more persons related by blood, marriage, legal adoption, or legal guardianship, occupying a single dwelling and using common housekeeping facilities; a group of unrelated persons living together in a single dwelling and using common housekeeping facilities.

FAMILY CHILD CARE HOME:
“Certified Family Child Care Home”: a child care facility located in a building constructed as a single family dwelling that has a certificate to care for a maximum of 16 children at any one time.
"Registered Family Child Care Home": the residence of the provider, who has a current Family Child Care Registration at that address and who provides care in the family living quarters.

FLOOD OR FLOODING: Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tide waters and/or;

CHAPTER 155: ZONING CODE

- B. The unusual and rapid accumulation of runoff of surface waters from any source.

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 for motor vehicles shall not be conducted.

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.

GUEST HOUSE: A habitable accessory building occupied solely by non-paying guests.

HABITABLE: A dwelling unit shall be deemed to be habitable if it includes all features enumerated in ORS 90.320(1)(a) through (k).

HEIGHT OF BUILDING: See BUILDING HEIGHT.

HOME OCCUPATION: A business conducted entirely within a 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 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 Sections 155.300 – .309.

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 nonrelated 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 in which veterinary services, clipping, bathing, boarding, and other services which are rendered to dogs, cats, and other small animals and domestic pets. A small animal hospital may have animal runs.

HOTEL (MOTEL, MOTOR HOTEL): 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.

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

CHAPTER 155: ZONING CODE

unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

LOT: A single unit of land created by subdivision or partition of land.

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 view directly from above, would be covered by a building, or any part of a building.

LOT LINE:

- A. **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.
- B. **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.
- C. **SIDE:** Any property line which is not a front or rear lot line.

LOT MEASUREMENTS:

- A. **DEPTH:** The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
- B. **WIDTH:** The horizontal distance between the side lot lanes measured at right angle to the lot depth at a point midway

between the front and rear lot lines.

LOT TYPES:

- A. **CORNER:** A lot or development site bounded entirely by street 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 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.
- B. **DOUBLE-FRONTAGE OR THROUGH:** A lot or development site other than a corner lot with frontage on more than one street.
- C. **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 one thousand (1,000) or more square feet, and which is built on a permanent chassis, and designed to be used as a habitable dwelling with or without permanent foundation when connected to the required utilities.

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 155.060. (Ord. 98-214, passed 5-15-1998)

CHAPTER 155: ZONING CODE

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

MOTEL: See HOTEL.

NEW CONSTRUCTION: Means structures for which the “start of construction” commenced on or after the effective date of this Code.

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.

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.

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 FACILITY: As defined by ORS 433.400, a facility that provides residential care in one or more buildings on contiguous properties for six or more socially dependent individuals or individuals with physical disabilities; or for fewer than six socially dependent individuals or individuals with physical disabilities if the purpose of the facility is to serve individuals with co-occurring behavioral health needs who are more appropriately served in smaller settings.

RESIDENTIAL FACILITY: As defined by ORS 433.400, a residential care facility, residential training facility, residential treatment facility, residential

CHAPTER 155: ZONING CODE

training home, residential treatment home or conversion facility.

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 is 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.

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 state 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 a part of the main structure.

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: That which is built or constructed.

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:

CHAPTER 155: ZONING CODE

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 structure.

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

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 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, wall, structure, or temporary or permanent obstruction from three 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.

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.

RESIDENTIAL DISTRICTS

GENERAL SINGLE-FAMILY ZONE

§ 155.080 DESCRIPTION

A district for an integrated variety of single-family dwelling types.

§ 155.081 PERMITTED BUILDINGS AND USES

1. Single-family homes.
2. Planned Unit Developments. Planned Unit Developments are subject to the provisions of Sections 155.180 – .189 of this Code.
3. Home occupations. Home Occupations are subject to the provisions described in Section 155.061 of this Code.
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

CHAPTER 155: ZONING CODE

buildings are not permitted in the front yard.

6. Manufactured homes.
7. Residential facility.
8. Family Child Care Home.

§ 155.082 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 noncommercial recreational club such as tennis club, swimming club, or archery club, but excluding commercial amusement enterprises.
9. Accredited public and private schools.
10. Public utility facility.
11. Mobile home park.
12. Two-family dwellings.
13. Cottage Industry. Cottage industries are subject to the provisions of Section 155.061 of this Code.
14. Multi-family dwelling
15. Recreational vehicles and travel trailers may be used as primary residences for a period of up to 120 consecutive days while a permanent residence is under construction. The applicant may apply for an extension of time if needed to finish construction not to exceed one year. The conditional use permit and extension of time will be subject to approval by the Lakeside Planning Commission.

(Ord. 07-258, passed 4-12-2007)

§ 155.083 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 dwelling must be served by a public water system and a public sewage disposal system. If these services are not provided, minimum lot size shall be governed by Code Section 155.054 and State Law. Existing 5,000 square foot lots are exempt from these provisions.

§ 155.084 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 155.054 of this Code.

§ 155.085 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 any alley or easement.

§ 155.086 SITE AND DEVELOPMENT PROVISIONS

CHAPTER 155: ZONING CODE

Building or structural height limitations:

1. Residential Buildings: The maximum building or structural height shall be thirty-five (35) feet.
2. Accessory Buildings: The maximum building or structural height shall be twenty (20) feet.
3. Fences: See Code Section 155.053.
4. Vision Clearance: See Code Section 155.052.
5. Off Street Parking: See Code Sections 155.250 – .256.
6. Signs: See Code Sections 155.300 – .309.
7. Manufactured Home Design Standards: See Code Section 155.059.

MULTI-FAMILY RESIDENTIAL ZONE

§ 155.090 DESCRIPTION

Higher density residential uses are allowed.

§ 155.091 PERMITTED BUILDINGS AND USES

1. Single-family dwellings.
2. Duplexes.
3. Multiple dwelling units.
4. Planned Unit Developments. Planned Unit Developments are subject to the provisions of Sections 155.180 – .189 of this Code.
5. Home occupations. Home Occupations are subject to the provisions of Section 155.061 of this Code.
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.
10. Residential facility.
11. Family Child Care Home.

§ 155.092 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, or archery club, but excluding commercial amusement enterprises.
9. Public and private schools.
10. Public utility facility.
11. Mobile home park.
12. Cottage industry. Cottage industries are subject to the provisions of Section 155.061 of this Code.
13. Recreational vehicles and travel trailers (see Section 155.249) may be used as primary residences for a period of up to 120 consecutive days while a permanent residence is under construction. The applicant may apply for an extension of time if needed to finish construction not to exceed 1 year. The conditional use permit and extension of time will be subject to approval of the Lakeside Planning Commission.

CHAPTER 155: ZONING CODE

(Ord. 07-258, passed 4-12-2007)

§ 155.093 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 or land will be required for each additional living unit. Each dwelling must be served by a public water system and a public sewage disposal system. If these services are not provided, minimum lot size shall be governed by Code Section 155.054 and State Law

§ 155.094 LOT DIMENSIONS

Lot width at the front building line shall be at least 60 feet. Lot depth shall be at least 100 feet. Lot area shall be at least 8,000 square feet. See Section 155.054 of this Code.

§ 155.095 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.

§ 155.096 SITE AND DEVELOPMENT PROVISIONS

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').
3. Separation Between Buildings: The minimum separation between multiple-family buildings shall be thirty (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.
4. Fences: See Code Section 155.053.
5. Vision Clearance: See Code Section 155.052.
6. Off-Street Parking: See Code Sections 155.250 – .256.
7. Signs: See Code Sections 155.300 – .309.
8. Manufactured Home Design Standards: See Code Section 155.059.
(Ord 168, passed 5-12-1994; Ord. 07-258, passed 4-12-2007)

RECREATIONAL RESIDENTIAL ZONE

§ 155.100 DESCRIPTION

A district intended to encourage development commensurate with the unique recreational character of the City.

§155.101 PERMITTED BUILDINGS AND USES

1. Single-family dwellings.
2. Duplexes.
3. Planned Unit Developments. Planned Unit Developments are subject to the provisions of Sections 155.180 – .189 of this Code.

CHAPTER 155: ZONING CODE

4. Home occupations. Home Occupations are subject to the provisions of Section 155.061 of this Code.
5. Cottage Industries. Cottage industries are subject to the provisions of Section 155.061 of this Code.
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 155.249(F) of this Code.
10. Family Child Care Home.
11. Residential Care Home.
12. Residential facility.

§ 155.102 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, and 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.
7. Recreational vehicle, for residential purpose.

§ 155.103 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 minimum lot requirements specified in Section 155.054 of this Code.

§ 155.104 LOT DIMENSIONS

Lot width at front building line shall be at least 60 feet. Lot depth shall be at least 100 feet. See Section 155.054 of this Zoning Ordinance.

§ 155.105 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 street, other than an alley or easement.

§ 155.106 SITE AND DEVELOPMENT PROVISIONS

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').
3. Fences: See Code Section 155.053.

CHAPTER 155: ZONING CODE

4. Vision Clearance: See Code Section 155.052.
5. Off-Street Parking: See Code Sections 155.250 – .256.
6. Signs: See Code Sections 155.300 – .309.
7. Manufactured Home Design Standards: See Code Section 155.059.
8. Recreational Vehicle Park Standards: See Code Section 155.249(F).

COMMERCIAL DISTRICTS

GENERAL COMMERCIAL ZONE

§ 155.110 DESCRIPTION

A zone designed to provide areas suitable for a wide spectrum of commercial uses.

§ 155.111 PERMITTED BUILDINGS AND USES

1. Business, professional, or governmental offices.
2. Retail sales, service or repair.
3. Places of public or private assembly or amusement, excluding establishments such as a racetrack or automobile speedway.
4. Lodging.
5. Accessory uses normal and incidental to a permitted use.
6. 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.
7. Bus station, taxi stand.
8. Clinics including animal clinics except animals may not be boarded overnight, unless proper sound proofing is approved by the building inspector.
9. Home occupations. Home Occupations are subject to the

provisions of Section 155.061 of this code.

10. Cottage Industry. Cottage industries are subject to the provisions of Section 155.061 of this Code.
11. Residential facility.

§ 155.112 LIMITATIONS ON USE

In the 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.

§ 155.113 BUILDINGS AND USES PERMITTED CONDITIONALLY

1. Governmental structure or use other than office.
2. Bakery or milk processing and manufacturing.
3. Churches.
4. Mobile home parks.
5. Public parks, playgrounds, and community centers.
6. Public parking areas and structure.
7. Public and semi-public buildings, such as fire stations, libraries, and sub-stations.
8. Automobile and/or truck repair or maintenance garage.
9. Public utilities.
10. Veterinary Hospital.
11. Storage facilities.

CHAPTER 155: ZONING CODE

12. State licensed commercial operations producing, processing, selling or dispensing marijuana outside the area of downtown Lakeside bounded by the rail line on the northerly side, the lake on the southerly side and by the centerline of 5th street, extended from the rail line to the lake, on the western side and the centerline of 13th street, extended from the rail line to the lake, on the eastern side.
13. Uses authorized in Light Industrial (L-I), Section 155.131 and Section 155.132.
13. Residential care home.
14. One-family dwelling built on site with or attached to another permitted use.

§ 155.114 LOT REQUIREMENTS

In a G-C zone, buildings may occupy all of the lot area not required for off-street parking (See Sections 155.250 – .256 of this Code).

§ 155.115 LOT DIMENSIONS

The minimum lot width shall be 50 feet. The minimum lot depth shall be 100 feet.

§ 155.116 YARD REGULATIONS

In the 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 a 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

§ 155.117 SITE AND DEVELOPMENT PROVISIONS

1. The maximum building or structural height shall be thirty-five feet (35').
2. Fences: See Code Section 155.053.
3. Vision Clearance: See Code Section 155.052.
4. Off-Street Parking: See Code Sections 155.250 – .256.
5. Signs: See Code Sections 155.300 – .309.

MARINE COMMERCIAL ZONE

§ 155.120 DESCRIPTION

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.

§ 155.121 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.
3. Retail sale of water sporting goods or similar goods.
4. Professional office space, which is marine oriented.
5. Open recreation area.
6. Other water-dependent facilities not listed.
7. Residential facility.

CHAPTER 155: ZONING CODE

§ 155.122 BUILDINGS AND USES PERMITTED CONDITIONALLY IF WATER RELATED

1. Retail sales, service or repair.
2. Lodging.
3. Places of public or private assembly or amusement, excluding establishments such as a racetrack or automobile speedway.
4. Government structure and use of land.
5. Recreational Vehicle Park.
6. Light processing of seafood in conjunction with boat service.
7. Storage of marine oriented materials.
8. Automobile service station in conjunction with boat service. Service stations are subject to the provisions of Section 155.249(E) of the Code.
9. One-family dwelling built on site with or attached to another permitted use.
10. Public park, playground or similar recreation area.
11. Public utility or community facility.
12. Small boat manufacturer.
13. Wholesale seafood sales.
14. Experimental laboratory for research of marine coastal production or resource.
15. Home occupations. Home Occupations are subject to the provisions of Section 155.061.
16. Cottage Industry. Cottage industries are subject to the provisions of Section 155.061 of this Code.

§ 155.123 LOT REQUIREMENTS

In a M-C zone, buildings may occupy all of the lot area not required for off-street parking. See Sections 155.250 - .256.

§ 155.124 LOT DIMENSIONS

The minimum lot width shall be 50 feet. The minimum lot depth shall be 100 feet.

§ 155.125 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.

§ 155.126 SITE AND DEVELOPMENT PROVISIONS

1. The maximum building or structural height shall be thirty-five feet (35).
2. Fences: See Code Section 155.053.
3. Vision Clearance: See Code Section 155.052.
4. Off-Street Parking: See Code Sections 155.250 - .256.
5. Signs: See Code Sections 155.300 - .309.
6. Shoreline Restrictions: See Code Sections 155.063.

INDUSTRIAL DISTRICTS

LIGHT INDUSTRIAL ZONE

§ 155.130 DESCRIPTION

CHAPTER 155: ZONING CODE

A zone to provide suitable areas for a wide spectrum of industrial uses.

§ 155.131 PERMITTED BUILDINGS AND USES

1. Retail or service establishment.
2. Automobile service station. Service stations are subject to the provisions of Section 155.249(E) of the Code.
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.

§ 155.132 BUILDINGS AND USES PERMITTED CONDITIONALLY

1. Hotel or motel.
2. Club or lodge.
3. Hospital, sanitarium, retirement home, medical or dental clinic.
4. Church or school.
5. Park Playground.
6. Public Facilities
7. Mobile home park.
8. Veterinary hospital.
9. Conventional dwellings, in conjunction with permitted use, provided the standards established for the residential zones are complied with.

§ 155.133 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 code Section 155.054 and State Law.

§ 155.134 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.

§ 155.135 YARD REGULATIONS

In the L-I 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.

§ 155.136 SITE AND DEVELOPMENT PROVISIONS

Building and structural height limitations:

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

CHAPTER 155: ZONING CODE

- 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.
 4. Fences: See Code Section 155.053.
 5. Vision Clearance: See Code Section 155.052.
 6. Parking and Loading Space: See Code Sections 155.250 – .256.
 7. Signs: See Code Sections 155.300 – .309.

HEAVY INDUSTRIAL ZONE

§ 155.140 DESCRIPTION

A zone intended to provide suitable areas for heavier industrial uses.

§ 155.141 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 landfills and storage. Landfills are subject to appropriate State regulations.

§ 155.142 BUILDINGS AND USES PERMITTED CONDITIONALLY

1. Public facility.
2. Retail and wholesale establishments.
3. Pulp or paper mill.

4. Cement or asphalt plant.
5. Rendering plant or slaughterhouse.

§ 155.143 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 Section 155.054 and State law.

§ 155.144 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.

§ 155.145 YARD REGULATIONS

In the 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.

§ 155.146 SITE AND DEVELOPMENT PROVISIONS

Building and structural height limitations:

CHAPTER 155: ZONING CODE

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 (35) feet shall be set back at least one hundred fifty (150) feet from any property line that abuts a residential district.
4. Fences: See Code Section 155.053.
5. Vision Clearance: See Code Section 155.052.
8. Parking and Loading Space: See Code Sections 155.240 – .246.
9. Signs: See Code Sections 155.300 – .309.
2. Wildlife and marine life sanctuaries.
3. Management and harvest of forest products.
4. Agriculture use including grazing and farming, subject to the conditions found in Section 155.249(D) of this code.
5. Single–family dwelling, or business with single–family dwelling, associated with other permitted use(s).
6. Private parks and playgrounds.

§ 155.152 BUILDINGS AND USES PERMITTED CONDITIONALLY

1. Solid waste disposal facility.
2. Single–family dwelling on a parcel not less than 10 acres.
3. Golf Course.
4. Home occupation. Home Occupations are subject to the provisions of Section 155.061 of the Code.
5. Cottage Industry. Cottage Industries are subject to the provisions of Section 155.061 of the Code.
6. Campgrounds.
7. Residential care home on a parcel not less than 10 acres.

OPEN SPACE DISTRICT

§ 155.150 DESCRIPTION

The 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.

§ 155.151 PERMITTED BUILDINGS AND USES

1. Recreational uses limited to day use such as:
 - a. Exhibition of natural conditions, and
 - b. Picnicking areas and playgrounds.

§ 155.153 LOT REQUIREMENTS

The minimum lot area shall be 6,000 square feet. Each dwelling must be served by a public water system and a public sewage disposal system. If these services are not provided, minimum lot size shall be governed by Code Section 155.054 and State Law.

§ 155.154 LOT DIMENSIONS

There shall be no minimum lot dimensions for the Open Space district.

§ 155.155 YARD REGULATIONS

CHAPTER 155: ZONING CODE

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.
- b. Design review may be required.
 - c. General conditions listed in Sections 155.050 – .069 of this Code may be applied.
 - d. Conditions may be imposed to implement the recommendations and findings of an impact assessment.

§ 155.156 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

WATER USE DISTRICT

§ 155.160 DESCRIPTION

The Water Use zone is 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 water's surface.

§ 155.161 PERMITTED BUILDINGS AND USES

1. Navigational improvements.
2. Marinas, docks and other similar floating structures.

§ 155.162 BUILDINGS AND USES PERMITTED CONDITIONALLY

There are no conditionally permitted uses within the Water Use district.

PUBLIC FACILITY DISTRICT

§ 155.170 DESCRIPTION

Designates land used for public facilities such as government offices, schools, hospitals, transportation facilities, community centers and utility structures.

§ 155.171 PERMITTED BUILDINGS AND USES

CHAPTER 155: ZONING CODE

1. Government office.
2. Schools.
3. Hospitals.
4. Transportation facilities.
5. Utility structures.
6. Community activities/recreation center.
7. Public roads, streets and alleys, and railroad right-of-way, track, signals and movement of rolling stock.
8. 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 155.174 below).

§ 155.172 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.

§ 155.173 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 City code Section 155.054 and State law.

§ 155.174 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.

PLANNED UNIT DEVELOPMENT ZONE

§ 155.180 DESCRIPTION

Planned Unit Developments allow for the use of innovative residential development for large land areas. Great 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 innovate 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.

§ 155.181 PERMITTED BUILDINGS AND USES

1. Planned residential developments in Residential zones:

CHAPTER 155: ZONING CODE

- 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 Section 155.249 of this code are met.
 - c. Recreational uses, such as a golf course, private park, recreational building, club house, or social hall

§ 155.182 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.

§ 155.183 DEVELOPMENT STANDARDS

1. 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

CHAPTER 155: ZONING CODE

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 PUD is located.
5. Off-Street Parking: The requirements for off-street parking and loading shall be in accordance with requirements specified in Sections 155.250 – .256 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.

§ 155.184 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.

§ 155.185 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.

§ 155.186 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.

§ 155.187 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, streetlights, bikeways and pedestrian paths necessary for the proper development of either the PUD or adjacent properties.

CHAPTER 155: ZONING CODE

§ 155.188 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 does not prohibit the owner from taking part in the process.

§ 155.189 PLANNED UNIT DEVELOPMENT PROCEDURE

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

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 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:

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.

Existing Conditions: Contours at an interval of 1 foot for ground slopes less than 5%, 2 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.

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

1. A map showing street systems, lot or partition lines, and other divisions of land for management, use or allocation purposes.
2. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public building, and similar public and semi-public areas.
3. 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.
4. Elevation and perspective drawings of proposed structures.
5. 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.

CHAPTER 155: ZONING CODE

- 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.
6. 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.
7. 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 pattern shall be shown.
 - c. A landscaping and tree plan.
 - d. An economic feasibility report or market analysis.

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:

1. A map showing the existing zoning of the subject property and adjoining properties within or without the boundaries of the City of Lakeside.
2. Existing land use map of the area within 1,000 feet of the subject property.
3. 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 prospective effect of said Planned Unit Development on land use, character and environment, traffic, City services, etc.

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.

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

CHAPTER 155: ZONING CODE

elements of the development, after receiving evidence assuring completion of the entire project on schedule.

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.

Final Development Plan and Program: The final development plan and program shall contain the following information:

1. Land Use:
 - a. A land use plan showing all proposed uses within the Planned Unit Development.
 - b. 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.
 - c. Open spaces that are 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.
2. Contours and Drainage:
 - a. Contours as they will be after development.
 - b. Drainage system and sanitary sewers and treatment facilities as required.
3. Circulation:
 - a. A street system and lot design with appropriate dimensions. A subdivision plat if the land is to be subdivided shall comply with this requirement.
 - b. 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.
 - c. Location and dimensions of pedestrian walkways, malls and foot and horse trails.
4. Parking and Loading:
 - a. Location, arrangement, number and dimensions of automobile garages, parking spaces and the width of aisles, bays, and angle of parking.
 - b. Location, arrangement and dimensions of truck loading spaces and docks.
5. Architectural Sketches:
 - a. 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.
 - b. 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

CHAPTER 155: ZONING CODE

- 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.
6. Landscaping:
- a. In Planned Unit Development or construction phases therein containing less than 25, acres the developer shall submit a preliminary landscaping plan depicting tree planting, 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.
 - b. 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.
7. Program Elements. The written program shall contain the following information:
- a. 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.
 - b. Table showing the overall density of the proposed residential development and showing density by dwelling types.
 - c. 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.
 - d. A time schedule showing construction commencement, rate of development, and approximate completion date for each phase of construction and type of structure.
 - e. The stages for development of private and public facilities planned.
 - f. Written consent of all persons owning any interest in the real property within the Planned Unit Development to the final development plan and program.
 - g. Such other information as the Planning Commission may require.
- Planning Commission Public Hearing on Final Development Plan and Program
1. Upon receipt and review by the Planning Director of the final development plan and program, the Planning Commission at a regular

CHAPTER 155: ZONING CODE

- 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
2. 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,
 3. Disapprove the final development plan and program as inconsistent with the intent of this article and abandon hearings and proceedings therein.

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.

Recording of Notice of 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 shall be 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.

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:

1. Full compliance with all provisions of this article including execution and filing of all documents required herein.
2. Compliance with the subdivision code of the City of Lakeside, land use ordinances of the City of Lakeside, and building code of the City of Lakeside.
3. Full compliance with the final development plan and program.

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. A subdivision plat containing such 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; ratio of different types of dwelling units to each other; boundaries of the Planned Unit Development or 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

CHAPTER 155: ZONING CODE

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.

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 overlay-district be removed, and necessary amendments to the zoning code be made in accordance with this Section.

AIRPORT APPROACH ZONE

§ 155.190 DESCRIPTION

This zone 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.

§ 155.191 SPECIAL DEFINITIONS

AIRPORT APPROACH: A fan shaped area beyond the end of a runway where special land-use and height regulations are established, excluding properties which are designated for special protection in the Runway Protection Zone.

AIRPORT HAZARD: 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.

PLACE OF PUBLIC ASSEMBLY: A structure which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, or awaiting transportation.

AIRPORT CLEAR ZONE: The fan-shaped area 1,000 feet beyond the end of the runway which is kept clear of airport hazards, excluding the area defined as the Runway Protection Zone (RPZ) as set forth in 155.198 to 155.199 in this code.

RUNWAY PROTECTION ZONE (RPZ): The RPZ applies to portions of those former railroad right-of-way properties described as 23S12W18BC, tax lots 7300 and 7501 and 23S12W18BC, tax lots 12200 and 12400 which are included in an area defined by OAR 660-013, Exhibit #4, as trapezoidal in shape and centered about the extended runway centerline beginning 200 feet beyond the designated runway ends, and having the following dimensions: 1,000 feet "L"/Length; 250 feet "W1"/Inner Width; 450 feet "W2"/Outer Width. (Ord. 99-229, Adopted 12-09-1999)

TRANSITIONAL SURFACE: (As defined in OAR 660-013, Exhibit #1) Those surfaces which extend upward and outward at 90-degree angles to the runway centerline extended into the RPZ at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces including the RPZ to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those

CHAPTER 155: ZONING CODE

portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90-degree angle to the extended runway centerline. (Ord. 99-229, passed 12-09-1999)

§ 155.192 APPLICATION OF AIRPORT APPROACH PROVISIONS

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

§155.193 APPLICATION OF HEIGHT RESTRICTIONS TO TRANSITIONAL SURFACE

Transition Zone height restrictions shall be applied extending in both a northeasterly and a southwesterly direction outside the Runway Protection Zone along former railroad right-of-way properties described as 23S12W18BD, tax lots 12201 and 12401, and 23S12W18BC, tax lot 7500.

Applications for permitted and conditional uses within the Transitional Surface shall be forwarded to the Department of Transportation, Aeronautics Division, who shall issue a statement of Compliance/Noncompliance concerning height restrictions.
(Ord. 99-229, passed 12-09-1999)

§ 155.194 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.

§ 155.195 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.

§ 155.196 PROCEDURE

The issuing of 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;

CHAPTER 155: ZONING CODE

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.

§ 155.197 LIMITATIONS

1. No place of public assembly shall be permitted in the airport approach zone between North 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. However, the height or other limitations and restrictions 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.

§ 155.198 RUNWAY PROTECTION ZONE (RPZ)

The purpose of the Runway Protection Zone (RPZ) is to enhance the protection of people and property on the ground within the area where it is applied.

§ 155.199 PERMITTED USES AND COMPLIANCE REVIEW OF THE RPZ

1. Agriculture, excluding the commercial raising and feeding of animals which would be adversely affected by aircraft passing overhead.
2. Golf Course, excluding a clubhouse and/or a place of public assembly.
3. Automobile parking facilities, excluding structures.
4. Uses which do not attract wildlife or bird movement, are below the approach surface and do not interfere with navigational aids; excluding residential use and development, public assembly uses, structures and buildings for any use, and new landfill operations.
5. All permitted uses proposed for the RPZ zone are subject to review by the Oregon Department of Transportation, Aeronautics Division, which shall issue a Statement of Compliance/Noncompliance as to proposed uses and activities. (Ord. 99-229, passed 12-09-1999)

FLOOD PLAIN ZONE (As adopted by Ord. 18-289, passed 1-10-2018)

§ 155.200 DESCRIPTION

The State of Oregon in ORS Chapter 197 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. This zone shall apply to all areas of special flood hazards within the jurisdiction of the City of Lakeside. (Ord. 18-289, passed 1-10-2018)

FINDINGS OF FACT:

1. The flood hazard areas of the City of Lakeside are subject to periodic inundation which results in loss of life and property, health and safety

CHAPTER 155: ZONING CODE

hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when structures are inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to flood loss. (Ord. 18-289, passed 1-10-2018)

STATEMENT OF PURPOSE

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:

1. To protect human life and health;
2. To minimize expenditure of public money and costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public utilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood

hazard so as to minimize future flood blight areas;

7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 18-289, passed 1-10-2018)

METHODS OF REDUCING FLOOD HAZARDS

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.
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards in other areas.
6. Coordinating and supplementing the provisions of the state building code with local land use and development ordinances. (Ord. 18-289, passed 1-10-2018)

§ 155.201 SPECIAL DEFINITIONS

CHAPTER 155: ZONING CODE

APPEAL. A request for a review of the interpretation of any provision of this section or a request for a variance.

AREA OF SHALLOW FLOODING. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL HAZARD. The land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year. The area may be designated as Zone A on the FIRM. After detailed rate making has been completed in preparation for publication of the flood insurance rate map, Zone A is usually refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT. Any area of a building having its floor subgrade (below ground level) on all sides.

BELOW GRADE CRAWL SPACE. An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the

crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

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

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials within the area of special flood hazard.

DEVELOPMENT PERMIT. A finding by the Lakeside Planning Commission that the development that an owner wishes to undertake within the F-P and/or F-W zone(s) is consistent with the requirements of Sections 155.207 through 155.211.

FLOOD OR FLOODING.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when the earth is

CHAPTER 155: ZONING CODE

carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1)(a) of this definition.

FLOOD ELEVATION STUDY. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which the Federal Insurance Administrator has delineated both the hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Risk Map (DFIRM).

FLOOD INSURANCE STUDY. See flood elevation study.

FLOOD PLAIN. The areas included in the flood plain are those that have at least a 1% chance of flooding during each calendar year (often mislabeled as a “100-year flood”). These are described in federal regulations as “areas of special flood hazard”. FEMA has developed/identified a floodway for Lakeside as part of the Flood

Insurance Study referenced in Section 155.201.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. This designated height for Lakeside is one foot. FEMA has developed/identified a floodway for Lakeside as part of the Flood Insurance Study referenced in Section 155.201.

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.”

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Code, found at Section 155.208.

MANUFACTURED DWELLING. For the purposes of Sections 155.200 through 155.213 “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. The term “manufactured dwelling” does not include a “recreational vehicle”.

CHAPTER 155: ZONING CODE

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

MOBILE HOME. See manufactured home (above).

NEW CONSTRUCTION. For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvement to such structures. For floodplain management purposes, structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

RECREATIONAL VEHICLE. A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary quarters for recreational, camping, travel or seasonal use.

START OF CONSTRUCTION. [For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)] Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, additional placement or other improvement was within

180 days of the permit date. The actual start date means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units and not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE BUILDING CODE. The combined specialty codes adopted by the State of Oregon.

STRUCTURE. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. For insurance purposes, structure means:

1. A building with two or more outside rigid walls a fully secured roof that is affixed to a permanent site;
2. A manufactured home (defined above); or
3. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws. For

CHAPTER 155: ZONING CODE

the later purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
2. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

VARIANCE. A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

WATER DEPENDENT. A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its

operations. (Ord. 168, as amended 5–12–1994; Ord. 18–289, passed 1–10–2018)

§ 155.202 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 12/27/2018, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this Code. The Flood Insurance Study is on file at the Lakeside City Hall, at 915 North Lake Road, Lakeside, OR. The best available information for flood hazard area identification as outlined in Section 155.206.2 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 155.207 (Ord. 18–289, passed 1–10–2018)

§ 155.203 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Large floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create any liability on the part of the City of Lakeside, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision

CHAPTER 155: ZONING CODE

lawfully made hereunder. (Ord. 18–289, passed 1–10–2018)

§ 155.204 ESTABLISHMENT OF DEVELOPMENT PERMIT

1. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 155.202. 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”.
2. Application for a development permit shall be made on forms furnished by the City Planning Department, and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structure, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
 - a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - b. Elevation in relation to mean sea level of flood-proofing in any structure;
 - c. Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in Section 155.209; and
 - d. Description of the extent to which a watercourse will be altered or relocated as a result of

the proposed development. (Ord. 18–289, passed 1–10–2018)

§ 155.205 DESIGNATION OF THE LOCAL ADMINISTRATOR

The local administrator is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

§ 155.206 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the local administrator 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 155.211 are met.
2. Use of Other Base Flood Data in A and V zones: When base flood elevation data has not been provided in accordance with Section 155.202 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the local administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a

CHAPTER 155: ZONING CODE

- Federal, State, or other source, in order to administer Sections 155.209 SPECIFIC STANDARDS, and 155.211 FLOODWAYS.
3. Information to be Obtain and Maintained:
 - a. Where base flood elevation is provided through the Flood Insurance Study, FIRM, or required as in Section 155.206.2, 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 where base flood elevation is provided through the Flood Insurance Study, FIRM, or required as in Section 155.206.2:
 - i. Verify and record the actual elevation (in relation to mean sea level) and
 - ii. Maintain the flood proofing certifications required in Section 155.209.2.c.
 - c. Maintain for public inspection all records pertaining to the provisions of this ordinance.
 4. Alteration of Watercourses and 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. Requirement to Submit New Technical Data
 - a. Notify FEMA within 6 months of project completion when an applicant had obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevations. This notification shall be provided as a Letter of Map Revision (LOMR).
 - b. The property owner shall be responsible for preparing technical data to support the LOMR application and paying any processing or application fees to FEMA.
 - c. The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and Federal laws.
 - d. Notify Flood Insurance Administrator in writing of any boundary changes (annexations).
 6. 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

CHAPTER 155: ZONING CODE

opportunity to appeal the interpretation as provided in Section 155.207. 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.).

§ 155.207 VARIANCE AND APPEAL PROCEDURE

1. Appeal Board

- a. The Lakeside Planning Commission shall hear and decide appeals and requests for variances from the requirements of this Code.
- b. The Lakeside City Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Lakeside Planning Commission in the enforcement or administration of this Code.
- c. Those aggrieved by the decision of the Lakeside Planning Commission, or any taxpayer, may appeal such decision to the Lakeside City Council, as provided in Section 155.018 of this Code.

2. Appeal and Variance Procedures. In passing upon such applications, the Lakeside Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of the Code, and:

- a. The danger that materials may be swept onto other lands to the injury of others;
- b. The danger to life and property due to flooding or erosion damage;
- c. The susceptibility of the proposed facility and its contents

to flood damage and the effect of such damage on the individual owner;

- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity to the facility of a waterfront location, where applicable;
- f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- g. The compatibility of the proposed use with existing and anticipated development;
- h. The relationship of the proposed use to the Comprehensive Plan and flood plain management for that area;
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

3. Conditions for a variance

- a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of ½ acre or less in size contiguous to and

CHAPTER 155: ZONING CODE

- surrounded by lots with existing structures constructed below the base flood level, providing items (a) through (k) in Section 155.207.2 have been fully considered. As the lot size increases, the technical justification for issuing the variance increases.
- b. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard for the procedures set forth in this section, provided the repair or rehab will not preclude the structures continued designation as a historical structure and the variance is the minimum necessary to preserve the historical character and design of the structure.
 - c. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
 - d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - e. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
 - f. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
4. Limitations on Variance Approvals. Variances shall only be issued:
 - a. Upon a showing of good and sufficient cause;
 - b. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 155.207.2 or conflict with existing laws and ordinances.
 - d. For functionally dependent uses.

§ 155.208 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 manufactured homes must likewise be anchored to resist flotation, collapse, or lateral

CHAPTER 155: ZONING CODE

movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Reference to FEMA's Manufactured Home Installation in flood hazardous guidebook for additional techniques.

2. Construction Materials and Methods:

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the 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 water; and
- c. On-site waste disposal systems and other utilities shall be located to avoid impairment to them or

contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

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. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed 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 either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 155.202), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

6. AH Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

CHAPTER 155: ZONING CODE

7. Wetlands. No development (as defined in Section 155.201) shall be allowed in the wetland areas as identified in the Lakeside Comprehensive Plan.

§ 155.209 SPECIFIC STANDARDS

In all areas of special flood hazards where flood elevation data has been provided (Zones A1–30, AH and AE) as set forth in Section 155.202 “Basis For Establishing the Areas of Special Flood Hazard” or Section 155.206.2 Use of Other Base Flood Data (in A and V Zones), the following provisions are required:

1. Residential Construction.
 - a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above base flood elevation.
 - b. Fully enclosed areas below the lowest floor used only for parking, access or storage 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:
 - (1) 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.
 - (2) The bottom of all openings shall be no higher than one foot above grade.

- (3) 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 155.206.3.b.
- d. Nonresidential structures that are elevated, not flood proofed, meet the same criteria for space beneath the lowest floor as residential structures as described in Section 155.209.2.
- e. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g., a building flood proofed to the base flood level will be rated as one foot below).

CHAPTER 155: ZONING CODE

- f. Applicants shall supply a comprehensive Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide flood proofing protection to the structure; all seals or gaskets for shields, gates, barriers or components; and, the location of all shields, gates, barriers and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.
 - g. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.
3. Manufactured Dwellings:
- a. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with Section 155.209.3 (above);
 - b. The bottom of the longitudinal chassis frame beam in A zones shall be at or above BFE;
 - c. The manufactured dwelling shall be anchored to prevent flotation, collapse or lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's Manufactured Home Installation in Flood Hazard Areas Guidebook for additional techniques); and
 - d. Electrical crossover connections shall be a minimum of 12 inches above BFE.
4. Recreational Vehicles. Recreational vehicles placed on sites are required to:
- a. Be on site for fewer than 180 consecutive days, and
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
 - c. Meet the requirements of Section 155.209.3 above and the elevation and anchoring requirements for manufactured homes.
5. Small Accessory Structures: Relief from elevation or flood proofing as required in Sections 155.209(1) and 155.209(2) above may be granted for small accessory structures that are:
- a. Less than 200 square feet and do not exceed one story;
 - b. Are not temperature controlled;
 - c. Not used for human habitation and are used solely for parking of vehicles or storage of items having low damage potential when submerged;
 - d. Not used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with this ordinance or stored at least one foot above Base Flood Elevation;
 - e. Located and constructed to have low damage potential;
 - f. Constructed with materials resistant to flood damage;

CHAPTER 155: ZONING CODE

- g. Anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
 - h. Constructed to equalize hydrostatic forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or:
 - (1) Provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (2) The bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;
 - (3) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the automatic flow of floodwater in both directions without manual intervention.
 - i. Constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
6. Below Grade Crawlspace. Below grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11–01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas:
- a. The building must be designed and adequately anchored to resist flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic load and effects of buoyancy can usually be addressed through the required openings stated in Section (b) below. Because of hydrodynamic loads, crawl space construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
 - b. The crawlspace is in an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
 - c. Portions of the building below BFE must be constructed with materials resistant to flood damage. This includes not only the walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate

CHAPTER 155: ZONING CODE

- the bottom of joists and all insulation above BFE.
- d. Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within components during flood conditions. Duct work, in particular, must either be placed above BFE or sealed from floodwaters.
 - e. The interior grade of a crawl space below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
 - f. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
 - g. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means. For more detailed information refer to FEMA Technical Bulletin 11-01.

§ 155.210 BEFORE REGULATORY FLOODWAY

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

§ 155.211 FLOODWAYS – GENERALLY

Located within areas of special flood hazard established in Section 155.202 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 provision apply:

1. Except as provided in 155.212, encroachments including fill, new construction, substantial improvement, and other development is prohibited within the Floodways Zone, in unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If Section 155.211.1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provision of Sections 155.208 – 155.212.

CHAPTER 155: ZONING CODE

§ 155.212 MANUFACTURED DWELLINGS IN FLOODWAYS

Manufactured dwellings may only be located in in floodways according to one of the following conditions:

1. If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or
2. A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement at the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria:
 - a. As required by 44 CFR Chapter 1, subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;
 - b. The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the longitudinal chassis frame beam elevated at least to BFE as identified on the Flood Insurance Rate Map;
 - c. The replacement manufactured dwelling is placed and secured to

- a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction;
- d. The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that it causes erosion or damage to other properties;
- e. The location of a replacement manufactured dwelling is allowed by the local planning department's ordinances; and
- f. Any other requirements deemed necessary by the authority having jurisdiction.

§ 155.213 CRITICAL FACILITY

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year flood plain). Construction of new facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood plain, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

YOUNGER STABILIZED DUNES ZONE

CHAPTER 155: ZONING CODE

§ 155.220 DESCRIPTION

This zone is intended to be applied to properties that lie within areas of Younger Stabilized Dunes and is intended to prevent the reactivation of sand dunes through minimal vegetation removal and stabilization program. It is deemed essential to protect the health, safety and welfare of the people of the City of Lakeside.

§ 155.221 SPECIAL DEFINITIONS

YOUNGER STABILIZED DUNES. 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.

STABILIZATION PROGRAM. 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.

§ 155.222 APPLICATION OF YOUNGER STABILIZED DUNE PROVISIONS

Within any zoning district where a Y-S designation is combined with a primary district the following regulations shall apply. If any conflict in regulation of procedures occurs between the primary zoning district and the Younger Stabilized Dune Overlay, the provisions of the Younger Stabilized Dune Overlay shall govern.

§ 155.223 PERMITTED USES

1. Sand stabilization activities.

§ 155.224 CONDITIONALLY PERMITTED USES

1. All uses permitted within the primary zone.
2. All uses permitted conditionally within the primary zone.

§ 155.225 PROCEDURE

An applicant seeking a 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.

§ 155.226 MINIMUM REQUIREMENTS

Any development in the Y-S overlay zone shall go through a Planning Commission site review and receive approval prior to start of development to minimize risk that the sand will 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.

CHAPTER 155: ZONING CODE

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 a way as to minimize blowing sand under the foundation.

STEEP SLOPE ZONE

§ 155.230 DESCRIPTION

This zone shall 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 or having a slope of greater than 30%. It is intended to minimize erosion through vegetation management, drainage control and lot size. The zone is deemed necessary to protect the health, safety and welfare of the people of the City of Lakeside. The requirements of this zone pertain to all lands being developed within the City of Lakeside.
(Ord. 99-225, Adopted 2-11-1999;

§ 155.231 SPECIAL DEFINITIONS

STEEP SLOPE AREAS. Those areas that have been identified as having steep slopes by the Soil Conservation Service, or any slope over 30% within the City.

VEGETATION MANAGEMENT PROGRAM. 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.

DRAINAGE PLAN. A plan of how surface water will be drained. This includes proposed culverts, alteration of drainage patterns, and how water from downspouts and other sources will be disposed of.

§ 155.232 APPLICATION OF THE STEEP SLOPES PROVISIONS

If any conflict in regulation of procedures occurs between the primary zoning district and the Steep Slopes overlay zone, the provisions of the Steep Slopes overlay shall govern.

§ 155.233 PERMITTED USES

There are no permitted uses within the Steep Slopes overlay zone.

§ 155.234 CONDITIONALLY PERMITTED USES

1. All uses permitted in the primary zone.
2. All uses permitted conditionally in the primary zone.

§ 155.235 SITE PLAN REQUIRED

1. A preliminary site plan addressing drainage and erosion must be

CHAPTER 155: ZONING CODE

- submitted to the City Administrator prior to any construction, grading, clearing or excavating.
2. A final plan shall be submitted after clearing and excavation has occurred and a footprint of the building has been established.
 3. A landowner may not divert water onto adjoining land that would not otherwise have flowed there. The upper landowner may not change the place where the water flows onto the lower owner's land. The upper landowner may not accumulate large quantities of water, then release it; greatly accelerating the flow onto the lower owner's land.
 4. The conditions of Sections 155.235 and 155.236 may not be waived by the Lakeside Planning Commission.
(Ord. 99-225, passed 2-11-1999)

§ 155.236 STEEP SLOPE PERMIT REQUIREMENTS

1. Slopes of 30 degrees or more shall require a Steep Slope Permit that must be approved by the Lakeside Planning Commission. An engineered erosion and drainage control plan shall be submitted with the Steep Slope Permit application. The plans for erosion control will be reviewed by the City Engineer at the expense of the applicant. The fee for the Steep Slope Permit and the City Engineer's review cost must be paid before the permit is issued. The preventative controls in the erosion and drainage control plan must be sufficient to prevent erosion and be made adequate provision for drainage. The preventative controls must be completed within sixty (60) days after excavation or removal of the natural ground cover.

2. Slopes between 15 and 30 degrees shall require a Steep Slope Permit. An erosion and drainage plan shall be submitted with the application for the Steep Slope Permit. The Steep Slope Permit and the erosion and drainage control plans must be approved by the City Administrator. The preventative controls must be sufficient to prevent erosion and must make adequate provisions to control drainage. The City Administrator may require an engineering plan be submitted by the applicant.
3. Slopes of zero up to 15 degrees shall require an erosion and drainage plan that is approved by the City Administrator. An engineered plan or Steep Slope Plan is not required. The preventative controls must be sufficient to prevent erosion and must make adequate provision to control drainage.
(Ord. 99-225, passed 2-11-1999;

§ 155.237 PROCEDURE

An applicant seeking a site review shall make an application to the City. 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.
6. Proposed drainage plan to include location of existing drainage patterns

CHAPTER 155: ZONING CODE

locations of springs, streams, or drainage ditches.

§ 155.238 MINIMUM REQUIREMENTS

Any development in the S-S overlay zone shall receive approval consistent with Section 155.236 prior to the start of development to minimize risk of slope failure, erosion, or alteration of 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, street or utilities.

CONDITIONAL USE PERMITS

§ 155.240 DESCRIPTION AND PURPOSE

Certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for such considerations 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 land uses, and the effect such uses have on the growth and development of the community as a whole.

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 condition 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.

§ 155.241 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 Conditional Use 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.

§ 155.242 APPLICATIONS

The application for a Conditional Use Permit shall be made in writing to the City Recorder by the owner of the land in consideration, or the owner's authorized agent, on forms provided by the City. The

CHAPTER 155: ZONING CODE

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 of the Comprehensive Plan 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 access data; and
4. Operational data; and
5. All other information requested by the Planning Commission.

§ 155.243 PUBLIC HEARING

The Planning Commission shall hold at least one public hearing on each Conditional Use Permit application filed with the City Recorder.

§ 155.244 ACTION AND EFFECTIVE DATE

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.

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.

§ 155.245 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.

§ 155.246 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

CHAPTER 155: ZONING CODE

to be detrimental to the public health, safety, or general welfare, or so as to constitute a nuisance.

§ 155.247 GENERAL CRITERIA

The Planning Commission shall only approve, approve with conditions, or deny an application for a conditional use, including requests to enlarge or alter a conditional use, based on findings of fact with respect to all of the criteria below.

1. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval;
3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with City standards; and
4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed within the zone or overlay zone in which the subject property is located (Sections 155.081 through 155.234); nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.

§ 155.248 GENERAL CONDITIONS

The Planning Commission may impose conditions in connection with the Conditional Use Permit that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized and may require guarantees and evidence of compliance. Such conditions include, but are not limited to:

1. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust.
2. Requiring larger setback areas, lot area, and/or lot depth or width.
3. Limiting the building or structure height, size, lot coverage, and/or location on the site.
4. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas.
5. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance.
6. Requiring and designating the size, height, location, and/or materials for fences.
7. Designating the size, number, location, and/or design of vehicle access points or parking and loading areas.
8. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable.

CHAPTER 155: ZONING CODE

9. Limiting the number, size, location, height, and/or lighting of signs. delegates authority to the Planning Director to issue renewals.
10. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting.
11. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands.
12. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with City standards;
13. Limiting the hours, days, place, and/or manner of operation.
14. Requiring a time period within which the proposed use shall be developed.
15. Requiring bonds to ensure performance of special conditions.
16. 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; and
17. The Planning Commission may require review and renewal of conditional use permits annually or in accordance with another timetable as approved pursuant to this chapter. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such period review may occur through a public hearing, except where the Planning Commission

§ 155.249 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:

A. Churches. 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.

B. Hospitals. 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.

C. Public or Parochial Schools. 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 a 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.

D. Agricultural Uses.

1. 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 allowed on a lot, other than their young under the age of six months, shall be limited to the square footage of the lot divided

CHAPTER 155: ZONING CODE

by the total minimum area required for each animal as listed below:

Horses, Cattle	10,000 sq ft area
Goats, Sheep	5,000 sq ft area
Bee Colonies	1,000 sq ft area

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

2. 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.
 3. Domestic farm animals shall be properly caged or housed and proper sanitation shall be maintained at all times.
 4. All animal or fowl food shall be stored in metal or other rodent-proof receptacles.
- E. Service Stations.
1. General Provisions
 - a. Service stations shall be located adjacent to and integrated with other commercial uses and shall not be developed in "spot" locations.
 - b. A Service station shall be located adjacent to an arterial street.
 - c. Service stations in retail commercial shopping centers shall be integrated with but located on the periphery of retail commercial centers.
 - d. 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.

- e. 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.
 - f. 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.
 - g. 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.
2. Locational Siting Provisions
 - 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

CHAPTER 155: ZONING CODE

- lines of the site shall not share a common boundary 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 be 400 feet, except at intersections with exception of Section 155.249.E.2.f., below.
 - 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.
3. 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.

CHAPTER 155: ZONING CODE

- d. A screen trash enclosure shall be provided on each station.
4. 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.
5. 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.
 - d. Service stations developed in conjunction with other commercial development shall be situated on arterial streets on the perimeter of such development
6. Signs
 - a. Service stations shall be required to adhere to the sign regulations of the zoning district in which they are located.
 - b. 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 structures and shall not exceed 35 feet in height.
 - c. Signs shall not aggregate more than 20 square feet for the purpose of quoting gasoline prices, advertising trade stamps, announcing service available, or any other like purpose.
 - d. Signs for traffic and customer directions shall be permitted, provided no such sign is more than two square feet in area.
 - e. 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 or hallmarks on the premises. Signs shall not be attached to and extend above the pump islands canopies.
 - f. 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 in the effective date of this amendment, and not conforming with

CHAPTER 155: ZONING CODE

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.

7. Exterior Lighting

- a. Freestanding lighting fixtures shall not exceed a height of 20 feet. Other exterior lighting as may be necessary shall be permitted if 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.

8. 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 155.249.E 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.

9. Discontinuance of Operations.

- a. 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.

CHAPTER 155: ZONING CODE

- 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 155.249.E.9. a and 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.
10. 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.
11. Design
- a. The architectural design of the service station shall be submitted with the plans on file.
 - b. A landscaping plan of the service station shall be submitted with the plans on file.
12. 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.

CHAPTER 155: ZONING CODE

- g. All off-site signs must comply with all State requirements, Chapter 377 ORS.

F. Recreational Vehicle Parks.

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

1. 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.
2. 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.
3. 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.
4. 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.
5. A recreational vehicle space shall be provided with electrical service.
6. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
7. Recreational vehicles that are occupied for more than 120 days in a 12-month period shall be considered being used for "residential purposes".
8. The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees 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.
9. 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. 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.

CHAPTER 155: ZONING CODE

10. The park shall provide at least one utility building or room containing laundry facilities. Total minimum laundry capacity shall be one clothes washing machine and one clothes drying machine for each 10 recreation vehicle spaces or fraction thereof.
 11. Building spaces required by subsections F.9 and F.10 of this Section shall be: accessible and lighted at all times of the day and night, ventilated, provided with heating facilities which shall maintain a room temperature no lower than 65°F, have floors of waterproof material, have a sanitary ceiling, floor and wall surfaces and be provided with adequate floor drains to permit easy cleaning.
 12. 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.
 13. 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.
- G. Temporary Mobile Building Space. A conditional use permit may be issued to provide adequate temporary building space for the following uses:
1. Temporary offices accessible to the general public for use during construction or remodeling.
 2. Temporary building space for education, nonprofit and government agencies.
- H. Recreational Vehicle
1. 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.
 2. Conditions of approval:
 - i. The recreational vehicle shall not be expanded.
 - ii. If the recreational vehicle is deemed a “residential use” under the definitions provided in Section 155.070 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.
- I. Campgrounds
1. Each campground shall be provided with piped potable water, with a minimum of one water spigot/hydrant per loop or a maximum distance of 100 feet from the farthest campsite.
 2. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the campground and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
 3. The campground shall provide toilets, lavatories and showers for each sex in the following ratios: for each fifteen (15) camping spaces or fraction thereof: one toilet, one urinal, one lavatory, and one shower. The toilets and showers shall afford privacy and the

CHAPTER 155: ZONING CODE

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.

4. Campsites which are occupied by recreational vehicles must comply with the requirements of Section 155.249(F)(1), (3), (4) and (5).
5. Conditions of approval:
 - i. There shall be no increase in the number of camping spaces under the permit.
 - ii. Rehabilitation, replacement, minor betterment, repair, and improvement of existing overnight camping facilities which do not cause increases in the number of camping spaces is allowed.

OFF-STREET PARKING REQUIREMENTS

§ 155.250 PARKING REQUIREMENTS

For each structure or use, 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, 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.

§ 155.251 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.
4. The following uses shall have the following designated number of parking spaces:
 - Residential Types
 - a. Dwellings: single, two, multi-family: One 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.
 - Institutional Types
 - a. Hospitals: Three spaces for every two beds.
 - b. Places of public assembly including church auditorium,

CHAPTER 155: ZONING CODE

- 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, inmates.

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 seating 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.

Commercial Types

- a. Retail establishments, except as otherwise specified in this Code: One space for every 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 per 100 square feet of gross floor area.
- e. Bowling alleys: Six spaces for each bowling lane.
- f. Office buildings, businesses, and professional office areas: One space per 300 square feet of gross floor area.
- g. Recreational and entertainment establishments including spectator-type auditoriums, assembly halls, theaters, stadiums, places of public assembly: One space for every four seats.
- h. Skating units, dance halls, etc.: One space per 100 square feet of gross floor area.

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.

§155.252 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 in Section 155.251.

§ 155.253 COMMON FACILITIES FOR MIXED USES

- A. 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

CHAPTER 155: ZONING CODE

provided in paragraph B, Joint Use of Parking Facilities.

- B. 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:
1. The applicant shows that there is not substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed;
 2. 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
 3. 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.

§ 155.254 PARKING AREA IMPROVEMENTS

All public or private parking areas which contain four or more parking spaces, and outdoor vehicle sales areas, 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.

CHAPTER 155: ZONING CODE

6. All parking spaces shall be appropriately and substantially marked.

§ 155.255 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.

§ 155.256 PARKING SPACE DIMENSIONS

The following parking 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 in degrees, “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)

PARKING TABLE

A	B	C	D	E	F	G
Parallel	8' 0"		12.0	22.0	20	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	
	8' 0"	16	11.0	16.0	27	
	8' 6"	16.4	11.0	17.0	27.4	

30 °	9' 0"	16.8	11.0	18.0	27.8	1
	10' 0"	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	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	26.0	8.0	44	3
	8' 6"	18	25.0	8.5	43	
	9' 0"	18	24.0	9.0	42	
	9' 6"	18	24.0	9.5	42	
	10' 0"	18	24.0	10.0	42	

SIGNS (As adopted by Ord. 05-168-14, passed 9-8-2014)

§ 155.300 GENERAL REGULATIONS

No sign or outdoor advertising of any character shall be permitted in any zoning

CHAPTER 155: ZONING CODE

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 City of Lakeside Code. Each structure surrounded by one framework, whether of a regular or irregular shape, 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.
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.

§ 155.301 DEFINITIONS

ADVERTISING. The use of lettering or script to draw attention or direct the observer to a particular business or business location, or 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.

ANIMATED ELECTRONIC SIGNS. Electronic video or digital signs that display changing images, animated

scenes or pictures. Animated Electronic Signs that are distracting or confusing and may constitute a hazard to the public health, safety or welfare are not allowed in any zone.

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 TO GROUND LEVEL). The lowest point of elevation of the finished surface of the ground below a sign and a point five (5) feet from the sign. In case the sign is 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.

CHAPTER 155: ZONING CODE

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.

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 SIGN. 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 SIGN. Signs guiding vehicular and pedestrian traffic on private property may contain the name or logo but no other advertising copy.

REAL ESTATE SIGN. Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed.

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 by 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.

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.

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.

§ 155.302 PERMITTED SIGN USE 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-

CHAPTER 155: ZONING CODE

way and shall be maintained by the developer or property owner's 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 similar building complexes.
6. Political and/or election campaign signs 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 election day and 10 days after election day for which the sign pertains. Any such sign may not be lighted.

§ 155.303 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 R-R 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.
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.

§ 155.304 SIGNS IN THE 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.

§ 155.305 SIGNS IN THE G-C AND M-C DISTRICTS.

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 lot frontage, and shall not exceed one hundred square feet in area.
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.

§ 155.306 SIGNS IN THE PLANNED INDUSTRIAL DISTRICT.

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.

CHAPTER 155: ZONING CODE

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.
6. All businesses that are non-conforming uses in industrial zones shall be allowed signs as provided in the commercial zones.

§ 155.307 SIGNS IN THE OPEN SPACE DISTRICT

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.

§ 155.308 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.

§ 155.309 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 aircraft, 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

CHAPTER 155: ZONING CODE

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, in which case it must conform to the current requirements.

§ 155.310 SPECIAL SIGNS

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, 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 155.312 of this Code.
3. Off-Premise Signs: Other than private traffic directional. Permit applications for out-of-town business or 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 that are along the highways must obtain a permit from the Oregon Department of Transportation and billboards 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 limitation 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

CHAPTER 155: ZONING CODE

§ 155.311 SPECIAL SIGN APPLICATION REQUIREMENTS

Special signs, as described in Section 155.310, require a permit and shall conform to the maintenance and safety requirements of Section 155.309.4 PROHIBITED SIGNS 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. A description of the advertising copy on the proposed sign. If required, a drawing showing clearly the structural elements.

§ 155.312 VARIANCES

The Planning Commission may authorize variances from the requirements of Sections 155.302 through 155.308 of this code where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of Sections 155.302 through 155.308 would cause an undue or unnecessary hardship; except that no variance shall be granted to allow the use of signage for purposes not authorized within the zone in which the proposed signage 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.

NON-CONFORMING USES

§ 155.320 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 Code 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.

§ 155.321 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 Code is not an enlargement or expansion of a non-conforming use. A non-conforming structure which conforms

CHAPTER 155: ZONING CODE

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 Code.

§ 155.322 *UNDERSIZED LOTS OF RECORD*

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

1. The lot is shown on an officially approved and recorded subdivision map.
2. A deed or a valid contract of sale is recorded with the Coos County Clerk.
3. The lot was of legal area and dimension for a building site at the time of sale was recorded.
4. 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.

§ 155.323 *DISCONTINUATION OF A NON-CONFORMING USE OR STRUCTURE*

If a non-conforming building or structure in any district is removed or destroyed voluntarily, 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 of the district in

which it is located. Repairs and/or reconstruction following such damage or destruction shall also conform to use regulations, except when damage or destruction is due to fire or other catastrophe beyond the owner's control.

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.

§ 155.324 *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 Sections 155.240 – .249 of this Code.

VARIANCES

§ 155.330 *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, or from geographic, topographic, or other

CHAPTER 155: ZONING CODE

physical conditions on the site or in the immediate vicinity.

§ 155.331 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.

§ 155.332 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.

§ 155.333 APPROVAL CRITERIA

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 all 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 this 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 of 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.
6. The hardship(s) associated with the request for variance were not created by acts of the property owner.
7. The variance requested is the minimum variance that would alleviate the hardship(s).

§ 155.334 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 a building permit for erection or alteration required for the permitted use is obtained within such period; or the Planning Commission extends the six-month period. Upon a written request of the applicant, the Planning Commission may extend the six-month period, but not in excess of 18 months from the date the first order granting the variance was given.

§ 155.335 PUBLIC HEARING

Upon the filing of a completed application for variance, the Planning

CHAPTER 155: ZONING CODE

Commission shall set a time and place for a public hearing of the request, as set forth in Sections 155.013-155.018.

CHAPTER 155: ZONING CODE