

The Grants Pass

URBAN GROWTH

AREA

ZONING ORDINANCE



JOSEPHINE COUNTY ORDINANCE No. 81-25

Effective December 8, 1982

**[Amended by Subsequent County Ordinances: No.s 82-7, 82-14, 82-18,
82-19, 82-41, 83-4, 83-18, 83-20, 84-7, 85-15, 85-33, 87-15
88-1, 89-1, 89-3, 89-26, 89-29, 91-20]**

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CITY ORDINANCE NO. 4415

CENTER COUNTY ORDINANCE NO. 81-25

AN ORDINANCE ESTABLISHING ZONING REGULATIONS; PROVIDING PROCEDURES FOR ENFORCEMENT AND PENALTIES FOR THE VIOLATION THEREOF; REPEALING ORDINANCES 3810 AND 3075 OF THE CITY OF GRANTS PASS, AMENDING SECTION 4 OF THE ZONING REGULATIONS OF JOSEPHINE COUNTY TO EXCLUDE PROPERTY WITHIN THE GRANTS PASS URBAN GROWTH BOUNDARY AREA.

THE CITY OF GRANTS PASS HEREBY ORDAINS:

AND

THE BOARD OF COUNTY COMMISSIONERS OF JOSEPHINE COUNTY

ORDAINS AS FOLLOWS:

TITLE, PURPOSE, COMPLIANCE AND DEFINITIONS

SECTION 100.01 Title

This Ordinance shall be known as the Urban Growth Area Zoning Ordinance of 1981.

SECTION 100.02 Purpose

The purpose of these regulations is to protect the public health, safety, welfare and convenience, and to provide for the orderly implementation of the Comprehensive Plan for Josephine County and General Plan for the City of Grants Pass, as authorized by Oregon Revised Statutes, Chapter 197, 203, 215, and 221; and to encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adequate open spaces for light and air and prevention of fires; to prevent undue concentrations of population; to lessen congestion of streets; and to facilitate adequate provisions for community utilities such as transportation, water, sewage, schools, parks and other public requirements.

SECTION 100.03 Compliance with Ordinance Provisions

- a. Compliance. Except as provided in Section 135, no building, or other structures shall be erected, constructed, improved, altered, enlarged or moved, nor shall any use or occupancy of premises within the Urban Growth Area be commenced or changed, nor shall any condition of or upon real property be caused or maintained after the effective date of this Ordinance, except in conformity with

conditions prescribed for each of the several zones established hereunder. It shall be unlawful for any person, firm or corporation to erect, construct, establish, move into, alter, enlarge, or use, or cause to be used, any building, structure, improvement or use of premises located in any zone described in this Ordinance contrary to the provisions of this Ordinance. Where this Ordinance imposes greater restrictions than those imposed or required by other rules or regulations or ordinances, the provisions of this Ordinance shall control.

- b. Development Permits. Within the urbanizing area, development permits are issued to assure the property owners the proposed use of the land will be consistent with the standards of this Ordinance. No building, or other structures, shall be constructed, erected, improved, altered, enlarged or moved, nor shall any use or occupancy of premises be changed, without first obtaining a development permit from the County Planning Director or his assistants. In addition, no use of the land, which under the requirements of this Ordinance necessitates a plan review, shall be commenced without first acquiring a development permit.

SECTION 100.04 Definitions

As used in this Ordinance the masculine includes the feminine and the singular includes the plural. Unless the context of the Ordinance otherwise requires, the following definitions of words and phrases shall be used in the interpretation and construction of this Ordinance.

1. Abutting shall mean adjoining with a common boundary line, or existing as contiguous units, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting or contiguous unless the common property line between the two parcels measures not less than eight (8) feet in a single direction.
2. Access or Access Way shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Ordinance.
3. Accessory Structure or Use shall mean a structure or use incidental, appropriate, and subordinate to the main structure or use on the same lot.
4. Adjacent shall mean near, close; for example, an Industrial District across the street or highway from a Residential District shall be considered as *Adjacent*.
5. Adjoin shall mean the same as *abutting*.
6. Advertising Structure shall mean any notice or advertisement, pictorial or otherwise, and any structure used as, or for the support of, any such notice or

advertisement, for the purpose of making anything known about goods, services, or activities not on the same lot as the said advertising structure.

7. Agriculture shall mean the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided further that the above uses shall not include the operation of a feed lot or other commercial feeding of animals. This definition is not intended to comply with Oregon State Laws relating to Farm Uses.
8. Alley shall mean a public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.
9. Altered shall mean *Structurally Altered*.
10. Animal Hospital shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use. See also Section 132.3.
11. Apartment shall mean a dwelling unit in a multiple-family building.
12. Assessor shall mean the County Assessor of Josephine County.
13. Automobile Repair, Major shall mean the general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame, or fender straightening or repair; overall painting or paint shop.
14. Automobile Repair, Minor shall mean upholstering of, replacement of parts for, and motor service to passenger cars and trucks not exceeding one and one-half (1 1/2) tons capacity, but not including any operation named under *Automobile Repair, Major*, or any other similar operation thereto.
15. Automobile, Boat or Trailer Sales Lot shall mean an open lot used for display, sale or rental of new or used motor vehicles, boats or trailers in operative condition and where no repair work is done.
16. Automobile Service Station or Filling Station shall mean a building or lot having pumps and storage tanks where fuels, oils, or accessories for motor vehicles are dispensed, sold or offered for sale at retail only, and where repair service is secondary. See also Section 132.1.
17. Automobile Wrecking shall mean the dismantling or disassembling of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

18. Basement shall mean a space wholly or partly underground, and having more than one-half (1/2) of its height, measured from its floor to its ceiling, below the average adjoining finished grade.
19. Billboard shall mean the same as *Advertising Structure*.
20. Board shall mean the Board of County Commissioners for Josephine County.
21. Boarding or Lodging House shall mean a dwelling or part thereof, other than a hotel or motel or multiple-family dwelling, where lodging with or without meals is provided, for compensation, for three (3) or more persons.
22. Boat Yard shall mean a place where boats are constructed, dismantled, stored, serviced or repaired, including maintenance work thereon.
23. Building shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, fully enclosed with walls (including windows and doors, but excluding canvas or fabric) and having a roof (canvas or fabric excluded) and conforming to applicable legal requirements affecting design and construction. Trailers with or without wheels, shall not be considered as buildings.
24. Building, Height shall mean the vertical distance from the average contact ground level of the building to the highest point of the building.
25. Building Inspector shall mean the Building Inspector of the City of Grants Pass, Oregon, or Director of Building Safety of Josephine County as is appropriate.
26. Building Line shall mean the building setback lines as defined by the required front, side and rear yards; or a line on a plat or map indicating the limit behind which buildings or structures may be erected.
27. Buildable Area shall mean the area contained within the building lines upon which it is permissible for buildings or structures to be erected.
28. Building Lot shall mean a lot occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, together with such open spaces as are required by this Ordinance, and having the required frontage on a street.
29. Building, Main shall mean a building within which is conducted the principal use permitted on the lot, as provided in this Ordinance.
30. Church shall mean a permanently located building commonly used for religious

- worship, fully enclosed with walls (including windows and doors but excluding canvas or fabric) and having a roof (canvas or fabric excluded) and conforming to applicable legal requirements affecting design and construction.
31. City shall mean the City of Grants Pass, Oregon.
 32. City Council or Council shall mean the City Council of the City of Grants Pass, Oregon.
 33. City Engineer shall mean the City Engineer of the City of Grants Pass, Oregon.
 34. Clinic shall mean a place for group medical services not involving overnight housing of patients.
 35. Club shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose but not including groups which are organized primarily to render a service carried on as a business for profit.
 36. Commission or Planning Commission shall mean the Urban Area Planning Commission for Josephine County and the City of Grants Pass.
 37. County shall mean Josephine County, Oregon.
 38. Court shall mean an open unoccupied space, other than a yard, on the same lot with a building or group of buildings.
 39. Crop and Tree Farming shall mean the use of land for horticultural use.
 40. Day-Care Facilities shall mean those facilities providing care for children between the ages of six (6) weeks and fifteen (15) years. This includes all types currently being licensed by the State of Oregon.
 - a. Day-Care Centers
 - b. Infant and Toddlers Day-Care Centers
 - c. Kindergartens
 - d. Family Group Homes
 - e. School Age Day-Care Center
 - f. Any similar day-care center or school

41. Day-Care Facilities, Senior Citizen shall mean those facilities providing daytime care only, for adults primarily of age sixty (60) years or older.
42. Display surface shall mean the area made available by the sign structure for the purpose of displaying the advertising message.
43. District shall mean a portion of the area within the Grants Pass Urban Growth Boundary within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this Ordinance.
 - a. Where certain uses are required to be a specified distance from *any R District*, as provided in this Ordinance, the term *any R District* shall include any R-S, R-1, R-2, R-3, or R-4 District.
 - b. The term *any C District* shall include any C-1, C-2, C-3, C-4, C-5, or C-6 District.
 - c. The term *any M District* shall include any M-P, M-1, or M-2 District.
44. Dwelling shall mean any building or portion thereof designed or used as the residence or sleeping place of one (1) or more persons.
 - a. Dwelling, Single-Family shall mean a building designed or used for residence purposes by not more than one (1) family or containing one (1) dwelling unit only.
 - b. Dwelling, Two-Family, or Duplex shall mean a building designed or used for residence purposes by not more than two (2) families and containing two (2) dwelling units.
 - c. Dwelling, Multiple-Family shall mean a building or portion thereof designed or used as a residence by three (3) or more families and containing three (3) or more dwelling units.
45. Dwelling Unit shall mean one (1) room, or suite of two (2) or more rooms, designed for or used by one (1) family or housekeeping unit for living and sleeping purposes, and having not more than one (1) kitchen or kitchenette.
46. Family shall mean an individual or two (2) or more persons related by blood, marriage, adoption, or legal guardianship, living together as one (1) housekeeping unit, and providing meals or lodging to not more than two (2) additional persons living together as one (1) housekeeping unit.
47. Farm Use shall mean the current employment of land for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the

feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. *Farm Use* includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise.

48. Fence, Sight Obscuring shall mean a fence constructed in such a way as to obstruct vision.
49. Flaglot shall mean a parcel of land created by a subdivision or partition and which includes a narrow projection or *flagpole*, to the public right-of-way.
50. Flagpole shall mean a narrow extension of property on a lot from the buildable area of a lot to the public right-of-way.
51. Floor Area Ratio shall mean a mathematical expression determined by dividing the total floor area of a building by the area of the lot on which it is located, as $\text{Floor Area/Lot Area} = \text{Floor Area Ratio}$.
52. Flower, Cut shall mean the blossoms of a plant; said blossoms occurring at a particular time of the year.
53. Frontage shall mean that portion of a parcel of property which abuts a dedicated public street or highway.
54. Garage or Carport shall mean a permanently constructed building with a covered roof available for the parking of a motor vehicle.
55. Guest House shall mean an accessory building designed, constructed and used for the purpose of providing temporary living accommodations for guests, or for members of the same family as that occupying the main structure, and containing no kitchen or kitchen facilities.
56. Hardship shall mean a condition under which the strict adherence to the standards of this Ordinance would result in the virtual confiscation of the property in question; a condition so injurious to bear as to deprive a property owner of the use of his land.
57. Home Occupation shall mean a use conducted entirely within a building, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which complies with the conditions of Section 132.11.
58. Hotel shall mean any building or portion thereof designed or used, or containing six (6) or more guest rooms or suites of rooms, but not including any institution

in which human beings are housed or detained under legal restraint.

59. Hospital shall mean any institution, place, building or agency which maintains and operates organized facilities for twenty (20) or more persons for the diagnosis, care and treatment of human illness, including convalescence and including care during and after pregnancy, or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or for a longer period.
60. Junk Yard shall mean a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, but not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operative conditions, or salvaged materials incidental to manufacturing operations.
61. Kennel shall mean any premises where five (5) or more dogs, cats, or other small animals or any combination thereof, are kept commercially or permitted to remain, for board, propagation, training or sale, except veterinary clinics and animal hospitals.
62. Lead Planning Agency shall mean for every proposal requiring planning review within the Grants Pass Urban Growth Boundary, either the City Department of Community Development or the County Planning Department has been designated the lead agency by an inter-agency agreement and has responsibility for initiating review.
63. Lot shall mean a parcel of land used or capable of being used under the regulations of this Ordinance, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation.
64. Lot Area shall mean the computed area contained within the lot lines; lot area to be exclusive of street or alley rights-of-way, and within the urbanizing area, exclusive of flaglot poles.
65. Lot, Corner shall mean a lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees within the lot lines.
66. Lot Coverage shall mean that percentage of the total lot area covered by structures as herein defined.

67. Lot Depth shall mean the perpendicular distance between the front and rear lot lines.
68. Lot, Interior shall mean a lot or parcel of land other than a corner lot.
69. Lot Line shall mean any property line bounding a lot.
70. Lot Line, Front shall mean the property line separating a lot or parcel from the street. In the case of a corner lot, the shortest property line along a street. In the case of a flaglot, the closest line, parallel to the public road, at the end of the flagpole.
71. Lot Line, Rear shall mean a lot line not abutting a street which is opposite and most distance from the front lot line.
72. Lot Line, Side shall mean any lot line not a front lot line or a rear lot line.
73. Authorized Lot: An authorized lot shall be defined as a separate unit of land created by one of the following:
 - a. A lot in a recorded subdivision.
 - b. A lot in an unrecorded subdivision that was filed with the Department of Commerce in accordance with regulations in effect at the time of filing.
 - c. A parcel in a recorded major or minor land partition.
 - d. An area of land shown on the official records of the Josephine County Assessor as a separate tax lot or a separate deeded parcel recorded in the office of the Josephine County Clerk, provided, however, that the tax lot or deeded parcel was created in conformance with ordinances existing at the time of creation and contiguous tax lots or deeded parcels under the same ownership that are not within an urban area or area excepted from State Goals for the preservation of farm and forest lands and not conforming to the minimum lot size of the zoning district shall be considered one authorized lot.
74. Lot, Through shall mean an interior lot having a frontage on two (2) streets and/or highways.
75. Lot Width shall mean the perpendicular distance measured between the midpoints of the side lot lines for an interior lot of rectangular or nearly rectangular shape. For odd measured between the midpoints of the two principal opposite side lot lines. For corner lots, lot width shall mean the perpendicular

distance measured between the longest front lot line and the opposite side lot line.

76. Maintain shall mean to cause or allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure, improvement, condition or area to such an extent that it remains attractive, safe and presentable and carries out the purpose for which it was installed, constructed or required.
77. Marquee shall mean a permanent roofed structure attached to and supported by the building and projecting over public property.
78. Manufactured Home shall mean a detached single family dwelling constructed in accordance with the *National Manufactured Housing Construction and Safety Standards Act of 1974*, or constructed prior to the Standards Act of 1974; designed for long term occupancy rather than for recreational purposes; and designed to be transported after fabrication to its location of use on its own chassis and wheels.
79. Mobile Home Park shall mean a place where four (4) or more mobile homes are located within five hundred (500) feet of one another on a lot, tract, or parcel of land under the same ownership, the primary ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.
80. Motel shall mean a building or group of buildings used for transient residential purposes containing guest rooms or dwelling units with automobile storage space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of transient automobile travelers; including groups designated as auto cabins, motor courts, motor hotels and similar designations.
81. Multiple-Family Housing (elderly) shall mean housing built exclusively for low-income elderly under federal, state or local programs such as housing built with funding from the Department of Housing and Urban Development Section 8, New Construction Program.
82. Non-Conforming Use shall mean a use of land or of a building or structure which use lawfully existed at the time of the adoption of this Ordinance, or of any amendment thereto, but which use does not conform with the use regulations imposed by this Ordinance or such amendment thereto. See also Section 135.01.
83. Parking Area, Public shall mean an open area, other than a street or other public

way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

84. Parking Space shall be a durable and dustless, permanently surfaced and marked area not less than eight and one-half (8 1/2) feet wide and twenty (20) feet long, excluding paved area necessary for access, for the parking of a motor vehicle.
85. Permittee shall be the person who is proposing to use or who is using the land pursuant to any permit required herein.
86. Person shall be a natural person, firm, partnership, association or corporation.
87. Pets shall mean:
 - a. dogs,
 - b. common household cats, excluding large or exotic varieties normally located in the wild or displayed by zoological societies,
 - c. birds including poultry, when contained and housed within a residential structure and not present in sufficient numbers as to constitute a nuisance to neighbors or to constitute a business,
 - d. Turtles, fish, lizards, non-poisonous reptiles and non-poisonous snakes, and rodents when contained and housed within a residential structure and not present in sufficient numbers as to constitute a nuisance to neighbors or to constitute a business.

This definition is not necessarily intended to comply with Oregon State laws or other regulations of the City, but pertains only to provisions of this Ordinance.

88. Physical Fitness School shall mean a building used for the purpose of providing a program of weight training, nutrition and exercise which includes sales of vitamin supplements and equipment.
89. Poultry Farm shall mean any premises used for the breeding, raising, or maintaining of poultry for sale of eggs or poultry.
90. Projection shall mean the distance by which a sign extends over public property or beyond a building line.
91. Recreation Vehicle shall mean a vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for

human occupancy. The term recreational vehicle shall include but is not limited to vacation trailers, travel trailers, camping trailers, tent trailers, campers, and motor homes.

92. Racquetball/Handball Club or Facility shall mean a building to be used for the play of racquet ball or handball by the public, and may contain spa facilities, equipment sales and rentals and child care.
93. Retirement Residence shall mean a building or group of buildings for ambulatory elderly residents for which meal service, housekeeping, and activity programs are provided, but for which nursing care is not required. The facility is not required to be licensed by the State.
94. Roadside Stand shall mean a temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.
95. Saturday Market or Arts and Crafts Fair shall mean outdoor extended sales of newly manufactured (hand-crafted) goods (including sales of food). A manager shall accept responsibility, supplying proof of ownership or lease arrangement. See Section 132.24.
96. Setback shall mean any medium allowable horizontal distance from a given point or line of reference, such as a street right-of-way, to the nearest vertical wall or other element of a building or structure as defined herein.
97. Sign shall mean any medium including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes other than paint on the surface of a building. This definition shall not include official notices issued by a court or public body or officer, or directional, warning or information signs or structures required by or authorized by law or by Federal, State, County or City authority.
98. Sign, Area of shall mean, in determining whether a sign is within the area limitations of this Ordinance, the area of the total exterior surface shall be measured and computed in square feet; provided, that where the sign has two or more faces, the area of the total exterior surface shall be measured and divided by the number of faces; and provided further that if the interior angle between the planes of two faces exceeds 135 degrees, they shall be deemed a single face for the purposes hereof. Measurements shall be made at the extreme horizontal and vertical limits of a sign.
99. Sign, Combination shall mean any sign incorporating any combination of the features of ground, projecting and roof signs.

100. Sign, electric. Electric sign shall mean any sign containing electrical wiring, but not including signs illuminated by an exterior light source.
101. Sign, ground. Ground sign shall mean any sign which is supported by one or more uprights, poles or braces in or upon the ground other than a combination sign.
102. Sign, projecting. Projecting sign shall mean a sign other than a wall sign, which projects from and is supported by a wall of a building or structure.
103. Sign, roof. Roof sign shall mean a sign erected upon or above a roof or parapet of a building or structure.
104. Sign, temporary. Temporary sign shall include any sign, banner, pennant or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames; intended to be displayed for a limited period of time only.
105. Sign, wall. Wall sign shall mean any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.
106. Site Plan shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, all of the uses proposed for a specific parcel of land. See also Section 128.
107. Street shall mean 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 the placement of utilities and including the terms *road, highway, drive, lane, place, avenue*, or other similar designation.
108. Structure shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, driveways or walks.
109. Structural Alteration shall mean any change in the supporting members of a building, such as a bearing wall, column beam or girder, floor or ceiling joist, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components excluding underground tanks of less than 15,000 gallons.
110. Uniform Building Code shall mean the latest edition of the Uniform Building Code published by the Pacific Coast Building Officials Conference which has been

adopted by the City of Grants Pass and as it may have been amended in its adoption.

111. Urban Growth Area. That total area within the Grants Pass Urban Growth Boundary, as adopted and amended by both the City and the County.
112. Urban Area. That area within the corporate limits of the City of Grants Pass.
113. Urbanizing Area. That area outside the Grants Pass City Limits and within the Grants Pass Urban Growth Boundary as adopted and amended by both the City and the County.
114. Visual Obstruction shall mean any fence, hedge, tree, shrub, device, wall or structure, exceeding two and one-half (2 1/2) feet in height above the elevation of the top of the curb, or its equivalent as determined by the City Engineer, and so located at or near a street or alley intersection as to dangerously limit the visibility of operators of motor vehicles on said streets or alleys. This does not include trees of less than twelve (12) inches in diameter measured at a height two and one-half (2 1/2) feet above the elevation of the top of the curb, or its equivalent, and kept trimmed of branches to a minimum height of at least eight (8) feet above the top of the curb, or its equivalent. (See Section 134.05, Vision Clearance.)
115. Width of a Building shall mean the shortest side elevation dimension measured horizontally.
116. Yard shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed by any structure from the ground upward to the sky, except for the projections as permitted in Section 134.6 of this Ordinance.
117. Yard, Front shall mean an open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.
118. Yard, Rear shall mean an open space extending the full width of the lot between a building and rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.
119. Yard, Side shall mean an open space extending from the front yard to the rear yard between a building and nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.
120. Zoning Ordinance or Ordinance shall mean the Urban Growth Area Zoning Ordinance of the City of Grants Pass, Oregon and Josephine County, Oregon.

121. Improvements:
- a. On-Site Improvements: Public or private facilities including but not limited to sanitary sewer systems, water systems, storm drainage systems, streets and irrigation systems, located within the boundary lines of the lot or parcel to be subdivided or partitioned.
 - b. Adjacent Off-Site Improvements: Public or private facilities, including but not limited to sanitary sewer systems, water systems, storm drainage systems, streets and irrigation systems located outside of and adjacent to any boundary of the lot or parcel to be subdivided or partitioned.
 - c. Off-Site Improvements: Public or private facilities including but not limited to sanitary sewer systems, water systems, storm drainage systems, streets and irrigation systems located outside of and not adjacent to any boundary line of the lot or parcel to be subdivided or partitioned.
122. Bank, Full Stage: The stage of elevation of which over flow of the natural banks of the stream or body of water begins to inundate the upland. (See OAR 141-85-100(2))
123. Bed and Banks: That portion of a stream bed, lake bed, or marshland lying below bank full stage. The bed and banks are the container in which the water normally rests. (See OAR 141-84-100(3))
124. Rip Rap: The act of facing a stream bank with rock or similar substances to control erosion. (See OAR 141-85-100(20))
125. Wetlands: Swamps, marshes and other land areas frequently covered by water to a depth great enough to limit vegetation to water loving types not found in well drained locations. (See OAR 141-85-100(26))
126. Veterinary Clinic – Small Animals: A clinic for small animals normally held within the home for companion purposes.
127. Veterinary Clinic: A clinic for small and large animals, including companion and non-companion animals.
128. Resource Recovery and Transfer Center: A facility to accept municipal solid waste for separation, processing, storage and distribution. Material may be crushed, shredded, chipped or compacted in preparation for transport to market. Refuse material that is not to be recycled shall be transported to an authorized sanitary land fill site.

ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAPS

SECTION 105.00 Classification of Zoning Districts

For the purposes of this Ordinance, the Urban Growth Area is divided into Zoning districts designated as follows:

<u>Zoning District</u>	<u>Map Symbol and Abbreviated Designation</u>
Residential - Single-Family	R-1
Residential - Two-Family	R-2
Residential - Low Density Multiple-Family	R-3
Residential - High Density Multiple-Family	R-4
Commercial - Convenience	C-2
Commercial - Limited	C-3
Commercial - Tourist	C-4
Commercial - Thoroughfare	C-5
Commercial - Central	C-6
Industrial - Park	M-P
Industrial - Light	M-1
Industrial - General	M-2

APPLICATION OF REGULATIONS TO DISTRICTS GENERALLY

SECTION 106.00 Application of Regulations to Districts

Except as hereinafter otherwise provided:

- a. No building or part thereof or other structure or sign shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used for any purpose, or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises is located.
- b. No building or part thereof or structure or sign shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.
- c. No building or part thereof or structure or sign shall be erected, nor shall any existing building be altered, enlarged, or rebuilt or moved into any district, nor shall any open space be encroached upon or reduced in any manner, except in conformity with the yard, setback, building location, site area and coverage requirements hereinafter prescribed for the district in which such building or open space is located.
- d. No yard or other open space provided about any building or on any building lot for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or other open space for any other building or any other building lot.

ZONING MAP

SECTION 107.01 Zoning Map

The location and boundaries of the zones designated in Section 105.00 are hereby established as shown on the map entitled *Zoning Map of the Grants Pass Urban Growth Area* dated with the effective date of this Ordinance, and hereinafter referred to as the *Zoning Map*.

SECTION 107.02 Availability of Map

An accurate zoning map of the urban and urbanizing areas, reflecting the latest changes to the zoning of any area by Board or Council in the manner prescribed by this Ordinance, shall be kept for public view by the City Manager and County Planning Director, as appropriate.

INTERPRETATION OF DISTRICT BOUNDARIES

SECTION 108.00 Interpretation of District Boundaries

In making a determination where uncertainty exists as to boundaries of any of the aforesaid districts as shown on said zoning map, the following rules shall apply:

- a. Where district boundaries approximately follow streets, alleys, or highways. Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, alleys or highways, such lines shall be construed to be such district boundaries.
- b. Vacation of public ways. Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of the former right-of-way and all of the area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
- c. Where boundaries approximately follow lot lines. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. If a district boundary divides a lot into two or more districts the entire lot shall be placed in the district that accounts for the greater area of the lot by the adjustment of the district boundary, provided that the boundary adjustments is for a distance of less than twenty (20) feet. If an adjustment of more than twenty (20) feet is required, the change in the district boundary shall be treated as a change of zone.

SECTION 109 – RESERVED FOR FUTURE USE

SECTION 110 – RESERVED FOR FUTURE USE

OPEN LAND USE DISTRICT, OR O DISTRICT

SECTION 111.01 Repealed

SECTION 111.02 Repealed

SECTION 111.03 Repealed

SECTION 111.04 Repealed

SECTION 111.05 Repealed

SECTION 111.06 Repealed

SECTION 111.07 Repealed

SECTION 111.08 Repealed

SECTION 111.09 Repealed

SECTION 112 -- RESERVED FOR FUTURE USE

SECTION 113 -- RESERVED FOR FUTURE USE

SUBURBAN RESIDENTIAL DISTRICT, OR R-S DISTRICT

SECTION 114.01 Repealed

SECTION 114.02 Repealed

SECTION 114.03 Repealed

SECTION 114.04 Repealed

SECTION 114.05 Repealed

SECTION 114.06 Repealed

SECTION 114.07 Repealed

SECTION 114.08 Repealed

SECTION 114.09 Repealed

SECTION 114.10 Repealed

SECTION 114.11 Repealed

SINGLE-FAMILY RESIDENTIAL DISTRICT, OR R-1 DISTRICT

SECTION 115.01 Purpose

To encourage, accommodate, maintain and protect a suitable environment for family living. The R-1 District is intended to provide for single-family residential homes at urban standards in areas with community services.

SECTION 115.02 Permitted Uses

The following uses are permitted:

- a. Single-family dwellings, including mobile homes in those areas outside the Grants Pass city limits as these city limits existed on July 1, 1981.
- b. Agriculture, including all customary agricultural buildings, but the keeping of animals, other than pets as defined in Section 100.04, shall be limited as follows:
 1. No swine, kennels, poultry husbandry or rabbitry shall be kept.
 2. Horses, donkeys, burros, ponies, cows, goats and sheep are permitted on lots of one (1) acre or more provided that there shall be no more than two (2) head over the age of six (6) months per acre.
 3. Barns, stables, feed areas other than browsing areas, and other buildings and structures to house or contain animals shall not be located closer than fifty (50) feet to any property line.
- c. Accessory uses are permitted as follows:
 1. Rooming and boarding of not more than two (2) persons.
 2. Guest houses, not rented or otherwise conducted as a business.
 3. Home occupations subject to the provisions of Section 132.11.
 4. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use, subject to provisions of Section 132.27.
- d. Planned Unit Developments.

SECTION 115.03 Conditional Uses

The following conditional uses may be permitted subject to a Conditional Use Permit:

- a. Churches.
- b. Cemeteries and mausoleums, crematories, columbariums and mortuaries within cemeteries provided that no mortuary or crematorium is within 100 feet of a boundary street, or where no street borders the cemetery, within 200 feet of a lot in a residential district.
- c. Repealed.
- d. Public, parochial, and private schools, but not including business, dancing, trade, technical or similar schools.
- e. Government Structures or uses including parks and recreation facilities, fire stations, libraries, museums; but not including storage or repair yards, warehouses or similar uses.
- f. Recreation uses and facilities, including country clubs, golf courses, swimming clubs, tennis clubs; but not including such intensive commercial recreation uses as a golf-driving range not in conjunction with a country club, race track or amusement park.
- g. Bed and Breakfast Inn subject to the provisions of Section 132.31.
- h. Repealed.
- i. Signs appurtenant to any Conditional Use and which do not comply with Section 115.06.
- j. Repealed.
- k. Lodge and fraternal organizations, except those carried on as a business for profit.
- l. Repealed
- m. Repealed.
- n. Day-Care facilities, servicing six (6) to twelve (12) children subject to requirements of Section 129 -- Off-Street Parking and Section 132 -- Special Provisions.

- o. Repealed.
- p. Senior Citizen Day-Care facilities subject to the requirements of Section 129 -- Off-Street Parking and Section 132 -- Special Provisions.
- q. Ambulance Station and Dispatch Office.

SECTION 115.04 Height Regulations

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, whichever is less. For exceptions see Section 134.03.

SECTION 115.05 Lot Requirements

The following lot requirements shall be observed and shall be one of the following for the district classification designated below and on the zoning map. The map designations R-1-6, R-1-8 and R-1-12 hereby create separate single-family residential zoning classifications as though separately listed in Section 105.

REQUIRED MINIMUMS

<u>MAP DESIGNATION</u>	<u>LOT AREA</u>	<u>LOT WIDTH</u>	<u>FRONT YARD</u>	<u>SIDE YARD*</u>	<u>REAR YARD*</u>	<u>MAXIMUM LOT COVERAGE</u>
R-1-6	6000 sq. ft.	60 ft.	20 ft.	6-10 ft.**	6 ft.	40%
R-1-8	8000	70 ft.	20 ft.	Same as above		40%
R-1-10	10000	75 ft.	20 ft.	Same as above		40%
R-1-12	12000	80 ft.	20 ft.	Same as above		40%

*The side and rear yards shall be increased by one-half (1/2) foot for each foot by which the building height exceeds fifteen (15) feet.

**The side yard shall be a minimum of six (6) feet and the sum of the two (2) side yards shall be a minimum of sixteen (16) feet.

Stream Setbacks. No structure other than access, landings, docks, bridges, pumping or water treatment facilities shall be located closer than 20 feet from the edge of a stream bank. The setback shall be utilized to preserve riparian vegetation by not removing such vegetation within the banks of streams or the floodway of the Rogue River. Pruning of the vegetation in order to contain such vegetation within the banks or to alleviate a hazard is allowed. Noxious vegetation may be removed if replaced within 90 days by various combinations of plant materials and/or rip rap that stabilizes the stream bank and preserves the aquatic habitat.

NOTE: A permit may be required from the Division of State Lands for streambed alterations and/or stream bank stabilization per ORS 541.605 through 541.695 and

OAR Div. 85.

SECTION 115.06 Signs

Signs shall be permitted according to the provisions of Section 140 of this Ordinance.

SECTION 115.07 Off-Street Parking

Off-Street Parking shall be provided as required in Section 129.

SECTION 115.08 Other Required Conditions

- a. See Section 132 applying to Special Uses where applicable.
- b. Site Plan review is required for all uses permitted conditionally in this District.
- c. See Section 133, Setbacks and Landscaping Requirements.

SECTION 115.09 Erosion and Sediment Control

- a. Any grading or filling on slopes that are 15% or greater, except when authorized or regulated by the State Forest Practice Rules, shall be subject to an Erosion and Sediment Control Plan that shall prevent or mitigate possible hazards to life, property or the natural environment.
- b. An operation plan shall be submitted prior to any grading or filling on slopes 15% or greater. That plan shall provide the following information:
 1. A statement of the land capabilities of the property on which the grading, filling or clearing is to be performed, including soil series name, slope, gradients, run-off potential, soil depth, erosion potential and natural drainage.
 2. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, together with elevations, dimensions, location and extent of proposed grading, together with a map showing the drainage area and the proposed method of run-off disposal.
 3. A list of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the site, including the location of disposal sites.
 4. Plans of final ground cover, landscaping, and erosion and drainage controls and requirements for stable cut and fill slopes, based on detailed stability analysis. For the purposes of determining appropriate soil losses,

the Soil Conservation Service U.S.D.A. publication Soil Interpretations for Oregon shall be used.

SECTION 115.10 Uses Permitted by Administrative Permit

In A Single-Family Residential District, the following uses are permitted when authorized by the Administrative Permit, issued pursuant to rules adopted by the Planning Commission and Section 136.07.

1. Utility substations or pumping stations with no equipment storage.
2. Temporary subdivision tract offices.
3. Mobile home as a single-family dwelling unit for the duration of a health condition, subject to site plan approval, health certification and yearly review as provided in Section 132.25.
4. Aviaries (the keeping of birds) subject to the provisions of Section 132.30.

SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT, OR R-2 DISTRICT

SECTION 116.01 Purpose

To encourage, accommodate, maintain and protect a suitable environment for family living at urban standards in areas with community services.

SECTION 116.02 Permitted Uses

The following uses are permitted:

- a. Single-family dwellings, including mobile homes in those areas outside the Grants Pass City limits, as these city limits existed on July 1, 1981.
- b. Duplex or two-family dwellings.
- c. Two single-family dwellings on one lot provided that no dwelling unit is located within eight (8) feet of any other dwelling unit or accessory building on the same lot, and also provided that all yard and coverage requirements set forth in Section 116.05 are observed. There shall be provided for the rear dwelling unoccupied and unobstructed access not less than fifteen (15) feet wide to the street fronting the lot.
- d. Repealed.
- e. Agriculture, including all customary agricultural buildings, but the keeping of animals, other than pets as defined in Section 100.04, shall be limited as follows:
 1. No swine, kennels, poultry husbandry or rabbitry shall be kept.
 2. Horses, donkeys, burros, ponies, cows, goats and sheep are permitted on lots of one acre or more provided that there shall be no more than two (2) head over the age of six (6) months per acre.
 3. Barns, stables, feed areas other than browsing areas, and other buildings and structures to house or contain animals shall not be located closer than fifty (50) feet to any property line.
- f. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use, subject to provisions of Section 132.27.
- g. Planned Unit Developments.

SECTION 116.03 Conditional Uses

The following conditional uses may be permitted subject to a Conditional Use Permit:

- a. Churches.
- b. Cemeteries and mausoleums, crematories, columbariums and mortuaries within cemeteries provided that no mortuary or crematorium is within 100 feet of a boundary street, or where no street borders the cemetery, within 200 feet of a lot in a residential district.
- c. Public, parochial, and private schools; but not including business, dancing, trade, technical or similar schools.
- d. Governmental structures or uses including parks and recreation facilities, fire stations, libraries, museums; but not including storage or repair yards, warehouses or similar uses.
- e. Recreation uses and facilities including country clubs, golf courses, swimming clubs, tennis clubs; but not including such intensive commercial recreation uses as a golf-driving range not in conjunction with a country club, race track or amusement park.
- f. Repealed.
- g. Bed and Breakfast Inn subject to the provisions of Section 132.31.
- h. Off-street parking lots when contiguous to a less restrictive zoning district. (For development standards see Section 129.09.)
- i. Signs appurtenant to any Conditional Use and which do not comply with Section 116.06.
- j. Day care facilities serving six (6) to twelve (12) children, subject to requirements of Section 129 – Off-Street Parking and Section 132 – Special Provisions.
- k. Repealed.
- l. Senior Citizen Day-Care Facilities, subject to the requirements of Section 129 – Off-Street Parking and 132 – Special Provisions.
- m. Mobile Home Park, subject to Mobile Home Park Development Guidelines within the City and urbanizing area.
- n. Ambulance Station and Dispatch Office.

SECTION 116.04 Height Regulation

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, whichever is less. For exceptions see Section 134.03.

SECTION 116.05 Lot Requirements

The following lot requirements shall be observed:

- a. Lot Area: Each lot shall have a minimum area of 5,000 square feet. Each lot occupied by a duplex, two-family dwelling or two (2) single-family dwellings on one (1) lot shall have a minimum area of 7,500 square feet.
- b. Lot Width: Each lot shall have a minimum width of 50 feet.
- c. Front Yard: The front yard shall be a minimum of 20 feet.
- d. Side Yard: There shall be a minimum side yard on each side of the building of not less than five (5) feet. The side yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds fifteen (15) feet.
- e. Rear Yard: There shall be a rear yard having a depth of not less than five (5) feet. The rear yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds fifteen (15) feet.
- f. Lot Coverage: Maximum lot coverage by buildings and structures shall be 40 percent of the total lot area.
- g. A lot having a width of less than 50 feet and an area of less than 5000 square feet of record at the time of passage of this Ordinance may be occupied by one (1) single-family dwelling and its accessory uses, provided yard requirements of this section are observed.

For exceptions to lot requirements see Sections 134.01, 134.04 and 134.06.

- h. Stream Setbacks. No structure other than access, landings, docks, bridges pumping or water treatment facilities shall be located closer than 20 feet from the edge of a stream bank. The setback shall be utilized to preserve riparian vegetation by not removing such vegetation within the banks of streams or the floodway of the Rogue River. Pruning of the vegetation in order to contain such vegetation within the banks or to alleviate a hazard is allowed. Noxious vegetation may be removed if replace within 90 days by various combinations of plant materials and/or rip rap that stabilizes the stream bank and preserves the aquatic habitat.

SECTION 116.06 Signs

Signs shall be permitted according to the provisions of Section 140 of this Ordinance.

SECTION 116.07 Off-Street Parking

Off-Street Parking shall be provided as required in Section 129.

SECTION 116.08 Other Required Conditions

- a. See Section 132 applying to Special Uses where applicable.
- b. Site plan review is required for all uses permitted conditionally in this District.
- c. See Section 133, Setbacks and Landscaping Requirements.

SECTION 116.09 Erosion and Sediment Control

- a. Any grading or filling on slopes that are 15% or greater, except when authorized or regulated by the State Forest Practice Rules, shall be subject to an Erosion and Sediment Control Plan that shall prevent or mitigate possible hazards to life, property or the natural environment.
- b. An operational plan shall be submitted prior to any grading or filling on slopes 15% or greater. That plan shall provide the following information:
 1. A statement of the land capabilities of the property on which the grading, filling or clearing is to be performed, including soil series name, slope, gradients, run-off potential, soil depth, erosion potential and natural drainage.
 2. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, together with elevations, dimensions, location and extent of proposed grading, together with a map showing the drainage area and the proposed method of run-off disposal.
 3. A list of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the site, including the location of disposal sites.
 4. Plans of final ground cover, landscaping, and erosion and drainage controls and requirements for stable cut and fill slopes, based on detailed stability analysis. For the purposes of determining appropriate soil losses, the Soil Conservation Service, U.S.D.A. publication Soil Interpretations

for Oregon shall be used.

SECTION 116.10 Uses Permitted by Administrative Permit

In a Single and Two-Family Residential District, the following uses are permitted when authorized by the Administrative Permit, issued pursuant to rules adopted by the Planning Commission and Section 136.07.

1. Utility substations or pumping stations with no equipment storage.
2. Mobile home as a single-family dwelling unit for the duration of a health condition, subject to site plan approval, health certification and yearly review as provided in Section 132.25.
3. Aviaries (the keeping of birds) subject to the provisions of Section 132.30.

LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT, OR R-3
DISTRICT

SECTION 117.01 Purpose

This district is intended to provide for the development of low density multiple-family residential structures where such buildings are reasonably spaced on the lot to provide for light, air, privacy, safety and insulation against transmission of sound in areas with community services.

SECTION 117.02 Permitted Uses

The following uses are permitted:

1. Single-family dwellings and two-family dwellings or duplexes.
2. Two single-family dwellings on one lot, provided that no dwelling is located within ten (10) feet of any other dwelling or accessory building on the same lot, and also provided that all yard and coverage requirements set forth in Section 117.05 are observed. There shall be provided for the rear dwelling unoccupied and unobstructed access not less than fifteen (15) feet wide to the street fronting the lot.
3. Multiple-family dwellings and apartment houses.
4. Agriculture, including all customary agricultural buildings, but the keeping of animals, other than pets as defined in Section 100.04, shall be limited as follows:
 - a. No swine, kennels, poultry husbandry or rabbitry shall be kept.
 - b. Horses, donkeys, burros, ponies, cows, goats and sheep are permitted on lots of one acre or more provided that there shall be no more than two (2) head over the age of six (6) months per acre.
 - c. Barns, stables, feed areas other than browsing areas, and other buildings and structures to house or contain animals shall not be located closer than fifty (50) feet to any property line.
5. Other uses, not specified in this or any other district, if the Planning Commission finds them to be similar to the uses listed above in this subsection.
6. Accessory uses and structures are permitted as follows:
 - a. Rooming and boarding of not more than two (2) persons.

- b. Home occupations in a detached single-family dwelling unit or duplex and subject to the provisions of Section 132.11.
 - c. Offices incidental and necessary to the conduct of permitted use.
 - d. Off-Street Parking lots when appurtenant to a permitted use, subject to the provisions of Section 129.
 - e. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use, subject to provisions of Section 132.27.
 - f. Signs, as permitted in Section 177.06.
7. Day-care facilities serving six (6) to twelve (12) children subject to requirements of Section 129 – Off-Street parking and Section 132 – Special Provisions.
8. Planned Unit Developments.

SECTION 117.03 Conditional Uses

The following conditional uses may be permitted subject to a Conditional Use Permit:

- a. Nursing homes, rooming and boarding houses for more than two (2) persons, non-medical temporary treatment center.
- b. Churches.
- c. Public, parochial and private schools; but not including business, dancing, trade, technical or similar schools.
- d. Governmental structures including parks and recreation facilities, fire stations, libraries, museums; but not including storage or repair yards, warehouses and similar uses.
- e. Repealed.
- f. Repealed.
- g. Sign appurtenant to any Conditional Use, and which do not comply with Section 117.06.
- h. Off-Street parking lots when contiguous to a less restrictive zoning district. (For required development standards see Section 129.)

- i. Buildings over thirty-five (35) feet in height.
- j. Mobile home park subject to Mobile Home Park Development Guidelines within the City and Urbanizing Area.
- k. Retirement residences.
- l. Day care facilities serving thirteen (13) to twenty-five (25) children, subject to requirements of Section 129 – Off-Street Parking and 132 – Special Provisions.
- m. Repealed.
- n. Senior Citizen Day-Care Facilities, subject to the requirements of Section 129 – Off-Street Parking and 132 – Special Provisions.
- o. Bed and Breakfast Inn subject to the provisions of Section 132.31.
- p. Ambulance Station and Dispatch Office.

SECTION 117.04 Height Regulations

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, whichever is less. For exceptions see Section 117.03(i) and Section 134.03.

SECTION 117.05 Lot Requirements

The following lot requirements shall be observed:

- a. Lot Area: Every lot shall have a minimum area of 5000 square feet, but the minimum lot area shall depend upon the number of dwelling units thereon as follows: For a single-family or two-family dwelling, 5000 square feet; for a three-family dwelling, 6000 square feet; for each additional dwelling unit, the lot area shall be increased by 2000 square feet. A lot having a width of less than fifty (50) feet, and an area of less than 5000 square feet of record at the time of the passage of this Ordinance, may be occupied by one single-family dwelling provided that all the yard requirements of this Section are observed.
- b. Lot Width: Every lot shall have a minimum width of fifty (50) feet.
- c. Front Yard: The front yard shall be a minimum of twenty (20) feet.
- d. Side Yard: There shall be a minimum side yard on each side of the building of not less than five (5) feet. The side yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds fifteen (15) feet.

- e. Rear Yard: There shall be a rear yard having a depth of not less than five (5) feet. The rear yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds fifteen (15) feet.
- f. Lot Coverage: Maximum lot coverage by buildings and structures shall be 40 percent of the total lot area.

For exceptions see Section 134.01, 134.04 and 134.06.

- g. Stream Setbacks. No structure other than access, landings, docks, bridges, pumping or water treatment facilities shall be located closer than twenty (20) feet from the edge of a stream bank. The setback shall be utilized to preserve riparian vegetation by not removing such vegetation within the banks of streams or the floodway of the Rogue River. Pruning of the vegetation in order to contain such vegetation within the banks or to alleviate a hazard is allowed. Noxious vegetation may be removed if replaced within 90 days by various combinations of plant materials and/or rip rap that stabilizes the stream bank and preserves the aquatic habitat.

SECTION 117.06 Signs

Signs shall be permitted according to the provisions of Section 140 of this Ordinance.

SECTION 117.07 Off-Street Parking

Off-street parking shall be provided as required in Section 129.

SECTION 117.08 Special Yards and Distances Between Buildings

The following special yards and distances between buildings shall be observed.

- a. The distance between any principal building and any accessory building shall be a minimum of ten (10) feet.
- b. Repealed.
- c. Except for single-family dwellings on one lot, the distance between principal buildings shall be at least one-half (1/2) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than twelve (12) feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space.

SECTION 117.09 Other Required Conditions

- a. See Section 132 applying to Special Uses where applicable.
- b. Site Plan Approval is required for all uses, except for single and two-family dwellings and agriculture.
- c. See Section 133, Setbacks and Landscaping requirements.

SECTION 117.10 Erosion and Sediment Control

- a. Any grading or filling on slopes that are 15% or greater, except when authorized or regulated by the State Forest Practice Rules, shall be subject to an Erosion and Sediment Control Plan that shall prevent or mitigate possible hazards to life, property or the natural environment.
- b. An operational plan shall be submitted prior to any grading or filling on slopes 15% or greater. That plan shall provide the following information:
 - 1. A statement of the land capabilities of the property on which the grading, filling or clearing is to be performed, including soil series name, slope, gradients, run-off potential, soil depth, erosion potential and natural drainage.
 - 2. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, location and extent of proposed grading, together with a map showing the drainage area and the proposed method of run-off disposal.
 - 3. A list of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the site, including the location of disposal sites.
 - 4. Plans of final ground cover, landscaping, and erosion and drainage controls and requirements for stable cut and fill slopes, based on detailed stability analysis. For the purposes of determining appropriate soil losses, the Soil Conservation Service, U.S.D.A. publication Soil Interpretations for Oregon shall be used.

SECTION 117.11 Uses Permitted by Administrative Permit

In a Low Density Multiple-Family Residential District, the following uses are permitted when authorized by the Administrative Permit, issued pursuant to rules adopted by the Planning Commission and Section 136.07.

- a. Utility substations or pumping stations with no equipment storage.
- b. Mobile home as a single-family dwelling unit for the duration of a health condition, subject to site plan approval, health certification and yearly review as provided in Section 132.25.
- c. Aviaries (the keeping of birds) subject to the provisions of Section 132.30.

HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT, OR R-4
DISTRICT

SECTION 118.01 Purpose

This district is intended to provide for high density multiple-family developments in locations close to shopping and services, transportation or public open space, and, in appropriate locations, to provide a transitional use area between residential areas and other less restrictive districts. The professional and office uses included in this district are intended to enhance the function of this district in transitional areas and to encourage this transition in a more residential character.

SECTION 118.02 Permitted Uses

The following uses are permitted:

- a. Single-family dwellings and two-family dwellings or duplexes.
- b. Two single-family dwellings on one lot provided that no dwelling is located within ten (10) feet of any other dwelling or accessory building on the same lot, and also provided that all yard and coverage requirements set forth in Section 118.05 are observed. There shall be access not less than fifteen (15) feet wide to the street fronting the lot.
- c. Multiple-family dwellings and apartment houses.
- d. Rooming and boarding houses.
- e. Churches, subject to the requirements of Section 132.05.
- f. Architect or designer.
- g. Accountant.
- h. Attorney.
- i. Dentist.
- j. Physician or other practitioner of the healing arts.
- k. Engineer.
- l. Insurance agent or adjustor.

- m. Investment or management counselor.
- n. Medical and dental clinics and laboratories.
- o. Nursing and convalescent homes.
- p. Planned Unit Developments subject to the provisions of Section 131.
- q. Surveyor's offices.
- r. Wholesale lumber brokerage.
- s. Real estate offices.
- t. Other uses, not specified in this or any other district, if the Planning Commission finds them to be similar to the uses listed above in this subsection.
- u. Photographic studios, excluding retail sales of camera equipment, film or supplies.
- v. Accessory uses and structures are permitted as follows:
 - 1. Offices incidental and necessary to the conduct of a permitted use.
 - 2. Off-street parking lots when appurtenant to a permitted use, subject to the provisions of Section 129.
 - 3. Home occupations in a detached single-family dwelling unit or duplex and subject to the provisions of Section 132.11.
 - 4. Necessary and incidental services such as a dining room, barber shop, beauty shop, hobby shop, etc., included within apartment buildings provided that the facilities are used by and services rendered to only tenants of the building and their guests.
 - 5. Signs, as permitted in Section 118.06.
 - 6. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use, subject to provisions of Section 132.27.
 - 7. Travel agencies.
 - 8. Day care facilities serving six (6) to twelve (12) children, subject to requirements of Sections 129 -- Off-Street Parking and Section 132 -- Special Provisions.

SECTION 118.03 Conditional Uses

The following conditional uses may be permitted subject to a Conditional Use Permit:

- a. Public, parochial and private schools; but not including business, technical or similar schools.
- b. Dancing or music schools.
- c. Public buildings and government structures including parks, recreation facilities, fire stations, libraries, museums; but not including storage or repair yards, warehouses or similar uses.
- d. Repealed.
- e. Signs appurtenant to any conditional use and which do not comply with Section 118.06.
- f. Hospital, laboratory, orthopedic supply house, sanitarium (except animal hospital and clinic, hospital and sanitariums for contagious, mental, drug or liquor addict cases).
- g. Club, lodge and fraternal organizations except those carried on as a business for profit.
- h. Off-street parking lots when contiguous to a less restrictive zoning district. For required development standards see Sections 129 and 133.
- i. Buildings over 45 feet in height.
- j. Motels, apartment hotels, when located near hospitals or similar facilities.
- k. Mortuaries and crematoriums.
- l. Day care facilities servicing thirteen (13) or more children subject to requirements of Section 129 -- Off-Street Parking and Section 132 -- Special Provisions.
- m. Repealed.
- n. Senior Citizen Day-Care Facilities subject to the requirements of Section 129 -- Off-Street Parking and 132 -- Special Provisions.
- o. Bed and Breakfast Inn subject to the provisions of Section 132.31.

SECTION 118.03 Conditional Uses

The following conditional uses may be permitted subject to a Conditional Use Permit:

- a. Public, parochial and private schools; but not including business, technical or similar schools.
- b. Dancing or music schools.
- c. Public buildings and government structures including parks, recreation facilities, fire stations, libraries, museums; but not including storage or repair yards, warehouses or similar uses.
- d. Repealed.
- e. Signs appurtenant to any conditional use and which do not comply with Section 118.06.
- f. Hospital, laboratory, orthopedic supply house, sanitarium (except animal hospital and clinic, hospital and sanitariums for contagious, mental, drug or liquor addict cases).
- g. Club, lodge and fraternal organizations except those carried on as a business for profit.
- h. Off-street parking lots when contiguous to a less restrictive zoning district. For required development standards see Sections 129 and 133.
- i. Buildings over 45 feet in height.
- j. Motels, apartment hotels, when located near hospitals or similar facilities.
- k. Mortuaries and crematoriums.
- l. Day care facilities servicing thirteen (13) or more children subject to requirements of Section 129 – Off-Street Parking and Section 132 – Special Provisions.
- m. Repealed.
- n. Senior Citizen Day-Care Facilities subject to the requirements of Section 129 – Off-Street Parking and 132 – Special Provisions.
- o. Bed and Breakfast Inn subject to the provisions of Section 132.31.

SECTION 118.03 Conditional Uses

The following conditional uses may be permitted subject to a Conditional Use Permit:

- a. Public, parochial and private schools; but not including business, technical or similar schools.
- b. Dancing or music schools.
- c. Public buildings and government structures including parks, recreation facilities, fire stations, libraries, museums; but not including storage or repair yards, warehouses or similar uses.
- d. Repealed.
- e. Signs appurtenant to any conditional use and which do not comply with Section 118.06.
- f. Hospital, laboratory, orthopedic supply house, sanitarium (except animal hospital and clinic, hospital and sanitariums for contagious, mental, drug or liquor addict cases).
- g. Club, lodge and fraternal organizations except those carried on as a business for profit.
- h. Off-street parking lots when contiguous to a less restrictive zoning district. For required development standards see Sections 129 and 133.
- i. Buildings over 45 feet in height.
- j. Motels, apartment hotels, when located near hospitals or similar facilities.
- k. Mortuaries and crematoriums.
- l. Day care facilities servicing thirteen (13) or more children subject to requirements of Section 129 – Off-Street Parking and Section 132 – Special Provisions.
- m. Repealed.
- n. Senior Citizen Day-Care Facilities subject to the requirements of Section 129 – Off-Street Parking and 132 – Special Provisions.
- o. Bed and Breakfast Inn subject to the provisions of Section 132.31.

- p. Ambulance Station and Dispatch Office.

SECTION 118.04 Height Regulations

No building or structure shall hereafter be erected, enlarged or structurally altered to exceed a height of 45 feet. For exceptions see Section 118.03(i) and Section 134.03.

SECTION 118.05 Lot Requirements

The following lot requirements shall be observed:

- a. **Lot Area:** Minimum lot area for single and two-family dwelling shall be 5000 square feet. For each additional dwelling unit the lot shall be increased by 1000 square feet except for all dwelling units above the third floor, the lot area shall be increased by 600 square feet. A lot having a width of less than fifty (50) feet and an area of less than 5000 square feet of record at the time of the passage of this Ordinance may be occupied by one single-family dwelling and its accessory uses provided yard requirements of this section are observed.
- b. **Lot Width:** Every lot shall have a minimum width of fifty (50) feet.
- c. **Front Yard:** The front yard shall be a minimum of ten (10) feet.
- d. **Side Yard:** Side yards shall be a minimum of five (5) feet. The side yards shall be increased by one-half (1/2) foot for each foot by which the building height exceeds fifteen (15) feet.
- e. **Rear Yard:** The rear yard shall be a minimum of five feet. A rear yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds fifteen (15) feet.
- f. **Lot Coverage:** Maximum lot coverage by buildings and structures shall be 50% of the lot area.
- g. **Stream Setback.** No structure other than access, landings, docks, bridges, pumping or water treatment facilities shall be located closer than 20 feet from the edge of a stream bank. The setback shall be utilized to preserve riparian vegetation by not removing such vegetation within the banks of streams or the floodway of the Rogue River. Pruning of the vegetation in order to contain such vegetation within the banks or to alleviate a hazard is allowed. Noxious vegetation may be removed if replaced within 90 days by various combinations of plant materials and/or rip rap that stabilizes the stream bank and preserves the aquatic habitat.

h. For exceptions see Sections 134.01, 134.04 and 134.06.

SECTION 118.06 Signs

Signs shall be permitted according to the provisions of Section 140 of this Ordinance.

SECTION 118.07 Off-Street Parking

Off-street parking shall be provided as required in Section 129.

SECTION 118.08 Special Yards and Distances Between Buildings

Special yards and distances between buildings shall be provided as follows:

- a. The distance between any principal building and any accessory building shall be a minimum of ten (10) feet.
- b. Repealed.
- c. Except for single-family dwellings on one lot, the distance between principal buildings shall be at least one-half (1/2) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than twelve (12) feet. This requirement shall also apply to portions of the same buildings separated from each other by a court or other open space.

SECTION 118.10 Erosion and Sediment Control

- a. Any grading or filling on slopes that are 15% or greater, except when authorized or regulated by the State Forest Practice Rules, shall be subject to an Erosion and Sediment Control Plan that shall prevent or mitigate possible hazards to life, property or the natural environment.
- b. An operation plan shall be submitted prior to any grading or filling on slopes 15% or greater. That plan shall provide the following information:
 1. A statement of the land capabilities of the property on which the grading, filling or clearing is to be performed, including soil series name, slope, gradients, run-off potential, soil depth, erosion potential and natural drainage.
 2. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, together with elevations, dimensions, location and extent of proposed grading, together with a map showing the drainage area and the proposed method of run-off disposal.

3. A list of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the site, including the location of disposal sites.
4. Plans of final ground cover, landscaping, and erosion and drainage controls and requirements for stable cut and full slopes, based on detailed stability analysis. For the purposes of determining appropriate soil losses, the Soil Conservation Service, U.S.D.A. publication Soil Interpretations of Oregon shall be used.

SECTION 118.11 Uses Permitted by Administrative Permit

In a High Density Multiple-Family Residential District, the following Uses are permitted when authorized by Administrative Permit, issued pursuant to rules adopted by the Planning Commission and Section 136.07:

- a. Utility substations or pumping stations with no equipment storage.
- b. Mobile home as a single-family dwelling unit for the duration of a health condition, subject to site plan approval, health certification and yearly review as provided in Section 132.25.

SECTION 119 – RESERVED FOR FUTURE USE

CONVENIENCE COMMERCIAL DISTRICT, OR C-2 DISTRICT

SECTION 120.01 Purpose

This district is intended to provide for the location of small businesses and services in residential sections of the Urban Growth Area for the convenience of nearby residents; also to recognize existing uses of this type within the City. New C-2 Districts shall have a minimum area of 20,000 square feet of contiguous land. The businesses are intended to fit into the residential pattern of development and not create either land use, architectural or traffic conflicts. The above site sizes for C-2 Districts and the following regulations are intended to protect the residential environment.

SECTION 120.02 Permitted Uses

The following uses are permitted in a C-2 Convenience Commercial District:

- a. Existing residential uses, without any increase in density.
- b. Grocery store, including garden supplies.
- c. Barber and/or beauty shop.
- d. Clothes cleaning pick-up agency and coin-operated laundry.
- e. Other uses, not specified in this or any other district, if the Planning Commission finds them to be similar to the uses listed above in this section.
- f. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use, subject to provisions of Section 132.27.
- g. Conversion of an existing dwelling unit to a permitted use. (Site Plan Approval is required, as provided in Section 128.)
- h. Signs shall be permitted subject to Section 120.06.

SECTION 120.03 Conditional Use

The following conditional uses may be permitted subject to a Conditional Use Permit:

- a. Residential dwelling units not on the ground floor of a building.
- b. Limited School Service Facility, provided all services on site are limited to serving a public school, including its faculty and student body, located within 300 feet of the facility premises. Services on the premises shall be limited to lunches,

confections, academic and athletic curriculum and program supplies. Such a facility shall not be conducted within any structure containing any other use. All products and services shall be conducted and stored within a fully enclosed structure.

- c. Taxicab dispatch office.
- d. Churches.
- e. In those areas within the Grants Pass City limits:

Mobile home as a single-family dwelling unit for the duration of a health condition, subject to Site Plan Approval, health certification and yearly review as provided in Section 132.25.

SECTION 120.04 Height Regulations

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, whichever is less. For exceptions, see Section 134.03.

SECTION 120.05 Lot Requirements

The following lot requirements shall be observed:

- a. Lot Area: No requirements. (However, the provisions of Section 120.01 shall apply.)
- b. Lot Width: No requirements.
- c. Lot Depth: Each lot shall have a minimum depth of 100 feet.
- d. Front Yard: The front yard shall be a minimum of 20 feet.
- e. Repealed.
- f. Rear Yard: None, except when a rear lot line is abutting a lot in a R-S, R-1, R-2, R-3, or R-4 District and then the rear yard shall be a minimum of ten (10) feet. The required rear yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds 20 feet.
- g. Stream Setbacks. No other structure other than access, landings, docks, bridges, pumping or water treatment facilities shall be located closer than 20 feet from the edge of a stream bank. The setback shall be utilized to preserve riparian vegetation by not removing such vegetation within the banks of streams or the

floodway of the Rogue River. Pruning of the vegetation in order to contain such vegetation within the banks or to alleviate a hazard is allowed. Noxious vegetation may be removed if replaced within 90 days by various combinations of plant materials and/or rip rap that stabilizes the stream bank and preserves the aquatic habitat.

- h. For exceptions see Section 134.01, 134.04, and 134.06.

SECTION 120.06 Signs

Signs shall be permitted according to the provisions of Section 140 of the Ordinance.

SECTION 120.07 Off-Street Parking and Loading

Off-street parking and loading space shall be provided as required in Section 129.

SECTION 120.08 Other Required Conditions

- a. All uses shall be conducted wholly within an enclosed building, except for off-street parking and loading facilities.
- b. Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises.
- c. Site Plan Approval is required for all uses, as provided in Section 128.03.
- d. See Section 132 applying to Special Uses where applicable.
- e. See Section 133, Setbacks and Landscaping Requirements.

SECTION 120.09 Uses Permitted by Administrative Permit

In a Convenience Commercial District, the following uses are permitted when authorized by the Administrative Permit, issued pursuant to rules adopted by the Planning Commission and Section 136.07.

- a. Residence in conjunction with a commercial use.
- b. Mobile home as a single-family dwelling unit for the duration of a health condition, subject to site plan approval, health certification and yearly review as provided in Section 132.25.

SECTION 120.10 Erosion and Sediment Control

- a. Any grading or filling on slopes that are 15% or greater, except when authorized

or regulated by the State Forest Practice Rules, shall be subject to an Erosion and Sediment Control Plan that shall prevent or mitigate possible hazards to life, property or the natural environment.

- b. An operation plan shall be submitted prior to any grading or filling on slopes 15% or greater. That plan shall provide the following information:
1. A statement of the land capabilities of the property on which the grading, filling or clearing is to be performed, including soil series name, slope, gradients, run-off potential, soil depth, erosion potential and natural drainage.
 2. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, together with elevations, dimensions, location and extent of proposed grading, together with a map showing the drainage area and the proposed method of run-off disposal.
 3. A list of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the site, including the location of disposal sites.
 4. Plans of final ground cover, landscaping, and erosion and drainage controls and requirements for stable cut and fill slopes, based on detailed stability analysis. For the purposes of determining appropriate soil losses, the Soil Conservation Service, U.S.D.A. publication Soil Interpretations for Oregon shall be used.

LIMITED COMMERCIAL DISTRICT, OR C-3 DISTRICT

SECTION 121.01 Purpose

This district is intended to provide large retail and service commercial areas or centers for convenience shopping to serve residential areas and to recognize existing development patterns along certain major streets. New C-3 Districts shall be located where analysis of residential population demonstrates that such facilities are or will be required. The businesses are intended to fit into the residential pattern of development or to recognize the significance of their location relating to the appearance of the city to the traveling public. The following regulations are intended to protect the residential environment or the appearance of the community to the traveling public.

SECTION 121.02 Permitted Uses

The following uses are permitted in the C-3 District:

- a. Any permitted use in the C-2 District.
- b. Antique shops.
- c. Appliance Sales (household); including minor repairs.
- d. Art Galleries, libraries and reading rooms.
- e. Artist supplies and picture framing.
- f. Auto parts sales (new).
- g. Automobile sales, new and used (including truck sales as part of a new car agency).
- h. Bakery, retail.
- i. Barber shop.
- j. Beauty shop.
- k. Book or stationery stores.
- l. Bicycle Shops.
- m. Clothing store or tailor shop.

- n. Clothes cleaning pick-up agency.
- o. Clothes cleaning agencies using non-flammable cleaning agents, including self-service cleaning establishments.
- p. Confectionery or delicatessen.
- q. Dairy products, sales only.
- r. Drug store, including soda fountain.
- s. Dry goods store, millinery shop, dress shop.
- t. Florist shop.
- u. Food stores.
- v. Frozen food locker, excluding wholesale storage.
- w. Furniture stores.
- x. Garden supply stores.
- y. Gift shops, notion or variety store.
- z. Hardware store or paint store.
- aa. Hobby shops.
- bb. Home furnishings.
- cc. Jewelry stores.
- dd. Leather goods and luggage.
- ee. Musical instruments.
- ff. Laundry pick-up agency, self-service laundry.
- gg. Medical and dental clinics and offices.
- hh. Office: Business or professional.
- ii. Pet shops.

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- jj. Photographic supplies and studios.
- kk. Radio and television sales and service.
- ll. Radio and television broadcasting studios and facilities.
- mm. Restaurants, bars, cocktail lounges including entertainment.
- nn. Shoe stores, shoe repair shop.
- oo. Toy stores.
- pp. Variety store.
- qq. Planned Unit Developments subject to the provisions of Section 131.
- rr. Other uses, not specified in this or any other district, if the Planning Commission finds them to be similar to the uses listed above in this subsection.
- ss. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use such as incidental storage facilities, subject to the provisions of Section 132.27.
- tt. Sporting goods.
- uu. Locksmith shops and related accessory uses.
- vv. Taxicab dispatch office.
- ww. Janitorial Service and Supply.
- xx. Banks and financial institutions, including drive-in banking.
- yy. Physical Fitness School.
- zz. Signs shall be permitted subject to the provisions of Section 121.06.
- aaa. Veterinary clinic for small animals totally within an enclosed building.

SECTION 121.03 Conditional Uses

The following conditional uses may be permitted subject to a Conditional Use Permit:

- a. Residential dwelling units developed to an R-3 density at a maximum.

- b. Car washes.
- c. Dancing or music schools.
- d. Department stores.
- e. Drive-in restaurants.
- f. Athletic batting cages subject to Section 121.08(a).
- g. Public buildings and public utility buildings and structures.
- h. Church, club, lodge or fraternal organizations.
- i. Commercial off-street parking lots. (For development standards see Section 129.09 and Section 133.)
- j. Buildings over 35 feet in height.
- k. Automobile service stations and auto repair.
- l. Mortuaries, crematories, and columbariums.
- m. Signs larger than permitted in Section 121.06, projecting or free-standing signs identifying a business other than a shopping center identification sign.
- n. Motels and Hotels
- o. Movie Theaters.
- p. Nursery storage and sales not contained within fully enclosed building.
- q. Tire sales and service.
- r. Parochial schools on real property adjacent to a church.
- s. Day care facilities serving six (6) or more children, subject to requirements of Sections 129 – Off-Street Parking and 132 – Special Provisions.
- t. Kennel – Animal Shelter.
- u. Ambulance Station and Dispatch Office.
- v. Veterinary clinic totally within an enclosed building.

SECTION 121.04 Height Regulations

No building or structure shall be erected, enlarged or structurally altered to exceed a height of two and one-half (2 1/2) stories or 35 feet, whichever is less. For exceptions see Sections 121.03(i) and 134.03.

SECTION 121.05 Lot Requirements

The following lot requirements shall be observed:

- a. Lot Area: No requirements.
- b. Lot Width: No requirements.
- c. Lot Depth: 100 feet
- d. Front Yard: The front yard shall be a minimum of 10 feet.
- e. Side Yard: None, except when a side lot line is abutting a lot in an R-S, R-1, R-2, R-3, or R-4 District and then the side yard shall be a minimum of ten (10) feet. The required side yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds 20 feet.
- f. Rear Yard: None, except when a rear lot line is abutting a lot in an R-S, R-1, R-2, R-3, or R-4 District and then the rear yard shall be a minimum of ten (10) feet. The required rear yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds 20 feet.
- g. Stream Setbacks. No structure other than access, landings, docks, bridges, pumping or water treatment facilities shall be located closer than 20 feet from the edge of a stream bank. The setback shall be utilized to preserve riparian vegetation by not removing such vegetation within the banks of streams or the floodway of the Rogue River. Pruning of the vegetation in order to contain such vegetation within the banks or to alleviate a hazard is allowed. Noxious vegetation may be removed if replaced within 90 days by various combinations of plant materials and/or rip rap that stabilizes the stream bank and preserves the aquatic habitat.

SECTION 121.06 Signs

Signs shall be permitted according to the provisions of Section 140 of this Ordinance.

SECTION 121.07 Off-Street Parking and Loading

Off-street parking and loading space shall be provided as required in Section 129.

SECTION 121.08 Other Required Conditions

- a. All uses shall be conducted wholly within an enclosed building except for off-street parking and loading facilities, automobile service stations, automobile sales, drive-up windows, and may also except athletic batting cages, where deemed appropriate.
- b. Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises.
- c. See Section 132 applying to Special Uses where applicable.
- d. Site Plan Approval is required, as provided in Section 128.
- e. See Section 133, Setbacks and Landscaping Requirements.

SECTION 121.09 Uses Permitted by Administrative Permit

In a limited Commercial District, the following uses are permitted when authorized by the Administrative Permit, issued pursuant to rules adopted by the Planning Commission and Section 136.07.

- a. Saturday Market or Arts and Crafts Fair.
- b. Mobile Home as a single-family dwelling unit for the duration of a health condition, subject to site plan approval, health certification and yearly review as provided in Section 132.25.

SECTION 121.10 Erosion and Sediment Control

- a. Any grading or filling on slopes that are 15% or greater, except when authorized or regulated by the State Forest Practice Rules, shall be subject to an Erosion and Sediment Control Plan that shall prevent or mitigate possible hazards to life, property or the natural environment.
- b. An operational plan shall be submitted prior to any grading or filling on slopes 15% or greater. That plan shall provide the following information.
 1. A statement of the land capabilities of the property on which the grading, filling or clearing is to be performed, including soil series name, slope, gradients, run-off potential, soil depth, erosion potential and natural drainage.
 2. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, together with elevations,

dimensional, location and extent of proposed grading, together with a map showing the drainage area and the proposed method of run-off disposal.

3. A list of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the site, including the location of disposal sites.
4. Plans of final ground cover, landscaping, and erosion and drainage controls and requirements for stable cut and fill slopes, based on detailed stability analysis. For the purposes of determining appropriate soil losses, the Soil Conservation Service, U.S.D.A. publication Soil Interpretations for Oregon shall be used.

TOURIST COMMERCIAL DISTRICT, OR C-4 DISTRICT

SECTION 122.01 Purpose

This district is intended to make provisions for tourist commercial uses which serve the traveling public. It is also intended to include certain other commercial uses which benefit from a similar location and which often serve the traveling public, but which are not dependent upon this service. Developments in this district will have a significant influence on the appearance of the community to the traveling public which will enhance its success as a tourist center to the benefit of the entire community, consequently the following regulations are intended to protect the appearance of these vital areas of the Urban Growth Area.

SECTION 122.02 Permitted Uses

The following uses are permitted in the C-4 District:

- a. Existing residential uses without any increases in density.
- b. Barber shop.
- c. Beauty shop.
- d. Gift shop.
- e. Hotels and motels.
- f. Restaurants, cafes, bars, cocktail lounges, including entertainment.
- g. Self-service laundry and self-service cleaning establishments.
- h. Other uses, not specified in this or any other district, if the Planning Commission finds them to be similar to the uses listed above in this subsection.
- i. Taxicab dispatch office.
- j. Convenience Food Stores.
- k. Conversion of an existing dwelling unit to a permitted use.
- l. Signs shall be permitted subject to the provisions of Section 122.06.
- m. Automobile service stations and car wash facilities.

SECTION 122.03 Conditional Uses

The following conditional uses may be permitted subject to a Conditional Use Permit:

- a. Automobile sales, new (including used car sales and truck sales as part of a new car agency).
- b. Automobile repair conducted wholly within an enclosed building.
- c. Drive-in restaurants.
- d. Public uses and buildings and public utility buildings and structures as may be appropriate to the C-4 District.
- e. Buildings over 35 feet in height.
- f. Advertising structures.
- g. Repealed.
- h. Recreation vehicle parks.
- i. Repealed.
- j. Tire sales.
- k. Nursery storage and sales not conducted wholly within an enclosed building.
- l. Churches.
- m. Banks, offices and financial institutions.
- n. Repealed.

SECTION 122.04 Height Regulations

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of two and one-half (2 1/2) stories or 35 feet, whichever is less. For exceptions see Section 122.03 (3) and Section 134.03.

SECTION 122.05 Lot Requirements

The following lot requirements shall be observed:

- a. Lot Area: No requirements.

- b. Lot Width: No requirements.
- c. Lot Depth: 100 feet.
- d. Front Yard: The front yard shall be minimum of 10 feet.
- e. Side Yard: None, except when a side lot line is abutting a lot in an R-S, R-1, R-2, R-3, or R-4 District and then the side yard shall be a minimum of ten (10) feet. The required side yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds 20 feet.
- f. Rear Yard: None, except when a rear lot line is abutting a lot in an R-S, R-1, R-2, R-3, or R-4 District and then the rear yard shall be a minimum of ten (10) feet. The required rear yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds 20 feet.
- g. Stream Setbacks. No structure other than access, landings, docks, bridges, pumping or water treatment facilities shall be located closer than 20 feet from the edge of a stream bank. The setback shall be utilized to preserve riparian vegetation by not removing such vegetation within the banks of streams or the floodway of the Rogue River. Pruning of the vegetation in order to contain such vegetation within the banks or to alleviate a hazard is allowed. Noxious vegetation may be removed if replaced, within 90 days by various combinations of plant materials and/or rip rap that stabilizes the stream bank and preserves the aquatic habitat.

SECTION 122.06 Signs

Signs shall be permitted according to the provisions of Section 140 of this Ordinance.

SECTION 122.07 Off-Street Parking and Loading

Off-street parking and loading space shall be provided as required in Section 129.

SECTION 122.08 Other Required Conditions

- a. See Section 132 applying to Special Uses where applicable.
- b. Site Plan Approval is required, as provided in Section 128.
- c. See Section 133, Setbacks and Landscaping Requirements.

SECTION 122.09 Uses Permitted by Administrative Permit

In a Tourist Commercial District, the following uses are permitted when authorized by the Administrative Permit, issued pursuant to rules adopted by the Planning Commission and Section 136.07.

- a. Mobile home as a single-family dwelling unit for the duration of a health condition, subject to site plan approval, health certification and yearly review as provided in Section 132.25.

SECTION 122.10 Erosion and Sediment Control

- a. Any grading or filling on slopes that are 15% or greater, except when authorized or regulated by the State Forest Practice Rules, shall be subject to an Erosion and Sediment Control Plan that shall prevent or mitigate possible hazards to life, property or the natural environment.
- b. An operational plan shall be submitted prior to any grading or filling on slopes 15% or greater. That plan shall provide the following:
 - 1. A statement of the land capabilities of the property on which the grading, filling or clearing is to be performed, including soil series name, slope gradients, run-off potential, soil depth, erosion potential and natural drainage.
 - 2. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, together with elevations, dimensions, location and extent of proposed grading, together with a map showing the drainage area and the proposed method of run-off disposal.
 - 3. A list of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the site, including the location of disposal sites.
 - 4. Plans of final ground cover, landscaping, and erosion and drainage controls and requirements for stable cut and fill slopes, based on detailed stability analysis. For the purposes of determining appropriate soil losses, the Soil Conservation Service, U.S.D.A. publication Soil Interpretations for Oregon shall be used.

THOROUGHFARE COMMERCIAL DISTRICT, OR C-5 DISTRICT

SECTION 123.01 Purpose

This district is intended to provide for those commercial uses which are appropriate to major thoroughfare or highway locations, and are dependent upon thoroughfare travel and drop-in trade.

SECTION 123.02 Permitted Uses

The following uses are permitted:

- a. Existing residential uses, without any increase in density.
- b. Ambulance Service and Dispatch Office.
- c. Any permitted use in the C-3 or C-4 District.
- d. Banks, offices and financial institutions.
- e. New and used car sales (including truck sales as part of a new car agency), boat and trailer sales, mobile home sales and rental establishments.
- f. Automobile part sales, automobile repair, tire sales (including recapping), battery sales and repair, all to be conducted within an enclosed building.
- g. Car wash facilities.
- h. Carpenters, electrical, plumbing, sheet metal, welding, electroplating, heating, and sign shops, auto and furniture upholstery shops, printing, publishing and lithographing shops, and paint shops operated entirely within an enclosed building.
- i. Commercial recreation facilities such as bowling alleys, skating rinks, dance halls, and theaters, but not including golf-driving ranges or drive-in theaters.
- j. Feed, seed and fuel stores conducted wholly within a completely enclosed building. Outdoor storage shall be enclosed within a sight obscuring fence to screen all stored materials.
- k. Grocery store, gift store or souvenir shops.
- l. Hotels and motels.

- m. Motorcycle sales, service and repair.
- n. Restaurants, cafes, refreshment stands, drive-in restaurants, bars, taverns, clubs and lodges.
- o. Retail business and service establishments providing home furnishings, supplies and service for home improvements including garden supplies, nurseries, greenhouses, retail lumber yards, paint and wall paper, plumbing, heating and electrical sales and service, drapery, floor covering and tile. Outdoor storage shall be enclosed within a sight obscuring fence to screen all store materials.
- p. Veterinary clinics operated entirely within an enclosed building.
- q. Second hand store operated within an enclosed building.
- r. Places for public assembly such as churches, meeting halls, auditoriums, lodges, clubs, fraternal organizations and mortuaries.
- s. Public uses and buildings and public utility structures as may be appropriate to the C-5 District.
- t. Commercial parking lots or structures subject to the provisions of Sections 129 and 133.
- u. Planned Unit Developments subject to the provisions of Section 131.
- v. Television and radio broadcasting studios and facilities.
- w. Laundries and dry cleaning establishments.
- x. Monument sales, retail.
- y. Other uses, not specified in this or any other district, if the Planning Commission finds them to be similar to uses listed above in this subsection.
- z. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use such as incidental storage facilities, subject to the provisions of Section 132.27.
- aa. Retail supplies and service for general contractors, agriculture, and forest industries. Outdoor storage shall be enclosed within a sight obscuring fence to screen all stored materials.
- bb. Two (2) physicians or other practitioners of the healing arts.

- cc. Conversion of an existing dwelling unit to a permitted use.
- dd. Signs shall be permitted subject to Section 123.06.
- ee. Automobile Service Station.

SECTION 123.03 Conditional Uses

The following conditional uses may be permitted subject to a Conditional Use Permit.

- a. Drive-in theater, golf-driving range, and miniature golf courses.
- b. Mobile home park.
- c. Buildings over 35 feet in height.
- d. Advertising structures.
- e. Auction house or yards.
- f. Repealed.
- g. Contractor's offices and equipment storage yards, or storage and rental of equipment commonly used by contractors.
- h. Equipment and truck sales, service, rental and repair.
- i. Wholesale businesses, storage, warehousing, transfer companies and trucking companies.
- j. Slaughtering of animals including attendant retail and wholesale sales provided all activity relating to the use, excepting customer and employee off-street parking, takes place entirely within a completely enclosed building.
- k. Repealed.
- l. Day care facilities serving six (6) or more children subject to requirements of Section 129 – Off-Street Parking and Section 132 – Special Provisions.
- m. Saturday Market or arts and crafts fair.
- n. Repealed.
- o. Senior Citizens Day Care Facilities subject to the requirements of Section 129 – Off-Street Parking and Section 132 – Special Provisions.

- p. Fairgrounds.

SECTION 123.04 Height Regulations

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 35 feet. For exceptions, see Sections 123.03(c) and 134.04.

SECTION 123.05 Lot Requirements

The following lot requirements shall be observed:

- a. Lot Area: No requirements.
- b. Lot Width: No requirements.
- c. Lot Depth: Each lot shall have a minimum depth of 100 feet.
- d. Front Yard: The front yard shall be a minimum of 10 feet except when a side lot line is abutting a lot in an R-S, R-1, R-2, R-3, or R-4 District and then the front yard shall be the front yard required in the abutting "R" District.
- e. Side Yard: None, except when a side lot line is abutting an R-S, R-1, R-2, R-3, or R-4 District and then the side yard shall be a minimum of ten (10) feet. The required side yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds 20 feet.
- f. Rear Yard: None, except when a rear lot line is abutting a lot in an R-S, R-1, R-2, R-3, or R-4 District and then the rear yard shall be a minimum of ten (10) feet. The required rear yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds 20 feet.
- g. Lot Coverage: No requirements.
- h. Stream Setbacks. No structure other than access, landings, docks, bridges, pumping or water treatment facilities shall be located closer than 20 feet from the edge of a stream bank. The setback shall be utilized to preserve riparian vegetation by not removing such vegetation within the banks of streams or the floodway of the Rogue River. Pruning of the vegetation in order to contain such vegetation within the banks or to alleviate a hazard is allowed. Noxious vegetation may be removed if replaced, within 90 days by various combinations of plant materials and/or rip rap that stabilizes the stream bank and preserves the aquatic habitat.

SECTION 123.06 Signs

Signs shall be permitted according to the provisions of Section 140 of this Ordinance.

SECTION 123.07 Off-Street Parking and Loading

Off-street parking and loading space shall be provided as required in Section 129.

SECTION 123.08 Other Required Conditions

- a. Motor vehicle, boat, mobile home, or trailer rental, sales or storage lot shall be drained and surfaced with rock or pavement except in those portions of the lot maintained as landscaped areas.
- b. Site Plan approval is required, as provided in Section 128.
- c. See Section 132 applying to special uses where applicable.
- d. See Section 133 – Setbacks and Landscaping Requirements.

SECTION 123.09 Uses Permitted by Administrative Permit

In a Thoroughfare Commercial District, the following Uses are permitted when authorized by the Administrative Permit, issued pursuant to rules adopted by the Planning Commission and Section 136.07.

- a. Mobile home as a single-family dwelling unit for the duration of a health condition, subject to site plan approval, health certification and yearly review as provided in Section 132.25.

SECTION 123.10 Erosion and Sediment Control

- a. Any grading or filling on slopes that are 15% or greater, except when authorized or regulated by the State Forest Practice Rules, shall be subject to an Erosion and Sediment Control Plan that shall prevent or mitigate possible hazards to life, property or the natural environment.
- b. An operational plan shall be submitted prior to any grading or filling on slopes 15% or greater. That plan shall provide the following information:
 1. A statement of the land capabilities of the property on which the grading, filling or clearing is to be performed, including soil series name, slope gradients, run-off potential, soil depth, erosion potential and natural drainage.
 2. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, together with elevations,

dimensions, location and extent of proposed grading, together with a map showing the drainage area and the proposed method of run-off disposal.

3. A list of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the site, including the location of disposal sites.
4. Plans of final ground cover, landscaping, and erosion and drainage controls and requirements for stable cut and fill slopes, based on detailed stability analysis. For the purposes of determining the appropriate soil losses, the Soil Conservation Service, U.S.D.A. publication Soil Interpretations for Oregon shall be used.

CENTRAL COMMERCIAL DISTRICT, OR C-6 DISTRICT

SECTION 124.01 Purpose

This district is intended to serve as the high-rise trading and office area for the City and surrounding urbanizing area.

SECTION 124.02 Permitted Uses

The following uses are permitted in the C-6 Central Commercial District:

- a. Existing residential uses, without any increase in density.
- b. Multiple dwellings, hotels and motels.
- c. Any permitted use in a C-2 or C-3 District.
- d. Retail stores, shops, businesses and offices supplying commodities or performing services such as department stores, specialty shops, banks, personal and business service establishments, antique shops, artists supply stores, and similar uses, but not including automobile service stations.
- e. Business and technical schools, and schools and studios for photography, art, music and dance.
- f. Hotels and motels.
- g. Restaurants, cafes, cocktail lounges, bars, taverns, including entertainment.
- h. Commercial recreation uses such as bowling alleys, dance halls, pool halls, skating rinks or theaters not including drive-in theaters.
- i. Printing and publishing.
- j. Public uses and buildings and public utility buildings and public utility structures as may be appropriate to the C-6 District including transportation terminals and facilities.
- k. Places for public assembly such as churches, meeting halls, auditoriums, lodges, clubs and fraternal organizations and mortuaries.
- l. Carpenters, electrical, plumbing, sheet metal welding, electroplating, heating and sign shops, auto and furniture upholstery shops, printing, publishing and lithographing shops, and paint shops operated entirely within an enclosed

- building.
- m. Custom manufacturing of goods for retail sale on the premises only.
 - n. Cold storage plants, including storage and office.
 - o. Bakery, creamery, soft drink bottling plants, laundry, dry cleaning, dying or rug cleaning.
 - p. Monument sales, retail.
 - q. Second hand store and pawn shop operated entirely within a building.
 - r. Commercial and public off-street parking lot or structure.
 - s. Planned Unit Developments subject to the provisions of Section 131.
 - t. Other uses, not specified in this or any other district, if the Planning Commission finds them to be similar to the uses listed above in this subsection.
 - u. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use such as incidental storage facilities, subject to the provisions of Section 132.27.
 - v. Signs shall be permitted according to the provisions of Section 140 of this Ordinance.
 - w. Conversion of an existing dwelling unit to a permitted use.

SECTION 124.03 Conditional Uses

The following conditional uses may be permitted subject to a Conditional Use Permit:

- a. Automobile service stations.
- b. Advertising structures.
- c. Buildings over 100 feet in height.
- d. Car wash facilities.
- e. Drive-in restaurants.
- f. Boat and trailer sales, service, repair and rental.

- g. Truck sales, service and repair (unless part of a new agency).
- h. Used auto parts sales, new or used tire sales (including recapping), new or used battery sales and service.
- i. Housing for the elderly as described and set forth in Section 132.
- j. Nursery storage and sales not contained within a fully enclosed building.
- k. Day care facilities serving six (6) or more children subject to requirements of Section 129 – Off-Street Parking and Section 132 – Special Provisions.
- l. Saturday Market or arts and crafts fair.
- m. Repealed

SECTION 124.04 Height Regulations

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 100 feet. For exceptions see Section 124.03(c) and Section 134.03.

SECTION 124.05 Lot Requirements

No requirements, except that for multiple dwellings the requirements of Sections 118.04; 118.05(a), (c), (d) and (e); 118.07; and 118.08 shall apply.

Stream Setbacks. No structure other than access, landings, docks, bridges, pumping or water treatment facilities shall be located closer than 20 feet from the edge of a stream bank. The setback shall be utilized to preserve riparian vegetation by not removing such vegetation within the banks of streams or the floodway of the Rogue River. Pruning of the vegetation in order to contain such vegetation within the banks or to alleviate a hazard is allowed. Noxious vegetation may be removed if replaced within 90 days by various combinations of plant materials and/or rip rap that stabilizes the stream bank and preserves the aquatic habitat.

SECTION 124.06 Signs

Signs shall be permitted according to the provisions of Section 140 of this Ordinance.

SECTION 124.07 Off-Street Parking and Loading

No requirement, except as provided in Section 124.05.

SECTION 124.08 Other Required Conditions

- a. All uses, excepting automobile, truck, trailer and boat sales, car washes, automobile service stations, and drive-up windows shall be conducted wholly within an enclosed building.
- b. Site Plan approval is required, as provided in Section 128.
- c. See Section 132 applying to Special Uses where applicable.
- d. See Section 133 – Setbacks and Landscaping Requirements.

SECTION 124.09 Uses Permitted by Administrative Permit

In a Central Commercial District, the following uses are permitted when authorized by the Administrative Permit, issued pursuant to rules adopted by the Planning Commission and Section 136.07.

- a. Mobile home as a single-family dwelling unit for the duration of a health condition, subject to site plan approval, health certification and yearly review as provided in Section 132.25.

SECTION 124.10 Erosion and Sediment Control

- a. Any grading or filling on slopes that are 15% or greater, except when authorized or regulated by the State Forest Practice Rules, shall be subject to an Erosion and Sediment Control Plan that shall prevent or mitigate possible hazards to life, property or the natural environment.
- b. An operational plan shall be submitted prior to any grading or filling on slopes 15% or greater. That plan shall provide the following information:
 - 1. A statement of the land capabilities of the property on which the grading, filling or clearing is to be performed, including soil series name, slope, gradients, run-off potential, soil depth, erosion potential and natural drainage.
 - 2. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, together with elevations, dimensions, location and extent of proposed grading, together with a map showing the drainage area and the proposed method of run-off disposal.
 - 3. A list of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the site, including the location of disposal sites.
 - 4. Plans of final ground cover, landscaping, and erosion and drainage

controls and requirements for stable cut and fill slopes, based on detailed stability analysis. For the purposes of determining appropriate soil losses, the Soil Conservation Service, U.S.D.A. publication Soil Interpretations for Oregon shall be used.

INDUSTRIAL PARK DISTRICT, OR M-P DISTRICT

SECTION 125.01 Purpose

This district is intended to provide for research or development of materials, methods, or products, and compatible light manufacturing, in a park-like environment.

SECTION 125.02 Permitted Uses

The following uses are permitted in the M-P District:

- a. Any manufacturing, fabricating, processing, packing, or storage; but not including an activity having the primary function of storing, utilizing, or manufacturing highly inflammable or explosive materials.
- b. Office building.
- c. Public service and utility use.
- d. Research laboratory.
- e. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage, are permitted. Signs shall be permitted according to the provisions of Section 140 of this Ordinance.

SECTION 125.03 Conditional Uses

The following uses are permitted, subject to a Conditional Use Permit:

- a. Day care facilities serving twenty-six (26) or more children subject to requirements of Section 129 – Off-Street Parking and Section 132 – Special Provisions.
- b. Commercial recreation uses, such as bowling alleys, racquetball/handball clubs or facilities, and skating rinks.
- c. Repealed.

SECTION 125.04 Height Regulations

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed a height of 45 feet. For exceptions see Section 134.03.

SECTION 125.05 Lot Requirements

The following lot requirements shall be observed:

- a. Lot Area: No requirements.
- b. Lot Width: No requirements.
- c. Lot Depth: No requirements.
- d. Front Yard: The front yard shall be a minimum of 20 feet.
- e. Side Yard: Side yard shall be a minimum of 15 feet except when a side lot line is abutting a lot in an R-S, R-1, R-2 or R-3 District then the required side yard shall be 30 feet. Said side yard shall be increased seven (7) feet for each foot by which a building exceeds 45 feet in height.
- f. Rear Yard: A rear yard shall be a minimum of 20 feet, except when a rear lot line is abutting a lot in an R-S, R-1, R-2 or R-3 District and then the rear yard shall be 30 feet. Said rear yard shall be increased seven (7) feet for each foot by which a building exceeds 45 feet in height.
- g. Lot Coverage: In an M-P District the floor area ratio shall not exceed 1.0.
- h. Stream Setbacks. No structure other than access, landscaping, docks, bridges, pumping or water treatment facilities shall be located closer than 20 feet from the edge of a stream bank. The setback shall be utilized to preserve riparian vegetation by not removing such vegetation within the banks of streams or the floodway of the Rogue River. Pruning of the vegetation in order to contain such vegetation within the banks or to alleviate a hazard is allowed. Noxious vegetation may be removed if replaced within 90 days by various combinations of plant materials and/or rip rap that stabilizes the stream bank and preserves the aquatic habitat.
- i. For exceptions see Section 134.01, 134.04 and 134.06.

SECTION 125.06 Signs

Signs shall be permitted according to the provisions of Section 140 of this Ordinance.

SECTION 125.07 Off-Street Parking and Loading

Off-street parking and loading space shall be provided as required in Section 129. In addition, the following provisions shall apply in the M-P District:

- a. All loading and unloading shall take place off the public right-of-way. Space shall be so designed that all turning movements necessary to maneuver in about the

off-street loading space shall be made off the public right-of-way.

- b. All off-street parking areas shall be located within the M-P District and, if not on the plant site, within 200 feet of the property line of the industry served.

SECTION 125.08 Other Required Conditions

- a. Performance Standards. In an M-P District no land or structure shall be used or occupied unless there is continuing compliance with the following standards:

- 1. Noise

- a. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and, as measured at any property line, shall not exceed the following:

<u>OCTAVE BAND</u>	<u>MAXIMUM PERMITTED SOUND LEVEL IN DECIBELS</u>	
<u>Frequency in Cycles Per Second</u>	<u>Hours 10 PM - 7 AM</u>	<u>Hours 7 AM - 10 PM</u>
0 to 74	69	74
75 to 149	54	59
150 to 299	47	52
300 to 599	41	46
600 to 1,199	37	42
1,200 to 2,399	34	39
2,400 to 4,799	31	36
4,800 and above	28	33

- b. Noise-making devices which are maintained and utilized solely to serve as warning devices are excluded from these regulations.
 - c. Noise created by highway vehicles, trains and aircraft is excluded from these regulations.
- 2. Vibrations. No vibration, other than that caused by highway vehicles, trains, and aircraft, shall be permitted which is discernible without instruments at the property line of the use concerned.
 - 3. Smoke and particle matter. It is the intent of this section to provide standards which, regardless of the intensification of industrial activity, will avoid creation of nuisance conditions and will maintain area standards under which the particle fallout rate will not exceed 15 tons per square mile per month; suspended particulate matter will not exceed 150

micrograms per cubic meter of air; and lime dust, as CaO, will not exceed 10 micrograms per cubic meter of air.

- a. To accomplish this, the discharge of pollutants from any source within the industrial park shall not exceed the following limits:
 1. Smoke measured at the point of discharge into the air shall not exceed a density of No. 1 on the Ringleman Smoke Chart as published by the U.S. Bureau of Mines, except that smoke of a density not darker than No. 2 of the Ringleman chart may be emitted for not more than three (3) minutes in any hour.
 2. Lime dust, as CaO, measured at the property line of the activity creating such dust shall not exceed 10 micrograms per cubic meter of air.
 3. Total particulate matter measured at all stacks shall not be in excess of 30 grams per hour per acre of land devoted to the operation.
 4. Open burning is prohibited.
 - b. All measurements of air pollution shall be by the procedures and with equipment approved by the Oregon Department of Environmental Quality. Persons responsible for a suspected source of air pollution upon the request of the City or County as appropriate shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.
4. Odors. The emission of odorous gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors is prohibited.
 5. Heat and glare.
 - a. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.
 - b. Exterior lighting shall be directed away from adjacent properties.
 6. Insects and rodents. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.

7. **Materials and equipment storage.** The open storage of materials and equipment is permitted as an Administrative Permit only under the following conditions:
 - a. The storage must be in an area contained by a sight-obscuring fence at least six (6) feet high, but not more than ten (10) feet high.
 - b. Other standards of this section apply.
 8. **Boundary fences.** Boundary fences will be allowed where it is necessary to protect property of the industry concerned or to protect the public from a dangerous condition, with the following provisions:
 - a. No fence shall be constructed in a required yard abutting a street.
 - b. Any such fence shall be inside a boundary planting screen of properly maintained shrubs or trees.
 9. **Street access.** Access points to an industrial site from a street shall be so located as to minimize traffic congestion and shall be subject to the approval of the City engineer or County engineer as appropriate.
 10. **Landscaping.**
 - a. Yards adjacent to streets shall be landscaped and continuously maintained in a manner providing a park-like character to the property, in addition to the landscape requirements of Section 133 of this Ordinance.
 - b. Other yards and unused property shall be maintained in grass or other suitable ground cover.
- b. **Approval of Plans.** In an M-P District application for a building permit shall be submitted as provided in Section 128, together with the following special information:
1. **Plot Plan.** A plot plan of the property showing the location of all present and proposed buildings, drives, parking lots, landscaping plan, waste disposal fields, and other construction features on the property; and all buildings, streets (including alleys), ditches or other pertinent information adjacent to the property.
 2. **Description of Operations.** A description of the proposed industrial or commercial operations shall be described in sufficient detail to indicate

what effect the operation will have in producing traffic congestion, noise, toxic or noxious matter, vibrations, odors, glare, air pollution, waste and other objectionable effects.

3. Waste disposal. Engineering and architectural plans for the treatment of industrial wastes before disposal in sewers or plans for disposal of sewage when sewers are not to be used.
4. Objectionable effects. Engineering and architectural plans for handling of any excess of traffic congestion for meeting the standards of this ordinance and minimizing fire hazard or safety hazard, including designation of the fuel proposed to be used and plans for controlling smoke or particulate matter.
5. Shifts or hours of operation and employees or patrons. The proposed number of shifts to be worked, or hours of commercial operation and the maximum number of employees on each shift, or, in the case of a commercial operation, the maximum number of employees and patrons during the hours of commercial operation.

c. Administration and Enforcement.

1. Records. In an M-P District, upon request of the City Council or Board of County Commissioners, whichever appropriate, information sufficient to determine the degree of compliance with the standards of this Section shall be furnished by the industry. Such request may include a requirement for continuous records of operation likely to violate the standards, for periodic checks to assure maintenance of standards, or for special surveys in event a question arises as to compliance.
2. Certificate of Occupancy. In a M-P District no use shall operate without the possession of a valid certificate of occupancy. No such certificate of occupancy shall be issued for any portion of the M-P District until the site and the buildings thereon have been prepared and erected in conformity with the zoning ordinance or arrangements, satisfactory to the City Council or the Board of County Commissioners, whichever is appropriate, have been made for the speedy and complete compliance with the requirements of this ordinance. In the event of a sale or transfer of the property or the business conducted thereon, a new certificate of occupancy shall be obtained by the new owner or purchaser before the use shall again operate on the property.
3. In the event the holder of the certificate of occupancy for a portion of the M-P District shall violate any of the provisions of this ordinance, and such violation shall continue after notice from the City Manager or the Board of

County Commissioners (or their designate) whichever is appropriate, of such violation requiring it to be corrected in a specified number of days, to be not less than five nor more than 30, the certificate of occupancy may be revoked by the City Manager or the Board of County Commissioners (or their designate) whichever is appropriate, and all use of the property shall terminate until a valid certificate of occupancy is again issued. The holder of the certificate of occupancy may appeal to the City Council or the Board of County Commissioners, whichever is appropriate, from any decision or action of the City Manager or the designate of the Board of County Commissioners, whichever is appropriate, under this notice. If such appeal be taken, it shall be taken within five days from the receipt of the notice from the City Manager or the designate of the Board of County Commissioners by written notice filed with the City Finance Director or County Planning Director, whichever is appropriate, at its first regular meeting falling more than ten (10) days after the filing of the notice of appeal. All notices of violation or revocation of a certificate of occupancy issued by the City Manager or the designate of the Board of County Commissioners, whichever is appropriate, shall be in writing and served upon the holders of said certificate of occupancy at his last known address. For the purposes of this ordinance the holder of the certificate of occupancy shall be deemed to have received such written notice on the day after its mailing.

- d. Enclosed Buildings. All activities, except storage as conditioned above, shall take place within a wholly enclosed building.

SECTION 125.09 Uses Permitted by Administrative Permit

In an Industrial Park District, the following uses are permitted when authorized by the Administrative Permit, issued pursuant to rules adopted by the Planning Commission and Section 136.07.

- a. Out-door storage within a sight obscuring fence to screen all stored materials.

SECTION 125.10 Erosion and Sediment Control

- a. Any grading or filling on slopes that are 15% or greater, except when authorized or regulated by the State Forest Practice Rules, shall be subject to an Erosion and Sediment Control Plan that shall prevent or mitigate possible hazards to life, property or the natural environment.
- b. An operational plan shall be submitted prior to any grading or filling on slopes 15% or greater. That plan shall provide the following information:
 - 1. A statement of the land capabilities of the property on which the grading,

filling or clearing is to be performed, including soil series name, slope, gradients, run-off potential, soil depth, erosion potential and natural drainage.

2. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, together with elevations, dimensions, location and extent of proposed grading, together with a map showing the drainage area and the proposed method of run-off disposal.
3. A list of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the site, including the location of disposal sites.
4. Plans of final ground cover, landscaping, and erosion and drainage controls and requirements for stable cut and fill slopes, based on detailed stability analysis. For the purposes of determining appropriate soil losses, the Soil Conservation Service, U.S.D.A. publication Soil Interpretation for Oregon shall be used.

LIGHT INDUSTRIAL DISTRICT, OR M-1 DISTRICT

SECTION 126.01 Purpose

This district is intended to provide for those heavier commercial and light industrial uses located in existing built-up areas of the Urban Growth Area.

SECTION 126.02 Permitted Uses

The following uses are permitted:

- a. Existing residential uses, without any increase in density, or dwelling unit for a caretaker or watchman working on the property.
- b. Administrative, educational and other related activities and facilities in conjunction with a permitted use.
- c. Ambulance Service and Dispatch Office.
- d. Automobile, motorcycle, truck, and equipment sales, service, repair and rental. Automobile and truck service stations.
- e. Repealed.
- f. Cold storage plants including storage and office.
- g. Equipment sales, service, rental and repair.
- h. Fuel oil distributors.
- i. Printing, publishing and book binding.
- j. Public uses and buildings and public utility structures and yards.
- k. Scientific research or experimental development of materials, methods or products including engineering and laboratory research.
- l. Service commercial uses such as banks, offices, restaurants, cafes, refreshment stands, bars and taverns.
- m. Retail or combination retail/wholesale timber and building materials yard.
- n. Trailer sales, storage and rental.

- o. Veterinary clinics and hospitals operated entirely within an enclosed building.
- p. Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheet metal, sign, stone monuments, upholstery and welding.
- q. Assembly, manufacture, or preparation of articles and merchandise from the following previously prepared types of materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, precious or semi-precious metal or stones, shell, textiles, tobacco, wax, wire, wood (excluding sawmills, lumber mills, planing mills and moulding plants), yarns and paint not employing a boiling process.
- r. Manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products and meat, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries; excluding the rendering of fats and oils, fish and meat slaughtering, and fermented foods such as sauerkraut, vinegar and yeast.
- s. Wholesale distribution of all standard types of prepared or packaged merchandise such as automobile supplies, drugs, electrical supplies, furniture, food products, hardware, leather goods, plumbing supplies, textiles and fabrics and general merchandise.
- t. Processing uses such as bottling plants, creameries, laboratories, blue-printing and photocopying, laundries, carpet and rug cleaning plants, cleaning and dyeing plants, tire retreading, recapping and rebuilding.
- u. Storage or sale yard for building materials, contractors equipment, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.
- v. Light manufacturing, assembly, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, precious or semi-precious metals or stones.
- w. Manufacturing of electric, electronic, or optical instruments or devices.
- x. Manufacturing of precast concrete products and ceramics products using only previously pulverized materials.
- y. Manufacturing of musical instruments, novelties, rubber or metal stamps, toys, optical goods or precision instruments or equipment.
- z. Manufacturing of artificial limbs, dentures, hearing aids, surgical instruments and dressings, and other devices employed by the medical and dental professions.

- aa. Commercial parking lots.
- bb. Planned Unit Commercial or Industrial Developments, excluding residential use, subject to the provisions of Section 131.
- cc. Other similar uses which the Commission may find to be similar to those listed as permitted in this district and which are not inconsistent with the purpose of this district.
- dd. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage, are permitted. Retail sales of items manufactured or assembled on the premises shall be considered an accessory use.
- ee. Taxicab dispatch office.

SECTION 126.03 Conditional Uses

The following conditional uses may be permitted subject to a Conditional Use Permit:

- a. Junk yards or wrecking yards.
- b. Buildings over 45 feet in height.
- c. Advertising structures.
- d. Day care facilities serving twenty-six (26) or more children subject to requirements of Sections 129 – Off-Street Parking and Section 132 – Special Provisions.
- e. In those areas within the Grants Pass City limits: Mobile home as a single-family dwelling unit for the duration of a health condition, subject to Site Plan approval, health certification and yearly review as provided in Section 132.25.

SECTION 126.04 Height Regulations

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 45 feet. For exceptions see Sections 126.03(b) and 134.03.

SECTION 126.05 Lot Requirements

The following lot requirements shall be observed:

- a. Lot Area: No requirements.
- b. Lot Width: No requirements.

- c. Lot Depth: Each lot shall have a minimum depth of 100 feet.
- d. Front Yard: None, except when a side lot line is abutting a lot in an R-S, R-1, R-2, R-3, or R-4 District and then the front yard shall be the front yard required in the abutting "R" District.
- e. Side Yard: None, except when a side lot line is abutting a lot in an R-S, R-1, R-2, R-3, or R-4 District and then the side yard shall be a minimum of 20 feet. The required side yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds 20 feet.
- f. Rear Yard: None, except when a rear lot line is abutting a lot in an R-S, R-1, R-2, R-3, or R-4 District and then the rear yard shall be a minimum of 20 feet. The required rear yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds 20 feet.
- g. Lot Coverage: No requirements.
- h. Stream Setbacks. No structure other than access, landings, docks, bridges, pumping or water treatment facilities shall be located closer than 20 feet from the edge of a stream bank. The setback shall be utilized to preserve riparian vegetation by not removing such vegetation within the banks of streams or the floodway of the Rogue River. Pruning of the vegetation in order to contain such vegetation within the banks or to alleviate a hazard is allowed. Noxious vegetation may be removed if replaced within 90 days by various combinations of plant materials and/or rip rap that stabilizes the stream bank and preserves the aquatic habitat.

SECTION 126.06 Signs

Signs shall be permitted according to the provisions of Section 140 of this Ordinance.

SECTION 126.07 Off-Street Parking and Loading

Off-street parking and loading space shall be provided as required in Section 129.

SECTION 126.08 Other Required Conditions

- a. Opening to structures on sides abutting to or across the street from a lot in an R-S, R-1, R-2, R-3, or R-4 District shall be prohibited if such access or openings will cause glare, excessive noise or similar conditions such as to have an adverse effect on property in the R-S, R-1, R-2, R-3 or R-4 District.
- b. Motor vehicle, boat, or trailer rental, sales or storage lot shall be drained and

- surfaced with rock or pavement except in those portions of the lot maintained as landscaped areas.
- c. In any M-1 District directly across the street from any R-S, R-1, R-2, R-3 or R-4 District, the parking and loading area and outdoor display, storage, servicing, processing or repair areas shall be set back at least ten (10) feet from the right-of-way and said areas shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property. Such landscaping shall be maintained.
 - d. Access point from a public road to properties in an M-1 District shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.
 - e. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create health or fire hazards.
 - f. The emission of disturbing vibrations or of unpleasant odorous gasses or matter in such quantity or at such amplitude as to be readily detectable at any point beyond the property line of the use creating the vibrations or odors is prohibited.
 - g. All uses in the M-1 District shall be carried on in such a manner that they do not create smoke, gas, odor, dust, sound, vibration, soot, or lighting to a degree which might be obnoxious or offensive to persons residing in or conducting business in this or any other district.
 - h. See Section 132 applying to Special Uses where applicable.
 - i. Site Plan approval is required, as provided in Section 128.
 - j. See Section 133 – Setbacks and Landscaping Requirements.

SECTION 126.09 Uses Permitted by Administrative Permit

In a Light Industrial District, the following uses are permitted when authorized by the Administrative Permit, issued pursuant to rules adopted by the Planning Commission and Section 136.07.

- a. Mobile home as a single-family dwelling unit for the duration of a health condition, subject to site plan approval, health certification and yearly review as provided in Section 132.25.

SECTION 126.10 Erosion and Sediment Control

- a. Any grading or filling on slopes that are 15% or greater, except when authorized or regulated by the State Forest Practice Rules, shall be subject to an Erosion and Sediment Control Plan that shall prevent or mitigate possible hazards to life, property or the natural environment.
- b. An operational plan shall be submitted prior to any grading or filling on slopes 15% or greater. That plan shall provide the following information:
 1. A statement of the land capabilities of the property on which the grading, filling or clearing is to be performed, including soil series name, slope, gradients, run-off potential, soil depth, erosion potential and natural drainage.
 2. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, together with elevations, dimensions, location and extent of proposed grading, together with a map showing the drainage area and the proposed method of run-off disposal.
 3. A list of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the site, including the location of disposal sites.
 4. Plans of final ground cover, landscaping, and erosion and drainage controls and requirements for stable cut and fill slopes, based on detailed stability analysis. For the purposes of determining appropriate soil losses, the Soil Conservation Service, U.S.D.A. publication Soil Interpretations for Oregon shall be used.

GENERAL INDUSTRIAL DISTRICT, OR M-2 DISTRICT

SECTION 127.01 Purpose

This district is intended to provide for the establishment of light and heavier industrial uses essential to the development of a balanced economic base in an industrial environment with a minimum conflict between industrial uses and residential and light commercial uses.

SECTION 127.02 Permitted Uses

The following uses are permitted:

- a. Any permitted use in the M-1 District.
- b. Any manufacturing, processing, repairing, research, assembling, wholesale or storage uses, excepting the manufacturing of explosives.
- c. Ambulance Service and Dispatch Office.
- d. All types of automobile, motorcycle, truck and equipment sales, services, repair and rental.
- e. Boat building, sales and repair.
- f. Public and public utility buildings and yards, including railroad yards.
- g. Service commercial uses such as banks, offices, restaurants, cafes, bars and taverns.
- h. Veterinary clinic.
- i. Commercial parking lots.
- j. Planned Unit Industrial Developments, excluding residential uses, subject to the provisions of Section 131.
- k. Other similar uses which the Commission may find to be similar to those listed as permitted in this district and which are not inconsistent with the purpose of this district.
- l. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage, are permitted subject to Section 127.06.

- m. Wrecking yards or junk yards.
- n. Slaughtering of animals including attendant retail and wholesale sales provided all activity relating to the use, excepting customer and employed off-street parking, takes place entirely within a completely enclosed building.
- o. Skating Rinks.

SECTION 127.03 Conditional Uses

The following conditional uses may be permitted subject to a Conditional Use Permit:

- a. Buildings over 100 feet in height.
- b. Advertising structures.
- c. Day care facilities serving twenty six (26) or more children subject to requirements of Section 129 – Off-Street Parking and Section 132 – Special Provisions.
- d. In those areas within the Grants Pass City limits: Mobile home as a single-family dwelling unit for the duration of a health condition, subject to Site Plan approval, health certification and yearly review as provided in Section 132.25.
- e. Food store, wholesale and retail.
- f. Senior Citizens Day Care Facilities subject to the requirements of Section 129 – Off-Street Parking and Section 132 – Special Provisions.
- g. Resource Recovery and Transfer Center subject to the following minimum siting requirements:
 - 1. The lot must be sufficiently sized to allow a 30 foot separation of storage or buildings from adjacent property lines. A greater distance may be required when the use is adjacent to a residential zone.
 - 2. The entire use shall be fenced and screened from the view of adjacent properties or public rights-of-way.
 - 3. All putrescence (garbage) shall be stored within an enclosed building.
 - 4. Recyclable commodities may be stored outside if each type is placed in containers appropriate to the material contained in them.
 - 5. The use meets all federal and State environmental qualify standards

regarding noise, waste water discharge, surface drainage disposal of putrefied material, and other like activities.

6. Odors and noise resulting from the use shall not constitute a nuisance.
7. All material shall be confined to the site and shall be stored to prevent the littering of adjacent properties.

SECTION 127.04 Height Requirements

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 100 feet. For exceptions see Sections 127.03(b) and 134.03.

SECTION 127.05 Lot Requirements

The following lot requirements shall be observed:

- a. Lot Area: No requirements.
- b. Lot Width: No requirements.
- c. Lot Depth: Each lot shall have a minimum depth of 100 feet.
- d. Front Yard: None, except when a side lot line is abutting a lot in an R-S, R-1, R-2, R-3 or R-4 District and then the front yard shall be the front yard required in the abutting "R" District.
- e. Side Yard: None, except when a side lot line is abutting a lot in an R-S, R-1, R-2, R-3 or R-4 District and then the side shall be a minimum of 20 feet. The required side yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds 20 feet.
- f. Rear Yard: None, except when a rear lot line is abutting a lot in an R-S, R-1, R-2, R-3 or R-4 District and then the rear yard shall be a minimum of 20 feet. The required rear yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds 20 feet.
- g. Lot Coverage: No requirements.
- h. Stream Setbacks. No structure other than access, landings, docks, bridges, pumping or water treatment facilities shall be located closer than 20 feet from the edge of a stream bank. The setback shall be utilized to preserve riparian vegetation by not removing such vegetation within the banks of streams or the floodway of the Rogue River. Pruning of vegetation in order to contain such vegetation within the banks or to alleviate a hazard is allowed. Noxious

vegetation may be removed if replaced within 90 days by various combinations of plant materials and/or rip rap that stabilizes the stream bank and preserves the aquatic habitat.

SECTION 127.06 Signs

Signs shall be permitted according to the provisions of Section 140 of this Ordinance.

SECTION 127.07 Off-Street Parking and Loading

Off-street parking and loading space shall be provided as required in Section 129.

SECTION 127.08 Other Required Conditions

- a. Opening to structures on sides adjacent to or across the street from an R-S, R-1, R-2, R-3, or R-4 District shall be prohibited if such access or openings will cause glare, excessive noise or other conditions such as to have adverse effects on property in the R-S, R-1, R-2, R-3 or R-4 District.
- b. Motor vehicle, boat, or trailer rental, sales or storage lot shall be drained and surfaced with rock or pavement except in those portions of the lot maintained as landscaped areas.
- c. In any M-2 District directly across the street from any R-S, R-1, R-2, R-3 or R-4 District, the parking and loading area and outdoor display, storage, servicing, processing or repair areas shall be set back at least ten (10) feet from the right-of-way and said areas shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property. Such landscaping shall be maintained.
- d. Access point from a public road to properties in an M-2 District shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.
- e. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create health or fire hazards.
- f. The emission of vibrations or of odorous gasses or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the vibrations or odors is prohibited.
- g. All uses in the M-2 District shall be carried on in such a manner that they do not create smoke, gas, odor, dust, sound, vibrations, soot, or lighting to a degree which might be obnoxious or offensive to persons residing in or conducting

business in this or any other district.

- h. See Section 132 applying to Special Uses where applicable.
- i. Site Plan approval is required, as provided in Section 128.
- j. See Section 133 – Setbacks and Landscaping Requirements.

SECTION 127.09 Erosion and Sediment Control

- a. Any grading or filling on slopes that are 15% or greater, except when authorized or regulated by the State Forest Practice Rules, shall be subject to an Erosion and Sediment Control Plan that shall prevent or mitigate possible hazards to life, property or the natural environment.
- b. An operational plan shall be submitted prior to any grading or filling on slopes 15% or greater. That plan shall provide the following information:
 - 1. A statement of the land capabilities of the property on which the grading, filling or clearing is to be performed, including soil series name, slope, gradients, run-off potential, soil depth, erosion potential and natural drainage.
 - 2. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, together with elevations, dimensions, location and extent of proposed grading, together with a map showing the drainage area and the proposed method of run-off disposal.
 - 3. A list of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the site, including the location of disposal sites.
 - 4. Plans of final ground cover, landscaping, and erosion and drainage controls and requirements for stable cut and fill slopes, based on detailed stability analysis. For the purposes of determining appropriate soil losses, the Soil Conservation Service, U.S.D.A. publication Soil Interpretations for Oregon shall be used.

SITE PLAN APPROVAL

SECTION 128.01 Purpose

The purpose of Site Plan approval is to determine compliance with the objectives of this Ordinance in those zoning districts where development may cause a conflict between uses in the same or adjoining zoning district by creating unhealthy or unsafe conditions and thereby adversely affect the public health, safety and general welfare.

SECTION 128.02 Parcels Split by the Urban Growth Boundary

When a parcel proposed for development action lies partly within and partly outside the Urban Growth Boundary, only that portion of said parcel which lies within the Urban Growth Boundary shall be subject to these development standards.

SECTION 128.03 Alteration or Enlargement

The requirements of Section 128.08 shall apply to the alteration, expansion or enlargement of a development, existing as of the date of this amendment, except and unless one of the following conditions exists:

1. The alteration, expansion or enlargement will not cause the resultant total square footage of the original structure(s) being so altered to be greater than 1.5 times the square footage of the original structure(s); or
2. The alteration is required by law and is the minimum necessary to satisfy that requirement; or
3. The alteration constitutes structural restoration made necessary by a fire or other catastrophe, limited to a resultant total square footage of the development being so altered to be no greater than 1.5 times the square footage of the original structure.

However, in all cases, dedication of rights-of-way shall be required to meet the requirements of the Master Transportation Plan.

SECTION 128.04 Site Plan Committee -- Members and Authority

There is hereby created a Site Plan Committee consisting of the County Director of Planning, County Building Inspector, County Director of Public Works, Director of the Health Department, County Sheriff, Watermaster, Fire Marshall and Manager of the Grants Pass Irrigation District or their authorized representative to carry out the duties set forth in this section. The City of Grants Pass may assign appropriate counterparts for joint review as authorized by City Ordinance. This committee shall have the authority

to approve, disapprove or to approve with conditions, the site plans for all proposals where Site Plan Approval is required.

SECTION 128.05 Site Plan Approval Procedures

Before any development permit or building permit shall be issued in any zoning district subject to Site Plan Approval, a site plan for the total parcel or development shall be prepared and submitted to the Site Plan Committee for approval. Such submitted site plan shall be accompanied by a Site Plan Review Fee to be established by resolution.

SECTION 128.06 Site Plan Mapping Requirements

A site plan map for the total parcel or development shall be prepared and submitted to the Site Plan Committee for approval. The site plan map shall be drawn to scale and shall indicate the following:

1. Location of parcel by address and legal description, dimensions, size and acres, and orientation of the parcel.
2. Scale, north arrow, date of preparation.
3. Location, size, height and dimensions of existing and proposed buildings and structures, including distances between buildings, setbacks to property lines.
4. Indication of the proposed use in buildings shown on the site.
5. Grading and slopes where they affect relationship of the buildings; storm drainage, storm water detention and erosion control plan if required.
6. Location of existing and proposed roadway improvements including right-of-way, points of entry and exit for motor vehicles, other uses of the streets such as parking, bike or pedestrian routes.
7. Location, dimensions and uses for all existing and proposed easements on and/or serving the parcel.
8. Location and layout of existing and proposed public and private utilities on and adjoining the site.
9. Location of walkways and bike paths.
10. Location of required landscaping.
11. Location of walls and fences and indication of their height and materials of their construction.

12. Exterior lighting and area covered by illumination from lighting standards and devices.
13. Location size and height of exterior signs and outdoor advertising.
14. Areas for trash and garbage disposal.
15. Security considerations.
16. Location of natural features such as creeks, drainage ways, ponds, etc.
17. Location of 100 year floodway and floodplain.
18. Any other such architectural or engineering data as may be required to permit necessary findings that the provisions of this Ordinance are complied with.
19. If phased development, show boundary limits of each proposed phase.
20. Adjoining land uses including approximate distances to adjacent structures.
21. Where an attachment or minor addition to an existing building or structure is proposed, the site plan shall indicate the relationship of said proposal to the existing development but need not include other data required in subsection 1 through 11 above.

SECTION 128.07 Criteria for Decision

The Site Plan Committee shall approve, conditionally approve, or deny the request based upon the following criteria:

1. Complies with applicable elements of the Comprehensive Plan.
2. Complies with all other applicable provisions of this Ordinance.
3. Potential land use conflicts have been mitigated through specific conditions of development.
4. Public facilities and services are available or, if not, may be available as provided by the proposed project and are of adequate capacity to serve the development.
5. Traffic conflicts and hazards are minimized on-site and off-site.
6. If phased development each phase contains adequate provision of services,

facilities, access, off-street parking, and landscaping.

7. To the extent possible, natural features are incorporated into the design in a manner that shall protect the scenic nature of the Rogue River.

SECTION 128.08 Service and Facilities Requirements

Applicants for any development that requires a site review shall provide sanitary sewer systems, municipal or public water supply systems or demonstrate adequate groundwater, urban standard streets, storm drainage facilities, irrigation facilities and fire protection, as specified in this chapter. Unless specifically excepted by other applicable sections of this Ordinance, developers shall perform the actual construction of all on-site, adjacent off-site and off-site improvements, as required by the Site Plan Committee, necessary to provide for the health, safety and welfare of the occupants of the development and the neighborhood. Improvements shall be compatible with existing improvements and designed to the greatest extent practical to meet the standards established in the county's Master Facilities Plans.

SECTION 128.09 Transportation

At a minimum, all applicants for development shall provide urban standard streets connecting directly to an existing publicly maintained street. Sections of existing streets not meeting urban standards which directly abut the property upon which a land development is located shall be reconstructed as necessary to handle increased traffic loads as projected to be generated by the project and shall be reconstructed to provide a functional transition to any connecting urban standard street. Dedication of right-of-way shall be required to meet urban street standards established in the Subdivision Ordinance and the Traffic Management Plan.

SECTION 128.10 Sewer Service

All developments shall be provided with public sanitary sewer system connected to existing area-wide public systems. Exceptions to sanitary sewer service connection may be as follows:

1. Commercial or industrial developments (or other permitted structures) on such lots and parcels where the public sewer is not within 300 feet and where the daily sewage flow does not exceed 450 gallons per day under State Administrative Rules for on-site sewage disposal.
2. An exemption is at the sole discretion of the Board of County Commissioners when the County Health Services Director certifies that the use can be accommodated under State Administrative Rules by an individual on-site sewage disposal system.

SECTION 128.11 Water Systems Improvements

1. Developers of all water systems that will use a groundwater source, permanent or temporary, shall comply with any Josephine County Ordinance regarding groundwater quantity and quality.
2. Developers shall provide all developments requiring a site review with a municipal water system, or with a public water supply system as defined by the Oregon State Health Division, if such development is not within 300 feet of an adequate capacity municipal water line.
3. **Transfer of Water System.** When a new public water system (as defined in OAR 333-61-020) is proposed, or when an extension or enlargement of an existing public water system (as defined in OAR 333-61-020) is proposed for development, the land use application approval shall contain a condition requiring the owners, including heirs, successors and assigns, to connect to the municipal water system whenever the development becomes contiguous to the municipal water system, and at that time, to turn over the public water system, without cost and free of all liens and encumbrances, to the owners of the municipal water system. The transfer of ownership of the public water system shall include all physical assets such as water mains, valves, meters and hydrants, as well as easements and right-of-ways, and shall exclude water sources, storage tanks, well pumps and their related appurtenances, unless expressly provided for otherwise and agreed to by the owners in the conditions of the application approval.
4. **Water System Design.** All water systems, municipal or public, or extensions to existing systems shall be designed to City standards and/or applicable State regulations regarding materials, workmanship and guarantee provisions of the City as deemed appropriate by the Site Plan Review Committee and shall be designed to connect to an area wide municipal water system at such time when it is available. Proposed municipal or public water systems shall be approved by the City Engineer and, where required, an authorized State representative, with costs of City review and City inspection to be borne by the developer.
5. **Water System Design for Fire Flow Capabilities.** All municipal water systems shall be designed to carry and produce fire flows required at full site development in accordance with the requirements of the City of Grants Pass. All public water distribution systems shall be designed to carry fire flows as required by City Ordinances.

SECTION 128.12 Storm Drainage

Developers shall construct all improvements required to properly handle the storm run off to be generated from the project. Such improvements shall connect directly to

existing natural drainways, swales, creeks, irrigation canals or to a storm drain system and be consistent with the Master Storm Drainage Facilities Plan.

SECTION 128.13 Agricultural Irrigation

Where urban developments affect facilities of the Grants Pass Irrigation District, the owners of such developments shall be responsible for maintaining continuity of the District's system as it traverses the owner's property or, as appropriate, public right-of-way abutting the owner's property. The owner of the urban development shall either buy his development out of the District or provide each affected lot within the development with irrigation water, all in accordance with District requirements. Also, the owner or developer shall buy out of the District any publicly dedicated or deeded right-of-way.

SECTION 128.14 Filing an Approved Site Plan Map

As a result of site plan review, a final map may be required, including all modifications and conditions, and filed with the County Planning Director.

SECTION 128.15 Development Permit

To finalize the site plan review process, a development permit shall be effected between the applicant/owner and the County Planning Office. The permit contains the terms, conditions and approved site plan map.

SECTION 128.16 Modification to Approved Site Plan

Revisions made by the applicant to an approved site plan shall be made pursuant to the procedures set forth in this section. Where required site plan approval has been granted, it shall be unlawful for any person to cause or permit the proposed construction, alteration, improvement or use in any manner except in complete and strict compliance with the approved site plan. The owner/developer may make application for modification of a previously approved site plan. The application shall include reasons for modifying the plan and demonstrate that the changes are consistent with standards of this Ordinance.

SECTION 128.17 Guarantees to Construct Required Improvements

In lieu of the applicant actually constructing the required improvements and otherwise meeting the obligations referred to in Section 128.08 the Board of County Commissioners may accept a guarantee, at its option, which is executed by the developer specifying the period in which compliance shall be completed. Such a guarantee will be made in writing specifying the exact terms of the items to be completed.

The Guarantee shall take the form of an agreement between the land owner or

developer and Josephine County, setting terms and conditions, with the public interest protected by tangible negotiable assets which can be any or a combination of, but not limited to, bond, cash, negotiable securities, assignment of savings or letter of credit.

Basic elements of the agreement shall be as follows:

1. That Josephine County is named as the beneficiary.
2. That the time period be named for construction of on-site improvements necessary for functioning of the development (to be a maximum of two years), and that the time period for construction of adjacent off-site improvements (or off-site improvements which may be postponed for concurrent, adjacent, local needs) be at the discretion of the Board of County Commissioners.
3. The amount of the guarantee be set for each element of the agreement, (i.e. on-site, adjacent off-site, and off-site for basic service [i.e. public sanitary sewer system, water, roads or streets, storm drainage and utilities]). The amount of the guarantee is to be calculated on the basis of a public awarded contract including the elements of a construction contract, engineering and surveying cost, financing and administration charges and contingencies.
4. The basis for calculating the amount of the guarantee be described by reference to a specific engineering plan or standard for the County with an estimate of cost prepared by a licensed engineer and approved by the County Engineer.
5. If the subdivider fails to carry out provisions of the agreement or the County has un-reimbursed costs or expenses resulting from such failure, the County may call on the guarantee for reimbursement; if the amount of the guarantee exceeds the cost and expense incurred by the County, the County shall release the remainder; and if the amount of the guarantee is less than the cost and expense incurred by the County, the subdivider shall be liable to the County for the difference.

Any such guarantee shall be reviewed administratively by County staff to ensure that the guarantee has been prepared in a proper form; however, final authority for approval rests with the Board of County Commissioners.

SECTION 128.18 Appeal

The applicant or any interested person may appeal a decision of the Site Plan Committee to the Urban Area Planning Commission in the form prescribed. Such appeal shall be filed with the lead Planning Agency within seven (7) days of the decision of the Site Plan Committee. The appeal shall be placed on the agenda of the Urban Area Planning Commission. The Urban Area Planning Commission shall review the site plan and shall approve, approve with conditions, or disapprove the plan based on the

considerations listed in Section 128.07. The decision of the Urban Area Planning Commission shall be final unless appealed to the governing bodies.

SECTION 128.19 Modification by the Hearings Officer

The Hearings Officer has the authority to modify the improvements required by the site plan committee. This authority may only be used in those cases where:

1. The full requirement would cause an undue or unnecessary hardship; and
2. The authorization will not be detrimental to the purposes of this section.

The Hearings Officer shall consider such a modification at a public hearing and in his decision shall consider such information as is necessary to demonstrate that the modification is in compliance with the criteria.

The decision of the Hearings Officer may be appealed in the manner as set forth in Sections 137.01 through 137.04.

SECTION 128.20 Waiver of Remonstrance Regarding Public Facilities

Applicants for developments shall sign a written waiver of their right to remonstrate or otherwise legally oppose the installation of public facilities, including but not limited to streets and storm drainage systems, sanitary sewer systems and water supply systems, where such facilities are or may be proposed to serve the applicant's property as part of any local improvement (assessment) district, developer installed improvement project or a local government improvement project of any type. This Section shall not, however, prohibit the applicant, developer or owner from expressing his or her personal views regarding the installation of a public facility.

SECTION 128.21 Compliance Required Prior to Issuance of Certificate of Completion or Occupancy

Prior to the issuance of any Certificate (as provided in the State Building Code) of Completion or Occupancy, conditions shall be completed or guaranteed as deemed appropriate by the Site Plan Review Committee utilizing the criteria contained in the appropriate sections of this ordinance.

OFF-STREET PARKING AND LOADING

SECTION 129.01 Purpose

No building or other permit shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements are to be fulfilled and that property is and will be available for exclusive use as off-street parking and loading space. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance.

SECTION 129.02 Off-Street Loading

Every use for which a building is erected or structurally altered to the extent of increasing the floor area to equal a minimum floor area required to provide loading space, and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows:

- a. Commercial, industrial and public utility uses which have a gross floor area of 5,000 square feet or more shall provide truck loading or unloading berths in accordance with the following table:

<u>Square Feet of Floor Area</u>	<u>Number of Berths Required</u>
Less than 5,000	0
5,000 – 30,000	1
30,000 – 100,000	2
100,000 and over	3

- b. Restaurant, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities and any similar use which has a gross floor area of 30,000 square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:

<u>Square Feet of Floor Area</u>	<u>Number of Berths Required</u>
Less than 30,000	0
30,000 – 100,000	1
100,000 and over	2

- c. A loading berth shall contain space 10 feet wide, 35 feet long and have a height clearance of 14 feet. Where the vehicles generally used for loading and

unloading exceed these dimensions, the required length of these berths shall be increased.

- d. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.
- e. Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

SECTION 129.03 Off-Street Parking

Off-street parking spaces shall be provided and maintained as set forth in this section for all uses in all zoning districts except exempt uses in the C-6 Central Commercial District. Such off-street parking spaces shall be provided at the time:

- a. A new building is hereafter erected; or
- b. The use of a building existing on the effective date of this ordinance is changed or the building is enlarged for an existing use. A change in use shall provide parking as required for a new use. If an existing use is enlarged, and the increase is less than 50% of the existing structure floor area, parking spaces may be provided in proportion to the increase only. If an increase exceeds 50%, parking shall be provided for the entire structure in accordance with the requirements of this section.
- c. Any use requiring one-half (1/2) or more of a parking space shall be deemed to require the full space. Parking spaces provided to meet the requirements of this ordinance shall not be reduced in size or number to an amount less than required by this ordinance for the use occupying the building. The provision and maintenance of off-street parking space is a continuing obligation of the property owner.
- d. An existing dwelling unit is converted to a permitted use.

SECTION 129.04 Number of Spaced Required

Off-street parking spaces shall be provided as follows:

<u>USE</u>	<u>REQUIREMENT</u>
a. Residential	
1. One-, two-, and three-family dwellings:	Two spaces per dwelling unit.
2. Multi-family dwelling containing four or more dwelling units:	One and one-half spaces per dwelling unit.
3. Apartment-hotel, rooming or boarding house:	One and one-half spaces per guest accommodation.
4. Retirement residences:	One space per six beds.
5. Multi-family housing (elderly):	One space per unit (space must be reserved on site and designated on the Site Plan for additional parking spaces to meet the requirements for regular multi-family use and shall be converted into parking when the use is changed).
b. Commercial Residential	
1. Hotel:	One space per two guest rooms plus one space per two employees.
2. Motel:	One for each room; where fractioned, next highest full unit.
3. Clubs; Lodge:	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
c. Institutions	
1. Welfare or correctional institution:	One space per five beds for patients or inmates.

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| 2. | Convalescent hospital, nursing home, sanitarium, rest home, home for the aged. | One space per two beds for patients or residents. |
| 3. | Hospitals: | Two spaces per bed. |
| b. Places of Public Assembly | | |
| 1. | Church: | One space for every three fixed seats or every seven foot of bench length or every 28 sq. ft. where no permanent seats or benches are maintained in main auditorium or cultural hall, whichever is greater. |
| 2. | Library, reading room, museum, art gallery: | One space per 500 sq. ft. of floor area. |
| 3. | Day Care Facility: | One space per attendant in addition to residential parking requirement. Resident attendants are not counted in parking requirements for attendant parking. |
| 4. | Elementary or Junior High School: | Two spaces for each teaching station plus one for every eight fixed seats or every 100 sq. ft. of seating area where there are no fixed seats in auditorium or assembly area. |
| 5. | High School: | Two spaces for each teaching station plus one for every four fixed seats or every 50 sq. ft. of seating area where there are no fixed seats in auditorium. |
| 6. | College, commercial school for adults: | Two spaces for each teaching station plus one space for every two students of designed capacity. |
| 7. | Other auditorium, meeting rooms, or | One space per 3 seats, or 7 feet of bench length, or every 28 sq. ft. |

	theater:	where no permanent seats or benches are maintained.
8.	Limited school service facility:	One space per 400 sq. ft. of floor area.
e.	Commercial Amusements	
1.	Stadium, sports arena:	One space per 5 seats, or 10 feet of bench length.
2.	Bowling Alley:	Six spaces per lane.
3.	Dance Hall, Skating Rink:	One space per 100 sq. ft. of floor area.
f.	Commercial	
1.	Supermarkets, grocery stores, food stores:	
	2500 sq. ft. or less	One space per 250 sq. ft. of floor area.
	2501 to 4000 sq. ft.	One space per 150 sq. ft. of floor area.
	4001 to 10,000 sq. ft.	28 spaces plus six spaces for each additional 1,000 sq. ft. of gross floor area in excess of 4,000 sq. ft.
	10,001 or more sq. ft.	64 spaces plus five spaces for each additional 1,000 sq. ft. of gross floor area in excess of 10,000 sq. ft.

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| 2. | Service or repair retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building. | One space per 600 sq. ft. of gross floor area. |
| 3. | Other retail stores except as otherwise specified herein: | One space per 200 sq. ft. of gross floor area. |
| 4. | Medical or dental offices: | One space per 250 sq. ft. of gross floor area. |
| 5. | Other office buildings, business and professional offices. | One space for every 400 sq. ft. of gross floor area. |
| 6. | Pharmacies: | One space for each 150 sq. ft. of gross floor area. |
| 7. | Establishments for the sale and consumption on the premises of food and beverages: | |
| | Fast food (take-out only) | 20 spaces per 1,000 sq. ft. of gross floor area. |
| | Fast food (take-out with seating) | 30 spaces per 1,000 sq. ft. of gross floor area. |
| | Restaurant | 10 spaces per 1,000 sq. ft. of gross floor area. |
| | Tavern | 15 spaces per 1,000 sq. ft. of gross floor area. |
| 8. | Mortuaries: | 25 spaces per 1,000 sq. ft. of gross floor area. |
| 9. | Taxicab dispatch office: | One space for dispatcher and 1.5 spaces per licensed taxicab. |

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| 10. | Transportation terminals: | One space for each 5 seat capacity of carriers, loading or unloading within any half-hour period. |
| g. Industrial | | |
| 1. | Manufacturing establishment: | One space per 1,000 sq. ft. of floor area. |
| 2. | Storage warehouse, wholesale establishment, rail or trucking freight terminal: | One space per 2,000 sq. ft. of floor area. |
| h. Other uses not specifically listed above shall furnish parking as required by the Planning Commission. The Planning Commission shall use the above list as a guide for determining requirements for said uses. | | |
| i. Exceptions | | |
| A use listed in Section 129.04(b) (2) or 129.04(f) (7) existing at the time of passage of this ordinance may expand without meeting the full standards of this Section, provided that additional off-street parking spaces are provided as follows: | | |
| Motel: | | One space for each additional guest room. |
| Eating or drinking establishment: | | One space for every 200 sq. ft. of additional floor area. |

SECTION 129.05 More Than One Use on One or More Parcels

In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements or the several uses computed separately.

SECTION 129.06 Joint Use of Facilities

The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures, or parcels that their operations and parking needs do not overlap in point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to

establish the joint use.

SECTION 129.07 Location of Parking Facilities

Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or on another parcel no farther than 500 feet from the building or use they are intended to serve, measured in a straight line from the building. The burden of proving the existence of such off-premise parking arrangements rests upon the person who has the responsibility of providing parking.

SECTION 129.08 Use of Parking Facilities

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

SECTION 129.09 Parking, Front Yard

Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard, except in the case of a single or two-family dwelling, and except in the case of a use in a C-2 District where parking spaces may be located in the rear 10 feet of the required 20 foot front yard. Parking spaces may be located within a required side or rear yard.

SECTION 129.10 Development and Maintenance Standards for Off-Street Parking Areas

Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:

- a. An off-street parking area for more than five (5) vehicles shall be effectively screened by a sight-obscuring fence, hedge or planting, on each side which adjoins property situated in an R-S, R-1, R-2, R-3 or R-4 District or the premises of any school or like institution.
- b. Any lighting used to illuminate the off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in an R-S, R-1, R-2, R-3 or R-4 District.
- c. Except for single-family and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley.

- d. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all weather use and so drained as to avoid flow of water across sidewalks.
- e. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
- f. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
- g. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives. Service drives to drive-in establishments shall be designed to avoid backing movements or other maneuvering within a street, other than an alley.
- h. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line and a straight line joining said lines through points 20 feet from their intersection.
- i. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line or street.
- j. Up to 20% of the required parking spaces may be allocated parking stalls of 8 1/2 feet in width and 16 feet in length, provided such spaces are marked as compact spaces on the pavement and adequately signed elsewhere.

SECTION 129.11 Performance Parking Standards

A. Purpose

The purpose of this section is to provide a process and mechanism whereby business proprietors and property owners have the option to determine parking needs based upon a "performance" evaluation. This section is intended to apply to unique or special uses where the prescriptive parking standard contained in Section 129.04 appears unrepresentative of actual parking needs and, therefore, creates a hardship on the property owner. It is neither the intent of this section to circumvent the normal requirements of the Zoning Ordinance, nor create substandard parking conditions.

B. Concept

The Performance Parking concept recognizes the need for flexibility in determining parking requirements for those uses which do not "fit" the standards contained in Section 129.04 of the Zoning Ordinance. The concept provides the property owner with an opportunity to determine parking needs based upon a submitted plan and the owner's ability to "perform" in accordance with the plan.

The parking plan, as approved by the Site Plan Committee, is constructed and placed on "probation" for an 18 month period. During this period, the parking conditions are monitored to determine impact to surrounding property owners and streets. If it is determined that no impact has been created, the probationary period terminates and the use complies with the Ordinance. If an impact has been created, the remaining parking requirements must be constructed. To guarantee construction, security must be posted prior to issuance of the development permit.

C. Procedure

The procedure for submission, review and approval is designed to insure the general health, safety and welfare of the community while providing flexibility and minimizing time delays to the applicant.

1. Application for Performance Parking Permit

A property owner or his designee may submit an application for Performance Parking Permit to the appropriate Planning Agency. The application will be accepted and processed when all of the required information has been submitted.

2. Information Required

a. Application for Performance Parking and non-refundable fee.

b. Off-Street Parking Plan

A parking plan shall be prepared and submitted in accordance with Section 129.10 of the Zoning Ordinance. If the proposed use involves the preparation of a "Site Plan," the parking plan may then be part of the Site Plan. The plan shall show both the total off-street parking spaces as required in Section 129.04, and the location and number of the "proposed" spaces.

The difference between the total and proposed spaces is the amount of "relief" requested from the Zoning Ordinance, and is hereby referred to as "deferred" parking.

c. Evidence of Off-Site Parking Facilities

If any of the "total" spaces are to be located on a separate parcel, the applicant shall submit evidence as to the ownership of the parcel, availability of parking, and an agreement, lease, deed in escrow, option to buy, or other mechanism guaranteeing the parking with the other owner. Off-site spaces shall conform with the requirements of Section 129.06 and 129.07 of the Zoning Ordinance. The use of the off-site parking facilities shall not reduce the number of spaces below the required number for the use occupying the site.

d. Undeveloped Facilities

If any of the "deferred" parking is located on property which does not contain parking facilities developed to the standards contained in Section 129.10 of the Zoning Ordinance, a "security guarantee" shall be provided for the cost of the facilities and shall be guaranteed for the duration of the probationary period.

3. Application Review

Upon receipt of all required information, the Site Plan Committee shall review the request as to compliance with the purposes, intent and standards of this section, and shall report their finding to the Director of Community Development/County Planning.

4. Decision on Permit Request

Based upon the submitted evidence and the Findings of the Site Plan Committee, the Director shall approve, approve with conditions, or deny the request.

5. Issuance of Permit

The permit is issued for the duration of the "probationary period." If "future" facilities are involved, the applicant shall sign a binding agreement and posting of security guaranteeing to construct all required parking in accordance with the approved parking plan. The permit is issued for the use as described on the application. Any enlargement, expansion or change of use of the building shall subject the property to the parking requirements contained in Section 129.03 of the Zoning Ordinance.

6. Probationary Review

The probationary period shall begin at time of issuance of "Use and Occupancy Permit," or Business License, and run for a period not to exceed 18 months. At the beginning of the probationary period, property owners within 500 feet of the use or building, shall be notified of the request. During the probation, site visits shall be conducted by staff to determine impacts, if any. At the end of probation, property owners are notified again and asked to comment on the parking condition. Based upon the evidence gathered during the probationary period, the Director shall determine if the applicant has performed to his stated need.

7. Decision on Performance Evaluation

Upon completion of the probationary period, the Director shall decide:

- a. The applicant has "performed" to his stated need and, therefore, complies with the Zoning Ordinance. The permit, agreement and securities (if any) shall become null and void, or
- b. The use consistently generates greater parking demand than the applicant's stated need. Therefore, the applicant has failed to "perform" to his stated need and must comply with the prescriptive standards contained in the Ordinance. The "deferred" parking facilities must now be constructed.

8. Appeal

Any aggrieved citizen may appeal the Director's decision in accordance with Section 137.02 of the Zoning Ordinance.

D. Standards

Applicant must conform to the normal requirements of the Zoning Ordinance, including lot design and materials, number of spaces and landscaping.

1. Parcel Site

Each affected parcel must be of minimum size to physically accommodate the total required parking and landscaping requirements as prescribed in Section 129.04 and 133.02. Exception to the requirement is provided for in Section 129.07, Location of Parking Requirements, of the Zoning Ordinance, and subsection D.2 of this provision.

2. Off-Site Parking

If any of the "total" required parking is proposed "off-site," applicant must comply with Section 129.07. Evidence must be provided that; the off-site facilities are exclusively available to the applicant for the duration of his use, the facilities are developed to the standards contained in Section 129.10, and use of the facilities will not reduce the amount of required parking for any other uses. Evidence of proof must be in the form of a lease, deed, contract or any other written evidence acceptable to the Director.

3. "Deferred" Parking on Undeveloped Property

If any of the "deferred" parking is proposed on undeveloped property, the applicant must demonstrate:

- a. The development rights of the property are controlled by the applicant for the duration of the "probationary" period. Proof may take the form of a deed, deed in escrow, deed restriction, or any instrument acceptable to the Director.
- b. The ability to install and cover all costs of the "deferred" parking. Prior to the issuance of the Performance Parking Permit, the Site Plan Committee shall determine all associated costs of the parking and shall receive a "security" guarantee from the applicant to be held by the appropriate jurisdiction for the duration of the probationary period.

4. Binding Agreement

Applicant to sign an agreement with the appropriate jurisdiction binding him to the terms of the Performance Parking Permit. The agreement commits the applicant to make all improvements as required and pertains to both the land and the parking facilities. The binding agreement shall be implemented through the security guarantee and the possible forfeiture of any public service or facility.

5. Fee

A non-refundable fee shall be adopted by Resolution to cover all administrative costs of this permit system.

CONDITIONAL USE PERMIT

SECTION 130.01 Purpose

In certain districts, conditional uses may be permitted subject to the granting of a Conditional Use Permit. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this Ordinance and their effect on surrounding properties.

SECTION 130.02 Planning Commission Authority

The Urban Area Planning Commission shall have the authority to approve, approve with conditions, disapprove or revoke Conditional Use Permits subject to the provisions of this section. Changes in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional and existing prior to the effective date of this Ordinance shall conform to all regulations pertaining to conditional uses. Upon application for amendment to an approved conditional use, the modification will be first reviewed by the Site Plan Committee and their recommendation submitted to the Commission for a final decision.

SECTION 130.03 Application

A property owner or any interested person may make application for a Conditional Use Permit which shall be made to the Urban Area Planning Commission following a review and recommendation by the Site Plan Committee. Such application shall be accompanied by a legal description of the property affected, site plans as set forth in Section 128, and an application fee in an amount to be established by resolution of the governing bodies. No part of the fee shall be refundable.

SECTION 130.04 Public Hearings

Before a conditional use is permitted, the proposed conditional use shall be considered by the Planning Commission at a public hearing. Notice of said hearing shall be given as provided in Section 136.04.

SECTION 130.05 Action by the Commission

The Planning Commission may approve, approve with conditions, or disapprove the application for a Conditional Use Permit. In permitting a conditional use the Planning Commission may impose, in addition to regulations and standards expressly specified in this Ordinance, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the Urban Area as a whole. These conditions may include but are not limited to: increasing the required lot size or yard dimensions, increasing street widths, controlling the location and number of vehicular access points

to the property, increasing the number of off-street parking or loading spaces required, limiting the number of signs, limiting the coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property, limiting or prohibiting openings in sides of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area, and requirements under which any future enlargement or alteration of the use shall be reviewed by the Commission and new conditions imposed.

- a. In order to grant any conditional use, the Planning Commission must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City and urbanizing area.
- b. The Planning Commission shall render a decision within sixty (60) days after the initial hearing by the Planning Commission on the application. The decision of the Planning Commission shall be final unless appealed to the appropriate governing body.
- c. A Conditional Use Permit shall become void after one year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permitted activity is being regularly conducted on the premises. The Planning Commission may extend the permit for a period of one year.

SECTION 130.06 Appeal

The applicant or any interested person may appeal a decision of the Urban Area Planning Commission to the appropriate governing body in the form prescribed by each jurisdiction. The appeal procedures shall be as set forth in Section 137.

SECTION 130.07 Effect

No building or other permit shall be issued in any case where a Conditional Use Permit is required by the terms of this Ordinance until after the Findings of Fact for the conditional use are adopted by the Urban Area Planning Commission. An appeal from an action of the Planning Commission shall automatically stay the issuance of a building or other permit until such appeal has been completed.

SECTION 130.08 Violation of Condition

The Planning Commission, on its own motion, may revoke any Conditional Use Permit for noncompliance with conditions set forth in the granting of said permit after first holding a public hearing and giving notice of such hearing as provided in Section 138.03. The foregoing shall not be the exclusive remedy, and it shall be unlawful and punishable hereunder for any person to violate any condition imposed by a Conditional Use Permit.

SECTION 130.09 Limitation on New Applications

In a case where an application is denied by the Planning Commission, or denied by the appropriate governing body on appeal from the Urban Area Planning Commission, unless specifically stated to be without prejudice, it shall not be eligible for re-submittal for the period of one year from the date of said denial, unless, in the opinion of the Urban Area Planning Commission, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.

SECTION 130.10 Notification of Action

The lead planning agency shall notify the applicant for a conditional use in writing of the Planning Commission's action within fifteen (15) days after the decision has been rendered.

SECTION 130.11 Amendment of Conditional Use

Upon application by a property owner, an amendment may be made to an existing conditional use permit, which amendment shall be processed and acted upon in all respects as though said proposed amendment is an application for a new conditional use permit. Said application shall be accompanied by the fee required by Section 130.03.

PLANNED UNIT DEVELOPMENTS

SECTION 131.01 Purpose

The purpose of Planned Unit Development Approval is to allow and to make possible a greater variety and diversification in the relationships between buildings and open spaces in planned building groups while insuring compliance with the purposes and objectives of the various zoning district regulations and the intent and purpose of this Ordinance.

SECTION 131.02 Planning Commission Approval Required

Where use is made of the Planned Unit Development process as provided in this section, no building or other permit shall be issued for such development or part thereof until the Planning Commission has approved said development, or upon appeal, approval has been granted by the governing body.

SECTION 131.03 Application

The owner, or any interested person, may file an application for Planned Unit Development Approval with the appropriate Planning Office. The application shall be accompanied by a fee in an amount to be established by resolution of the governing bodies. No part of the fee shall be refundable. In the event that a granting of the proposed Planned Unit Development necessarily involves the granting of a conditional use, the amount of the filing fee prescribed in the aforesaid resolution shall be deemed to include the fee for such conditional use proceedings.

SECTION 131.04 Repealed

SECTION 131.05 Limitation on Application

No application shall be accepted for a use which will require a change in zoning district, unless accompanied by an application for a zoning amendment as set forth in Section 139.

SECTION 131.06 Plan Required

All applications shall be accompanied by a general development plan drawn to scale showing the use or uses, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses (if any), landscaping and other open spaces, and drawings and sketches demonstrating the design and character of the proposed uses and the physical relationships of the uses. Such other pertinent information shall be included as may be considered necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance and the Subdivision Ordinance. The Planning

Commission may request recommendations from the Site Review Committee pertaining to any particular application, provided, however, the Planning Commission shall not be bound by these recommendations.

SECTION 131.07 Public Hearing Optional with Governing Body

No public hearing in addition to the hearing conducted by the Urban Area Planning Commission need be held by the appropriate governing body on a Planned Unit Development if no zoning amendment is required; provided, however, that a hearing may be held by the appropriate governing body when it deems such hearing to be necessary in the public interest. Such hearing, if required, shall be held as set forth in Section 136.04.

SECTION 131.08 Standards for Approval

In granting approval for Planned Unit Developments the Commission shall be guided by the following:

- a. The applicant has, through investigation, planning and programming, demonstrated the soundness of his proposal and his ability to carry out the project as proposed, and that construction shall begin within twelve (12) months of the conclusion of any necessary action by the governing body, or within such longer period of time as may be established by the Planning Commission.
- b. The proposal conforms with the general plans of the City and urbanizing area in terms of location and general development standards.
- c. The project will accrue benefits to the City and urbanizing area and the general public in terms of need, convenience, service and appearance sufficient to justify any necessary exceptions to the regulations of the zoning district.
- d. The project will satisfactorily take care of the traffic it generates by means of adequate off-street parking, access points and additional street right-of-way improvements.
- e. That the project will be compatible with adjacent developments and will not adversely affect the character of the area.
- f. No Planned Unit Development shall be approved in any R-S, R-1, R-2, R-3, or R-4 District if the housing density of the proposed development will result in an intensity of land use greater than permitted in the R-S, R-1, R-2, R-3, or R-4 District.

SECTION 131.09 Planning Commission Action

The Planning Commission shall act upon the application within ninety (90) days of the initial Planning Commission hearing on the application, excluding such time as may be required to complete any necessary zoning amendments. In taking action, the Commission may approve, approve with conditions, or deny an application as submitted. Any Planned Unit Development as authorized shall be subject to all conditions imposed, and shall be excepted from other provisions of this ordinance only to the extent specified in said authorization. Any approval of a Planned Unit Development granted hereunder shall lapse and become void unless, within twelve (12) months after the final granting of approval, or within such other period of time as may be stipulated by the Planning Commission as a condition of such approval, construction of the buildings or structures involved and the development has begun and diligently pursued. The Planning Commission may further impose other conditions limiting the time within which the development or portions thereof, must be completed. The decision of the Planning Commission shall be final unless appealed to the appropriate governing bodies.

SECTION 131.10 Violation of Conditions

The Planning Commission on its own motion may revoke any Planned Unit Development approval for noncompliance with the conditions set forth in the order granting the said approval, after first holding a public hearing and giving notice of such hearing as provided in Section 138.03. The foregoing shall not be the exclusive remedy, and it shall be unlawful and an offense punishable hereunder for any person to construct any improvement in violation of any condition imposed by the order granting the Planned Unit Development Approval.

PROVISIONS APPLYING TO CERTAIN USES

SECTION 132.01 Automobile Service Stations

In addition to other standards of this Ordinance, automobile service stations, where permitted as a conditional use, shall comply with the provisions of this section. Service stations shall be excepted from applicable district regulations only insofar as the provisions in this section conflict with the appropriate district regulations.

- a. A sight-obscuring fence or wall not less than five (5) feet nor more than six (6) feet in height shall be provided between the service station and abutting property in an R-S, R-1, R-2, R-3 or R-4 District. Said wall or fence shall reduce to a two and one-half (2 1/2) foot maximum in any required front yard setback.
- b. All lighting shall be of such illumination, direction and color as not to create a nuisance on adjoining property or a traffic hazard.

SECTION 132.02 Kennels, Riding Academies and Public Stables

In any R-S District kennels, riding academies and public stables shall be located not less than 200 feet from any property line, shall provide automobile and truck ingress and egress, and shall also provide parking and loading spaces so designed as to minimize traffic hazards and congestion. Applicants shall show that odor, dust, noise, and drainage shall not constitute a nuisance, hazard or health problem to adjoining property or uses.

SECTION 132.03 Animal Hospitals and Veterinary Clinics

A veterinary clinic or animal hospital shall not be located within 100 feet of a lot in an R-S, R-1, R-2, R-3 or R-4 District, and the applicant shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.

SECTION 132.04 Cemetery, Crematory, Mausoleum, Columbarium

A cemetery, crematory, mausoleum, or columbarium shall have ingress and egress so designed as to minimize traffic congestion and shall provide required off-street parking space. Cemeteries located within any R-S, R-1, R-2, R-3 or R-4 District or abutting such "R" District shall establish and maintain appropriate landscaping and screening to minimize the conflict with abutting residential use.

SECTION 132.05 Churches, Hospitals or other Religious or Eleemosynary Institutions

In any R-S, R-1, R-2, R-3 or R-4 District all such uses shall be located on a collector or arterial street, all buildings shall be set back a minimum of 30 feet from a side or rear lot line and all off-street parking facilities shall be adequately screened from abutting property, and no sign shall exceed five (5) square feet in area or be internally illuminated. EXCEPTION: Hospital emergency signs may be internally illuminated and may be placed in a required front yard.

SECTION 132.06 Circuses, Carnivals, Animal Rides, Animal Displays, Amusement Rides

A circus, carnival, animal ride, animal display or amusement ride, may be permitted for a term not to exceed ninety (90) days in a Suburban Residential (SR) District or in any Commercial (C) or Industrial (M) District, except a C-2 District, with the approval of an Administrative Permit issued pursuant to Section 136.07. The decision may be appealed to the Planning Commission through the Conditional Use Permit procedure set forth in Section 130.

SECTION 132.07 Community Buildings, Social Halls, Lodges, Fraternal Organizations and Clubs in an R-S, R-1, R-2, R-3 or R-4 District

All buildings shall be set back a minimum of 30 feet from a side or rear lot line, there shall be no external evidence of any incidental commercial activities taking place within the building, and all such uses shall be able to provide access without causing traffic congestion on residential streets, and any such use shall prove that there will be no harm to adjacent existing or potential residential development due to excessive traffic generation, noise, or other circumstances and no sign shall exceed six (6) square feet in area or be internally illuminated.

SECTION 132.08 Drive-In Theaters

Drive-in theaters shall be located only on a major street or road, shall provide ingress and egress so designed as to minimize traffic congestion, shall be so screened from an R-S, R-1, R-2, R-3 or R-4 District or dwelling that any noise shall not disturb residents or prospective residents, shall maintain signs and other lights only in such a way as to not disturb neighboring residents, and shall be so designed that the screen will be set back from and shall not be clearly visible from any highway.

SECTION 132.09 Repealed

SECTION 132.10 Repealed

SECTION 132.11 Home Occupation Businesses

1. Authorization: A home occupation business may be conducted in the R-1, R-2, R-3, or R-4 Districts as an accessory use to a residence. Requests for home occupation businesses shall be authorized as administrative permits, subject to the criteria and procedures contained in Section 136.07 through 136.09 of this ordinance.
2. Application Requirements: Every application for a home occupation business shall be submitted on a form authorized by the Planning Director. The application shall contain the following minimum information:
 - a. A detailed description of the home occupation business, which shall include an explanation of all business activities, the machinery, equipment and vehicles utilized by the business, the hours of operation, storage requirements, parking facilities, delivery or pick-up procedures, the number of employees (full or part-time; on or off premises), the nature and extent of impacts from the business (sight, sound, odor, traffic, vibration, etc.), and such other information the Planning Director determines helpful in evaluating the request.
 - b. A site plan map of the premises drawn to scale. The map shall show the following minimum information:
 - (1) Property location by address and Assessor's legal description.
 - (2) North arrow and scale. (Scale must be even, such as, 1" = 10', 50', 100', 200').
 - (3) Location of the dwelling and all other structures.
 - (4) Location of driveways, parking areas, fences and other significant terrain features (creeks, ponds, drainage ways, easements, high banks, etc.) and vegetation features (orchards, trees, landscaping, etc.).
 - (5) Location of trash containers.
 - (6) The direction and distance from adjoining dwellings from each property line.
 - (7) Any other information deemed helpful by the Planning Director.
3. Planning Director Review: The Planning Director shall review all administrative permit applications to determine whether the requirements for an administrative permit are met. If the Planning Director concludes the criteria are met, then a

permit shall be issued for the home occupation business, subject to whatever conditions the Planning Director determines are needed to assure impacts are mitigated. The Planning Director's authority to impose conditions shall be the same as the authority granted to the Site Plan Committee in Section 128.07 of this ordinance. A decision to grant or deny a home occupation permit may be appealed as provided in the *Urban Area Land Use Hearing Rules*.

4. Public Hearing and Site Review Required: If the Planning Director concludes an administrative permit request involves significant impacts to the neighborhood or important policy or interpretation issues, the request may be referred to the Hearings Officer or Planning Commission (as determined by the Planning Director) for a public hearing. In cases where the Planning Director refers a request to a Hearings Body, the Director may also require a full site plan review (subject to Sections 128.04 through 128.07 and 128.14 through 128.16), if he determines such review will assist. The regular fee for site plan review shall be required, and failure to pay the fee or submit a site plan meeting the requirements of Section 128.06, shall cause the application to be deemed incomplete.
5. Special Restrictions: All home occupation businesses are subject to the following special restrictions:
 - a. All activities performed on site shall be conducted entirely within the dwelling or attached garage.
 - b. The home occupation shall not occupy more than 25% of one floor of the residence. The area of the residence may include an attached garage, but detached structures shall not be included in the formula. In addition to the 25% limitation, an attached garage used in a home occupation business shall in no case be greater than 600 square feet in size.
 - c. There shall be no outside storage of materials or supplies used by the home occupation business.
 - d. There shall be no outside alteration of the dwelling or attached garage which give them an outward appearance of a business.
 - e. All vehicles associated with the conduct of the home occupation business shall be parked on the premises; business parking in the street or street right-of-way is not allowed.
 - f. The home occupation business may employ family members residing on the premises and 1 (full or part-time) non-resident employee (family or non-family).
 - g. A sign used to advertise the home occupation business shall not exceed

six square feet or be lighted.

- h. The special restrictions contained in this subsection are considered absolute and shall not be subject to the variance procedures contained in Section 136 of this ordinance.
6. Permit Review: All home occupation permits shall be reviewed annually or when the Planning Director receives a complaint about the business. After review, the Planning Director may take any of the following actions:
- a. Revoke the permit if it is determined a condition or conditions to the permit have been violated.
 - b. Refer the permit to a public hearing before a Hearings Body to determine whether the use continues to comply with ordinance criteria or permit conditions. The Planning Director may require new site plan review of the home occupation business, subject to compliance with Sections 128.04 through 128.07 and 128.14 through 128.16, if the Director determines it will assist the permit review process. The permit-holder shall submit a site plan map as required by Section 128.06, together with the usual fee. Failure to submit the site plan map and fee within 30 days from the written request of the Planning Director shall cause the permit to be revoked.
 - c. Require site plan review only, subject to the same procedures and constraints as set forth in subsection 6.b immediately above.
 - d. In case of annual review, renew the permit.

SECTION 132.12 Landing Strips for Aircraft, Heliports

All landing strips for aircraft or heliports shall be so designed and the runways and facilities so oriented, that the incidence of aircraft passing directly over dwellings during landing or taking off patterns is minimized. They shall be located so that traffic both land and air, shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measure will be taken to prevent offensive noise, vibrations, dust or bright lights. New landing strips and heliports shall not be construed to be a permitted use in any district established by this Ordinance unless and until a conditional use permit shall first have been secured therefor.

SECTION 132.13 Day-Care Facilities

- a. Child Day-Care Facilities shall be subject to the following requirements:
 - 1. Approval by Site Plan Committee.
 - 2. 10,000 square feet minimum lot size.

3. 100 square feet per child play area in rear or side yard behind the required setback.
4. Play area in rear or side yard only with no play area in front yard. Must have play area enclosed by a six (6) foot sight obscuring fence.

Day-care facilities serving thirteen (13) or more children shall provide adequate off-street unloading area for unloading children. All pre-school children residing in the dwelling which also serves as the day-care facility shall be counted in the total number of children in such facility for purposes of calculating the capacity of day-care facility. Facilities providing day-care of baby-sitting five children or less subject to the above condition, are not regulated by the Zoning Ordinance and are permitted in all zones.

- b. Senior Citizen Day-Care Facilities shall be subject to the following requirements:
 1. Approval by Site Plan Committee.
 2. 10,000 square feet minimum lot size.

Day-care facilities serving thirteen (13) or more seniors shall provide adequate off-street unloading area for unloading seniors. All seniors residing in the dwelling which also serves as the day-care facility shall be counted in the total number of seniors in such facility for purposes of calculating the category of day-care facilities.

SECTION 132.14 Poultry Farms and Eggeries

In any R-S District, any building housing poultry, consisting of more than twenty-five (25) poultry, shall be located not less than 200 feet from every lot line. Odor, dust, noise, flies or drainage shall not be permitted to create or become a nuisance to surrounding property.

SECTION 132.15 Mines, Quarries, Gravel Pits or Gravel Removal Sites

Extractions from deposits of rock stone, gravel, sand, earth, minerals, or building or construction materials shall not be construed to be a permitted use in any district established by this Ordinance unless a Conditional Use Permit shall first have been obtained as provided in Section 30, except for on-site excavation and grading in conjunction with a specific construction or improvement project. The Planning Commission shall have power to grant Conditional Use Permits which are valid for a specified period of time or are revocable, to permit extractions from deposits of rock, stone, gravel, sand, earth, minerals, or building or construction materials. Odor, dust, noise, or drainage shall not be permitted to create or become a nuisance to surrounding property.

SECTION 132.16 Stables and Paddocks, Private

In any R-S District, all stables and paddocks shall be located on the rear half of a lot and not closer than 50 feet to any property line. Odor, dust, noise, flies, or drainage shall not be permitted to create or become a nuisance to surrounding property.

SECTION 132.17 Utilities

The erection, construction, alteration, or maintenance by public utility or municipal or other governmental agencies of underground, overhead electrical, gas, steam or water transmission or distribution systems, collection, communication, supply or disposal system, including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, shall be permitted in any district. Utility transmission and distribution lines, poles and towers may exceed the height limits otherwise provided for in this Ordinance.

SECTION 132.18 Christmas Tree Lots

Christmas tree sale lots may be permitted in any Commercial (C) or Industrial (M) District after receiving approval of an Administrative Permit issued pursuant to Section 136.07. The County Planning Director may require suitable guarantees that any property used for such purpose shall be restored to a neat and orderly condition after termination of said use. Such written approval may include, at the discretion of the County Planning Director, authorization to locate one trailer, camper or motor home on such lot for a period from one (1) to thirty (30) days. Such trailer, camper or motor home shall be totally self-contained, or the Christmas tree lot upon which such might be located shall be supplied with sanitary facilities to be used in lieu of those facilities contained in a trailer, camper or motor home which is not self-contained. The County Planning Director's decision pursuant hereto may be appealed to the Board of County Commissioners through the appeal procedure set forth in Section 137.20. Violation of any Condition of the aforesaid approval of the County Planning Director shall constitute grounds for the revocation thereof.

SECTION 132.19 Housing of the Elderly

- a. Purpose. The purpose of this section is to establish standards for housing developments for the elderly within the C-6 Central Commercial District. Housing developments for the elderly shall be exempted from applicable district regulations only insofar as the provisions in this section conflict with appropriate regulations.
 1. The minimum lot area for single and two-family dwellings shall be 5,000 square feet. For each additional dwelling unit the lot area shall be increased by 360 square feet provided that more than fifty (50) percent of the dwelling units shall be studio apartments. For the purpose of this

section, a studio apartment is defined as an apartment with one principal room and having no bedrooms.

2. The combined lot coverage of all structures shall not exceed fifty (50) percent of the lot area.
3. Off-street parking shall be proved as follows:

Total off-street parking area provided on site:	One (1) space per dwelling unit
Improved off-street parking area:	.33 space per dwelling unit

4. As long as the multiple family development serves as housing for the elderly in terms of the original intent for the development, the smaller parking requirement shall apply. Any applicant must provide a site plan showing the total standard off-street parking area required by Section 129.04.a, including access and parking spaces in the event the development ceases to serve as housing for elderly or requires additional parking. In the event that the development ceases to serve as housing for the elderly in terms of the original intent of the development, the larger off-street parking area required in this section shall apply and shall be immediately improved and developed. In the event that the improved off-street parking area does not meet the parking needs of the development, the Planning Commission may require development of the total or larger off-street parking area.

SECTION 132.20 Trailers, Campers and Motor Homes for Conventions

- a. Trailers, campers and motor homes may be used as living facilities for members of an established organization or group attending a convention, meeting or activity thereof to a period not to exceed ten (10) days, subject to written approval of the County Planning Director by the issuance of an Administrative Permit issued pursuant to the requirements of Section 136.07.
- b. Said application for County Planning Director's approval shall be presented to the County Planning Director at least three (3) weeks prior to the proposed use and shall state the number of trailers, campers and motor homes to be so used, the specific placement thereof upon a designated site, the duration of said use, and such other information as the County Planning Director might require to insure the said trailers, campers, motor homes and site shall be maintained in a sanitary and safe condition during said use and that full compliance will be made by the applying group, and all members thereof, with the rules and regulations of Josephine County and the State of Oregon as appropriate.

- c. Written approval furnished by the County Planning Director hereunder, shall address all requirements of Section 136.20(b) and Section 136.07. The County Planning Director may require suitable guarantees that any property used for the aforesaid purpose shall be maintained in and restored to a neat and orderly condition during and at the termination of said use. Any decision of the County Planning Director pertaining hereto may be appealed to the Urban Area Planning Commission.
- d. Violation of any condition of the aforesaid written permission shall constitute grounds for revocation.

SECTION 132.22 Exceptions for Outdoor Sales

- a. The outdoor sale of merchandise and services, to include food products, prohibited by this Ordinance in C-3, C-5 or C-6 Commercial zones, may take place therein on public or private property with written approval of an Administrative Permit issued by the County Planning Director pursuant to Section 136.07. Such approval may contain conditions to protect the public health, safety, peace or welfare. The Director shall require suitable guarantees that any property, public or private, used for such purpose shall be restored to a neat and orderly condition after termination of such use. The applicant requesting approval from the Director shall provide a written application to conduct such event. Such application shall also contain written permission for the proposed use from the owner of the property, public or private on which the event shall take place.
- b. The Planning Director may provide written permission for the use of public sidewalks, malls, alleys, parking lots and streets but shall not include the use of other public properties such as parks and recreation facilities which are governed by other City or County regulations.
- c. Such written approval by the Planning Director may include, at his discretion, authorization to allow the use of trailers, campers, motor homes, stalls, tents and other temporary structures for a three-day period only if such usage is not detrimental or hazardous to the public health, safety, peace or welfare.
- d. Such written approval by the Planning Director for outdoor sales and other activities shall be limited to three (3) continuous days maximum except that structures for Santa Claus during the Christmas season may be permitted for thirty (30) days.
- e. No more than two (2) permits shall be granted to any single business, firm, or person for any thirty (30) day period. One permit may be granted for an individual event, and one permit may be granted to a group such as an association of merchants for a collective event in which a member may participate. No firm, business, or person which has individually obtained a permit

and participated in a group event during a thirty (30) day period shall participate in further outdoor sales during the same period.

- f. The outdoor sale of merchandise and services or solicitations and displays by a charitable, religious, fraternal or civic organization may be permitted by the County Planning Director under the same terms as for all other parties as set forth in this subsection 132, provided that solicitations by such organization may be permitted in the Planning Director's discretion for a period not to exceed fourteen (14) days.
- g. The decision of the County Planning Director may be appealed to the Urban Area Planning Commission. Violation of any provision of this Ordinance or condition imposed pursuant to this subsection 132 shall constitute grounds for the revocation of said approval and for denial of future requests by the violator, and cause for imposition of penalties otherwise provided in this Ordinance.
- h. Cut flower sales are exempt from the requirements of Section 132(d) and (e) and from the three (3) day time period. Written approval to conduct such a sale shall be obtained from the County Planning Director. Cut flower sales shall not be interpreted to mean the sale of vegetables, fruits, nuts, or the like.

SECTION 132.23 Mobile Home Park

A mobile home park shall comply with both the State's mobile home park standards and with the items listed as "shall" in the "City of Grants Pass Mobile Home Park Development Guidelines." In evaluating the plan for the proposed mobile home park, the Staff, the Hearings Officer, the Urban Area Planning Commission and the governing bodies shall use said Guidelines and shall consider items listed as "should" in the Guidelines as recommended standards.

SECTION 132.24 Saturday Market or Arts and Crafts Fair

In any C-3, C-5 or C-6 District, outdoor markets of newly manufactured (hand-crafted) goods (including sales of food) may be permitted on a continuing basis under administrative permit procedure. One person must accept responsibility for management, supplying proof of ownership or lease arrangement. The permit issued shall be non-transferable. No permanent structures shall be allowed except for manager's booth if included in lease arrangement. Portable toilets would be allowed. Setback requirements of the district shall be met and signs shall conform to Section 140. Site Plan Committee shall approve layout of market, addressing fire and safety consideration, shall require or not require off-street parking of district and shall determine days and hours of sale from applicant's proposal as part of administrative permit review process. Such markets shall not sell used merchandise or degenerate into flea markets. This shall be cause for revocation of the permit.

SECTION 132.25 Mobile Home as a Single-Family Dwelling Unit for the Duration of a Health Condition

1. Mobile homes shall be allowed as single-family dwelling units in the Urban Growth Area for a duration of a health condition. The mobile home must be situated on the tax lot upon which the applicant/property owner's home is situated.
2. The circumstances relating to the necessity for the mobile home must establish a health condition necessitating constant attention. The fact that someone has attained age to retire from active work is not sufficient justification for applying for this provision.
3. Mobile homes installed because of a health condition must meet all the then current County and State building code and zoning requirements.
4. Property owner requesting mobile home as dwelling unit because of a health condition shall apply for an Administrative Permit as provided in Section 136.07 of this Ordinance attaching to the application a certification of health condition form completed by a licensed physician. The property owner must enter into an agreement verifying the facts, acknowledging the conditions of approval and promising immediate removal of the mobile home upon termination of the circumstances justifying approval.
5. A yearly review of conditional use permits for mobile homes as dwelling units because of health condition shall be scheduled by the Planning Office. The owner of the property and the occupant of the mobile home shall complete a form attesting to the fact that the health condition still requires the use of the mobile home as a dwelling unit. An accompanying letter shall explain that the form must be completed and returned within thirty (30) days.

SECTION 132.26 Beekeeping

- a. The keeping of bees is permitted in all zone districts.
- b. To minimize conflict to adjacent property owners and land uses, each beehive shall be located on the property as follows:
 1. A minimum setback of 15' from all property boundaries, or
 2. Adjacent to a solid barrier being a minimum of six (6) feet high.

SECTION 132.27 Accessory Structures

Accessory structures in excess of 800 square feet in total area of all accessory structures shall comply with the following:

- a. Buildings larger than a total of 800 square feet shall not exceed an additional 500 square feet per acre up to a maximum of 2500 square feet.
- b. Requests for structures exceeding these limitations shall be processed by Administrative Permit. The process for an Administrative Permit shall be as required by Section 136.07.

SECTION 132.28 Wetlands

Wetlands within the bed and banks of the Rogue River and its tributaries shall be protected. Wetlands within the Rogue River Floodway shall be protected as much as possible. Wetlands of tributary streams shall be subject to the conditions of a permit from the State Division of Lands. Development run-off shall not be routed through these riparian wetlands.

SECTION 132.29 Stream Channelization, Diking or Filling

Stream channelization is prohibited. Streambed alteration, stream bank stabilization, removal of material from a stream bank or bed, or the filling of a stream may require a permit from the Division of State Lands pursuant to ORS 541.605-541.695 and OAR Chapter 85. Should such permit be required, a development permit shall not be issued by the Director until a duly executed permit is received from the Division of State Lands.

SECTION 132.30 The Keeping of Birds

The non-commercial keeping of birds, other than poultry, pea fowl, wild game birds, birds of prey, birds from the Ostrich family, and birds kept as pets, as pets are defined in Section 100.03(87)(c), is permitted in the R-1, R-2 and R-3 zones, subject to the following provisions:

1. Community Aviaries. A community aviary is a permitted use, and is defined as a caged structure used to keep more than a single pair of birds in a common, non-segregated area which is no larger than 150 square feet in size. A community aviary may consist of more than one caged structure so long as the cumulative size does not exceed 150 square feet. A community aviary in excess of 150 square feet in size shall be subject to the issuance of an administrative permit in the same manner as required for other birds described below.
2. The Keeping of Other Birds. The keeping of birds alone, in a pair or pairs in segregated cages shall be permitted by the issuance of an administrative permit pursuant to the procedures contained in Sections 136.07 through 136.09 of this Ordinance. In addition, this use shall be subject to the following requirements:
 - a. The area used to keep the birds shall be a single accessory structure no higher than 8', fully enclosed on three sides from foundation to roof with a solid sight obscuring material for square or rectangular structures, and

75% enclosed in a like manner for oval or octagon structures. At least 30% of the roof/top shall be enclosed with a solid, sight obscuring material. The open area shall face into the property and away from the nearest three property lines. The quality of materials used to enclose the structure shall be in character with those of the primary structure on the property;

- b. The structure shall be set back from all adjoining property lines in conformance with normal distances otherwise provided by this Ordinance, but in no case closer than 15' from the nearest, neighboring dwelling; and
 - c. The structure shall not exceed 150 square feet for lots between 5,000 and 12,000 square feet in size. For larger lots, the structure size may increase at the rate of 100 square feet (or prorata portion thereof) for each additional 4,000 square feet of lot size. The total structure size, however, shall not exceed 600 square feet. An accessory structure permitted by this section shall be subject to, and included in, the overall size limitations on accessory structures proscribed in Section 132.27 of this Ordinance.
3. The accessory use of bird keeping shall in all instances be subordinate to residential uses, both as they may exist at the time the aviary is constructed or as they may exist in the future. In the event an adjacent resident complains about a sight, sound or smell intrusion from the keeping of birds as defined in subsections (1) and (2) above (including impacts generated from the occasional sale of birds), the Planning Director is empowered to open or reopen consideration of an administrative permit. The Planning Director is thereupon authorized to place such additional conditions upon the keeping of the birds as may be necessary to abate the intrusion, to include requiring complete enclosure of the aviary, prohibiting the keeping of certain species of birds, and prohibiting the use altogether by revoking the administrative permit. The decision of the Planning Director may be appealed to the Planning Commission or Hearings Officer.
 4. Any enclosure used to keep birds which is constructed outside the residence is an accessory structure and requires a development permit.
 5. The occasional sale of birds on the premises which is incidental to the keeping of birds as a hobby does not constitute a commercial use or a home occupation use. No signs promoting the occasional sale of birds shall be permitted.

SECTION 132.31 Bed and Breakfast Inns

An accessory use of bed and breakfast accommodations is a permitted use in the R-1, R-2, R-3, or R-4 zones, subject to the following provisions:

1. Definition. A bed and breakfast inn is an accessory use to a single-family

residential dwelling, which is intended to provide temporary accommodation and breakfast to travelers for a daily fee. No meal other than breakfast shall be provided. The proprietor shall live on site.

2. Public Hearing. A permit for a bed and breakfast use must be obtained from the Hearings Officer after a public hearing. Notice shall be provided to surrounding property owners in accordance with the procedures for a conditional use hearing.
3. Site Review. The Site Review Committee shall review all requests according to standard site review procedures, and the resulting conditions shall be recommended to the Hearings Officer.
4. Authority of the Hearings Officer. The Hearings Officer may approve, approve with conditions or deny the requested bed and breakfast use. In permitting the use, the Hearings Officer may impose conditions different than those recommended by the Site Review Committee if he finds them necessary to protect the safety and integrity of the surrounding neighborhood.
5. Structure Standards. Outward modification of the structure shall be made only if such changes are compatible with the character of the neighborhood and the intent of the zoning district. In all cases, such changes shall maintain the residential character of the subject property.
6. Number of Rental Units. The number of sleeping rooms to be rented shall not exceed two, except where sanitation and water facilities can be approved by the County, and where neighborhood conditions will allow for more. The number of rental units shall further be limited by the overall size of the residence. There must be at least 700 square feet of gross interior living area in the residence per each rental unit. The maximum potential number of rental units is determined by dividing the gross interior floor area of the residence by 700 square feet. The occupancy of each room shall not exceed 2 people.
7. Other Regulations Apply. Nothing in this Section shall exempt the owner from meeting licensing requirements under State law for bed and breakfast facilities. Likewise, licensing by the State shall not exempt owner from complying with the requirements of this Section. Necessary permits, certifications or requirements from the State, however, are conditions for approval by the County.
8. Sign. One on-premise sign may be approved for the use, not to exceed 12 square feet. The Hearings Officer is authorized to permit illumination of the sign where it will not adversely affect the neighborhood.
9. Parking. Off-street parking shall be provided. One parking space for each sleeping room shall be provided in addition to two parking spaces for the main dwelling unit.

10. Health Inspections. The County's Environmental Health Department is authorized to examine the facilities and the water and sewage disposal systems at any time after commencement of operation, and may recommend to the Planning Director additional conditions found necessary to assure safe operation of the use. The Planning Director may thereupon impose additional conditions upon the use as recommended. If the owner does not accept the conditions as required by the Planning Director, he may appeal to the Hearings Officer for review.
11. Review of the Permit. Any permit granted by this Section shall be subject to revocation by the Hearings Officer if it is ascertained the application includes false information, or if the conditions (as originally specified or subsequently amended) have not been complied with. The Hearings Officer is also empowered to add or modify existing conditions. A public hearing shall be held as provided in Section 138.03 of this Ordinance.
12. This Section Applies. In the event the criteria of this Section conflicts with those contained in other sections of this Ordinance, the criteria of this Section shall control.

STREET SETBACKS & LANDSCAPE REQUIREMENTS

SECTION 133.01 Future Width and Property Line Setbacks

In order to provide for adequate and safe traffic flow, to conserve energy, and to reduce air pollution from vehicle exhaust emissions, the City Council and Board of County Commissioners find that the public health, safety and welfare require that minimum street rights-of-way be established for streets serving as local, local collector, collector, arterial and State highway roadways. These minimums shall be consistent with the right-of-way requirements shown in the Traffic Management and Safety Plan, for the Grants Pass Urban Growth area, as adopted and as may be amended. Minimum property line setbacks shall be described on an official map, kept for this purpose by the City Community Development Department and the County Department of Public Works. Where applicable, requirements set forth in this provision shall be in addition to the yard requirements specified for the zoning districts. Unless otherwise specified, the distances set forth shall be measured from the center line and at right angles to the center line of the street.

SECTION 133.02 Landscaping Requirements

a. Purpose

The purpose of this provision is to conserve and enhance the appearance of the community along streets serving as major thoroughfares to the Grants Pass Urban Growth area, as entrances to the community, or on streets serving as major carriers of commercial, light industrial, and high density residential traffic. These streets are the entrance to the City and urbanizing area for the traveling public and the most frequently used streets in the community by the general public, and the deterioration of the general appearance of these streets will adversely affect the health, safety and general welfare of the people of the City and urbanizing area.

b. Front Yard Setback

Landscaping shall be provided in the front yard setback areas of all uses requiring Site Plan approval that border public roads or streets. Such front yard setbacks shall be in addition to minimum street right-of-way described in Section 133.01.

c. Parking Lots

In addition, landscaping shall be provided on the perimeter of any lot used for a public parking lot of more than five (5) vehicles, separating the lot from any public roadway; and, landscaping shall be provided on the interior of any parking lot or public space. Interior landscaping shall be equal to the following

percentage of the total parking lot area, exclusive of the required front yard landscape area:

<u>Lot Size</u>	<u>Percentage Interior Landscaping</u>
20,000 sq. ft. or less	3%
20,001 to 100,000 sq. ft.	2%
100,001 sq. ft. or more	1%

d. Installation and Maintenance

1. All landscaping provided for any use requiring Site Plan approval or provided in any special setback area, parking area, or public space shall be installed in accordance with the site plan as approved. Such landscaped areas shall be maintained in a healthy condition and shall be kept free of weeds and debris. No portion except the access drives shall be paved, and such landscaping shall not obscure visibility of access drives onto public roadways.
2. Landscaping shall be installed upon physical development of the property, the enlargement of structures on developed property not yet landscaped, or the expansion of use requiring additional parking spaces on developed property not yet landscaped.

e. Encroachment

1. If a portion (not to exceed five [5] feet in width) of the required landscaped area is encroached upon for use other than beautification, the property owner must provide a like size landscaped area elsewhere on the property frontage. If the relocated landscaped area cannot be accommodated as the street frontage and is located behind the required landscape yard, an additional 50% of the relocated area must also be located not further back from the front property line than the front line of all proposed or existing structures.
2. Where parking is to be accommodated, an encroachment of the landscape strip not to exceed three (3) feet may be allowed providing there is no square footage reduction of landscape area provided in front of each parking stall. No encroachment will be allowed by virtue of vehicle bodies overhanging the minimum required landscape area.
3. The required landscape strip may be reduced in size by as much as 40% upon approval of the Site Plan Committee. The formula for reducing the landscape strip is: for every 3 inch caliper by 12 foot high tree that is planted on 30 foot centers, a 1 1/2 foot deep by 50 foot length of landscape frontage may be removed from the required landscaped area.

f. Use of Public Right-of-Way

Property owners have the option under special consideration to landscape the existing public right-of-way in lieu of the required landscape strip or yard. In order to do this, they must obtain approval of the Site Plan Committee and written approval from the agency of jurisdiction over the public right-of-way and must sign an agreement to relocate all landscaping onto the developed property frontage, if the public right-of-way is withdrawn from landscape use by the agency of jurisdiction.

g. Landscaping

Required landscaping shall consist of a combination of trees, shrubs, ground cover, grasses or landscaped media as approved by the Site Plan Committee. After a four (4) year growing period, no less than 50% of the required landscape shall be covered in growing plant material (exclusive of grass and trees). All shrub type plant material shall be no less than one (1) gallon in size on initial planting. All trees must be accepted street tree species.

SECTION 133.03 Residential Buffering

- a. In a C-2, C-3, C-4 or C-5 District directly across the street from any R-S, R-1, R-2, R-3 or R-4 District, the parking and loading area shall be set back at least ten (10) feet from the street right-of-way and said area shall be appropriately landscaped along the residential street frontage to protect the character of adjoining and adjacent residential property. Such landscaping shall be maintained.
- b. All business, service, repair, processing, storage, or merchandise display on property located in an M-1 or M-2 District abutting or across the street from a lot in R-S, R-1, R-2, R-3 or R-4 District shall be conducted wholly within an enclosed building unless screened from the "R" District by a site-obscuring fence or wall.

SECTION 133.04 Compliance Required – Sign Exception

It shall be unlawful for any person, firm, or corporation to construct, erect or locate any building or other structure within any setback lines as established in this section. EXCEPTION: Subject to a conditional use permit one sign may be allowed in the landscape strip, but not within or over any special setback of public property.

SECTION 133.05 Variance Procedure

Where practical difficulties, unnecessary hardships, and results inconsistent with the general purposes of this Ordinance may result from the strict application of the provisions of this section, a variance may be granted pursuant to the provisions and procedures set forth in Section 136.

INTERPRETATIONS AND EXCEPTIONS

SECTION 134.01 General Exceptions to Lot Size Requirements

If at the time of passage of this Ordinance, a lot or the aggregate of contiguous lots or land parcels held in a single ownership, has an area or dimension less than required for the zoning district in which the property is located, the lot or aggregate holdings may be occupied by any permitted use in the district subject to compliance with all other requirements of the district, provided, however, that the use of a lot in an R-S, R-1, R-2, R-3 or R-4 District which has an area deficiency shall be limited to a single-family dwelling.

SECTION 134.02 Accessory Structures and Uses

- a. A greenhouse or hothouse may be maintained accessory to a dwelling provided there are no sales.
- b. A guest house may be maintained accessory to a dwelling provided there are no cooking facilities.
- c. An accessory building shall not be located within eight (8) feet of a principal dwelling existing or under construction on the same lot.
- d. Fences which are sight-obscuring are permitted in a required front yard up to the property line except that such fences within a vision clearance area shall not exceed two and one-half (2 1/2) feet in height measured from the top of the curb, or its equivalent as determined by the City Manager or the County Planning Director, whichever is appropriate.

SECTION 134.03 Exception to Height Regulations

Height limitations set forth elsewhere in this Ordinance shall not apply to: barns, silos, water towers and tanks, or other farm buildings and structures, chimneys, church spires, belfries, cupolas, domes, smokestacks, flagpoles, grain elevators, cooling towers, monuments, fire hose towers, masts, aerials, elevator shafts and other similar projections; and outdoor theater screens providing said screens contain no advertising matter other than the name of the theater.

SECTION 134.04 Access

Except as permitted by other provisions of this Ordinance, no lot shall contain any building used in whole or part for residential purposes unless said lot abuts the street for a distance of at least 20 feet. For residential development resulting in less than one (1) dwelling unit per acre, said abutment shall equal at least 25 feet. The 20 feet or 25 feet access must be available and if other access is used, approval must be obtained

from the Site Plan Committee.

Private roads as defined in, and provided by the Subdivision Ordinance (Ordinance No. 78-4 as amended) shall constitute legal access of a street for the purpose of this Ordinance.

In order to assure adequate access to accommodate urban levels of service, additional right-of-way to meet the standards for urban streets contained in the Subdivision Ordinance (Ordinance No. 78-4 as amended) shall be required to be dedicated in conjunction with the issuance of any permit for duplexes, multi-family, commercial, industrial, institutional or additions to any of the aforesaid uses.

SECTION 134.05 Vision Clearance and Vision Clearance Area

Vision clearance areas shall be located on the corners of properties abutting the intersections of two or more streets and intersections of streets with alleys. Vision clearance areas shall be triangular in shape with the following minimum distances establishing two legs of the triangle:

- a. In a residential district the distance shall be twenty (20) feet along each property line from the point of intersection of two or more streets or at the intersection of a street and an alley, then ten (10) feet along the street and ten (10) feet along the alley from the point of intersection.
- b. In "C" and "M" districts where yards are required, the distance shall be fifteen (15) feet along each property line from the point of intersection thereof at the intersection of a street and an alley, then ten (10) feet along the property line and ten (10) feet along the alley from the point of intersection.
- c. In all districts where the angle on the intersection of streets, other than at an alley, is less than 30 degrees, the distance along each property line shall be twenty-five (25) feet from the point of intersection.
- d. No vision clearance area shall contain any obstruction as such is defined in this Ordinance.

SECTION 134.06 Exceptions to Yard Requirements

a. Projections into required yards

Certain architectural features may project into required yards or courts as follows:

1. Cornices, canopies, eaves, belt courses, sills, or other similar architectural features, or fireplaces; but these may not in any case extend more than eighteen (18) inches into any required yard area.

2. Fire escapes, open-uncovered porches, balconies, landing places or outside stairways may not in any case extend more than eighteen (18) inches into any required yard. This is not to be construed as prohibiting open porches or stoops not exceeding eighteen (18) inches in height and not approaching closer than eighteen (18) inches to any side or rear lot line.
3. Ramps for the handicapped may intrude into any required yard, subject to approval by the Site Plan Committee.

b. Exceptions to front yard requirements:

1. If there are dwellings on both abutting lots with front yards less than required depth for the district, the front yard for the lot need not exceed the average front yard of the abutting dwellings.
2. If there is a dwelling in one abutting lot with a front yard of less than the required depth for the district, the front yard need not exceed a depth of one-half (1/2) way between the depth of the front yard on the abutting lot and the required front yard depth.
3. If there are dwellings on both abutting lots with front yards greater than the required depth for the district, or if there is a dwelling on one abutting lot with a front yard greater than the required depth for the district, the front yard for the lot shall be determined by averages as specified in paragraphs 1 and 2 above provided, however, that a front yard need not exceed a maximum depth of 30 feet.
4. Residential use in Commercial or Industrial zoning districts. Any structure in a "C" or "M" District designed and used for residential purposes shall comply with the requirements of the R-4 District. Structures in any "C" or "M" District which contain dwelling units not on the ground floor need not comply with residential district yard requirements, provided such structures comply with other applicable codes or regulations as may exist concerning the health and safety aspects of the dwelling units.

SECTION 134.07 Authorization for Similar Uses

The Urban Area Planning Commission may rule by resolution that a use, not specifically named in the allowed uses of a district shall be included among the allowed uses, if the use is on the same general type and is similar to the allowed uses.

SECTION 134.08 Existing Uses

Except as hereinafter specified, any use, building or structure lawfully existing at the

time of the enactment of this Ordinance, may be continued even though such use, building or structure may not conform to the provisions of this Ordinance for the district in which it is located; provided, however, that this section does not apply to any use, building, or structure established in violation of any zoning ordinance previously in effect.

SECTION 134.09 Pending Building Permits

Nothing herein shall require any change in the location, plans, construction, size, or designated use of any development, building, structure, or part thereof, for which the required official approval and building permit have been granted prior to the adoption of this Ordinance. Unless construction on such building or structure within the Urban Growth Boundary begins within 60 days after the adoption of this Ordinance, no such existing permit shall be deemed to allow any building or use which would not conform to the requirements of this Ordinance.

SECTION 134.10 Existing Land Restriction

It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposed a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provision of this Ordinance shall govern.

SECTION 134.11 Encroachment in Public Right-of-Way

- a. Any structure which has been constructed up to the public right-of-way upon any street or alley, as defined herein, may be permitted subsequently to encroach into said right-of-way to a distance of six (6) inches after application to and prior approval, with or without conditions pertaining to said encroachment, of the Site Plan Committee.
- b. Should the proposed encroachment exceed six (6) inches into the public right-of-way, then application shall be made as aforesaid to the Site Plan Committee, accompanied by the applicant's payment of a fee to be established by resolution of the appropriate governing body, and after review by said Site Plan Committee the matter, with the report of the Site Plan Committee, shall be submitted to the appropriate governing body at its next regular meeting after notice is given pursuant to Section 139.02(a) provided that mailed notice need only be given to owners of property within an area enclosed by lines parallel to and 100 feet from the exterior boundaries of the property involved. The City Council or the Board of County Commissioners, whichever is appropriate, shall review said application and report and approve the same, with or without conditions pertaining to said encroachment, or disapprove the same.

NON-CONFORMING USES

SECTION 135.01 Designation

A use lawfully occupying a structure or site on the effective date of this Ordinance or of amendments thereto, which does not conform to the use regulations for the district in which it is located, shall be deemed to be a non-conforming use and may be continued, subject to the following regulations.

SECTION 135.02 Alteration

No structure, the use of which is non-conforming, shall be moved, altered or enlarged unless required by law or unless the moving, alteration or enlargement will result in the elimination of the non-conforming use; however, routine maintenance and repairs may be performed on structures or sites, the use of which is non-conforming.

SECTION 135.03 Partial Occupation

No structure partially occupied by a non-conforming use shall be moved, altered or enlarged in such a way as to permit the enlargement of the space occupied by the non-conforming use.

SECTION 135.04 Change of Use

The Urban Area Planning Commission may grant an application for a change of use, filed in accordance with the provisions of Section 130, if, on the basis of the application and the evidence submitted, they make the following findings:

- a. That the proposed use is classified in a more restrictive category than existing or pre-existing use by the district regulations of this Ordinance. The classifications of a non-conforming use shall be determined on the basis of the district in which it is first permitted, provided that a conditional use shall be deemed to be in a less restrictive category than a permitted use in the same district.
- b. That the proposed use will not more adversely affect the character of the district in which it is proposed to be located than the existing or pre-existing use.
- c. That the change of use will not result in the enlargement of the space occupied by a non-conforming use, except that a non-conforming use of a building may be extended throughout those parts of a building which were designed or arranged for such use prior to the date when such use of the building became non-conforming provided that no structural alterations, except those required by law, are made.

SECTION 135.05 Abandonment of Use

If a non-conforming use has been changed to a conforming use, or if the non-conforming use of a building, structure or premises ceases for the period of one (1) year or more, said use shall be considered abandoned, and said building, structure or premises shall thereafter be used only for uses permitted as a matter of right or as a conditional use in the district in which it is located.

SECTION 135.06 Destruction of Structure

If a structure containing a non-conforming use is destroyed by any cause to an extent exceeding 60 percent of the appraised value of the structure as determined by the records of the County Assessor for the year preceding destruction, a future structure or use on the property shall conform to the regulations for the district in which it is located.

SECTION 135.07 Prior Permit

Nothing contained in this Ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a valid permit exists prior to the adoption of this Ordinance and subsequent amendments thereto, except that if the designated use will be non-conforming, it shall for the purpose of Section 135.05 be a discontinued use if not in operation within one year of the date of issuance of the building permit.

SECTION 135.08 Enlargement and Required Yard

If a building or structure, in existence on the effective date of this Ordinance, fails to comply with any yard, location or coverage restriction imposed by this Ordinance, such building or structure may be enlarged or altered to the extent that such alteration or enlargement does not itself encroach upon a required yard or violate a location restriction so increase the area of the building or structure that it violates the coverage restriction; but this right shall be subject to all other restrictions contained in this Ordinance.

SECTION 135.09 Enlargement of Unenclosed Use

If an existing non-conforming use, or portion thereof, not housed or enclosed within a structure, occupies a portion of a lot or parcel of land on the effective date hereof, the area of such use may not be expanded, nor shall the use, or any part thereof, be moved to any other portion of the property not theretofore regularly and actually occupied by such use; provided, that this shall not apply where such increase in area is for the purpose of increasing off-street parking or loading facility to the area specified in this Ordinance for the activity carried on in the property; and provided, further that this shall not be construed as permitting unenclosed commercial activities where otherwise prohibited by this Ordinance.

SECTION 135.10 Use by Variance

A use which was lawful by reason of a variance may be conducted only on the terms of the original permit or variance granted and subject to all limitations under which the permit or variance was awarded.

SECTION 135.11 Lot Reduction by Street Widening

To the extent to which a lot is reduced in size due to the widening of a street, such lot and any use or structure then thereupon shall not be deemed non-conforming as to lot area or front yard setback. Any new use, structure, or addition to a structure occupying or erected upon a lot after such widening shall conform to all requirements of this Ordinance other than as to lot area, but such allowable deficiency as to lot area shall be only to the extent of the reduction in size of such lot due to the widening of a street.

SECTION 135.12 Access and Pre-Existing Lots

In those areas within the Grants Pass City limits if, as of January 25, 1972, a residential lot had one or more residential structures thereupon, then said lot shall not be considered a non-conforming use pursuant to this Ordinance for the reason said lot thereafter does not abut a street for a distance of at least 20 feet for actual ingress and egress.

PROCEDURES, VARIANCES, AMENDMENTS, ENFORCEMENT AND VALIDITY

SECTION 136.01 Variances

Where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this Ordinance may result from the strict application of certain provisions thereof, variances may be granted as provided in this section. This section shall not be used to allow a use that is not permitted by this Ordinance for the district in which the land is located. The Urban Area Planning Commission or Planning Director may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this Ordinance would cause an undue or particular hardship. In granting a variance the Urban Area Planning Commission or Planning Director may attach conditions which it finds necessary to protect the best interests of the surrounding property of neighborhood and to otherwise achieve the purposes of this Ordinance.

SECTION 136.02 Conditions for Granting a Variance

No variance shall be granted unless it can be shown that all of the following conditions exist:

- a. The authorization of the variance shall not be detrimental to the character of the adjoining land uses and will not infringe upon the continued uses of the adjacent land.
- b. The variance is consistent with the intent and purpose of the zone in which the property is located and will not exceed the physical capabilities of the land to support the proposal.
- c. The authorization of the variance shall not have a significant detrimental impact on the neighborhood.
- d. The literal interpretation of these regulations would cause an undue or unnecessary hardship.

SECTION 136.03 Application for Variance

A request for a variance may be initiated by a property owner, or his authorized agent, by filing an application with the County Planning Director. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Planning Director may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties. A non-refundable fee, to be set by resolution of the governing bodies, shall accompany each application.

SECTION 136.04 Approvals Permitted by the Planning Director

- a. The Planning Director shall review the application. If, in the opinion of the Director, the request meets the purpose and criteria for a variance and if the request is a variance to dimensional standards not exceeding 25 percent of such standard, he may approve the request setting forth his reasons and conclusions in written form as an Administrative Order.
- b. The Director shall notify adjoining property owners for all variances exceeding 25 percent of dimensional standards and may notify adjoining property owners of any other request and provide time for comment by such owners. If an adjoining owner objects to the request, the matter shall be referred to the Planning Commission. If no person objects to the request and the Planning Director finds the proposal meets the purpose and criteria for granting a variance, he may approve the request.
- c. The Director may refer any request directly to the Planning Commission if he feels the request would set a precedent or would have significant impact on surrounding property or persons.

SECTION 136.05 Review and Action by the Planning Commission

- a. All requests referred to the Planning Commission shall be heard at a public hearing. Notice of the public hearing shall be by one publication, in a newspaper of general circulation within the Urban Growth Boundary, not less than four (4) days or more than ten (10) days prior to the date of the hearing. And not less than ten (10) days prior to the date of the hearing, the Planning Director shall give written notice by mail of the hearing to owners of property within 250 feet of the lot or land parcel on which the variance is requested.
- b. The Planning Commission shall make its findings and recommendations in writing within sixty (60) days after the hearing on the proposed variance. The parties shall be notified in writing of the Planning Commission's actions within fifteen (15) days after the Planning Commission has rendered its decision. The Commission may attach conditions to an authorized variance which it feels are necessary to protect the public interest and carry out the purposes of this Ordinance.

SECTION 136.06 Time Limit on Approval of a Variance

Authorization of a variance shall be void after six (6) months unless a building permit has been issued and substantial construction has taken place. However, the authorization may be extended for an additional six (6) months on request to the Urban Area Planning Commission.

SECTION 136.07 Administrative Permits Authorized

Administrative Permits are ministerial actions to provide a review of uses that are generally a benefit to the community, but may cause an impact on surrounding property. To ensure that the uses authorized in various sections of this Ordinance will not be detrimental to established uses, the Planning Director shall review all requests for Administrative Permits. The Director may approve those requests that meet the intent and purpose of this section.

SECTION 136.08 Conditions for Granting an Administrative Permit

No Administrative Permit shall be granted unless it can be shown that all of the following conditions exist:

- a. The authorization of the permit shall not be detrimental to the character of the adjoining land uses and will not infringe upon the continued uses of the adjacent land.
- b. The proposed use is consistent with the intent and purpose of the zone in which the property is located and will not exceed the physical capabilities of the land to support the proposal.
- c. The authorization of the permit use will not have a significant detrimental impact on the neighborhood.
- d. The proposed use is authorized by an Administrative Permit in the zone in which the property is located.

SECTION 136.09 Procedure

- a. A request for an Administrative Permit may be initiated by filing an application in the same manner required in Section 136.03 for a Variance.
- b. The Planning Director shall review the application. If, in the opinion of the Director, the request meets the purpose and criteria for an Administrative Permit, he may approve the request setting forth his reasons and conclusions in written form as an Administrative Order.
- c. The Planning Director may notify adjoining property owners or persons within the neighborhood to solicit their comments on the requested permit. If no objections are received within ten (10) days of such solicitation, the Planning Director may approve the request.

- d. If an objection is received or the Director feels the request would set a precedent or would have a significant impact on surrounding property or persons, the request shall be referred to the Planning Commission. Such referrals shall be done in the same manner required in Section 136.05.

APPEALS

SECTION 137.01 Appeals to Governing Bodies

Any aggrieved citizen may petition for review of any final decision of the Urban Area Planning Commission according to procedures set forth in Section 16 of the City/County Land Use Hearing Rules.

SECTION 137.02 Appeals to Urban Area Planning Commission

Any aggrieved citizen may petition for review of any administrative staff decision relating to the interpretation or implementation of this Ordinance to the Urban Area Planning Commission. Such an appeal shall be in writing and shall be filed within ten (10) days from the date of such decision. The Commission shall consider such appeal and render its decision within sixty (60) days after the filing thereof. In resolving ambiguities, the Planning Commission shall so interpret this Ordinance as to carry out Section 100. The decision of the Commission on said appeal shall be in the form of a resolution and shall be signed by the chairman and filed as other final decisions of the Commission. Said decision may be appealed to the appropriate governing body as provided in Section 137.01 herein.

SECTION 137.03 Notice of Appeal

Notice of the governing body's public hearing shall be by one (1) publication in a newspaper of general circulation within the Urban Growth Boundary, not less than four (4) days and not more than ten (10) days prior to the date of the hearing. In the event said appeal involves an application for a conditional use permit, variance, home occupation permit, or other matter for which a notice is required under the provisions of this Ordinance, surrounding property owners shall receive written notice by mail of the appeal hearing in the same manner as prescribed by this Ordinance for the original hearing on such matter before the Planning Commission.

SECTION 137.04 Appeal Fees

Appeals pursuant to Section 137.01 above shall be accompanied by a fee as prescribed by the City/County Land Use Hearing Rules. Appeals pursuant to Section 137.02 shall be accompanied by a fee as established by resolution of the governing bodies.

notice, not less than ten (10) days prior to the date of hearing, to owners of property within the area enclosed by lines parallel to and 250 feet from the exterior boundaries of the property involved.

Note: In situations where the land use proposal fronts on or takes access from a cul-de-sac or dead-end street, all property owners fronting, abutting, or taking access from said cul-de-sacs or dead-end streets shall be so notified of the proposed public meeting. In most cases, notification need not extend beyond the point where the cul-de-sac or dead-end street intersects with a street which carries through traffic to other areas of the community. However, the total extent of public notification beyond that which is normally required by this Ordinance shall be at the discretion of the City Manager or County Planning Director, as appropriate, using for this purpose the names and addresses of the owners as shown upon the records of the County Assessor. Where all property so located is under the same ownership, owners of property abutting that of the same ownership shall be notified in the same manner as provided in this section.

2. Failure to send notice to a person specified in this section or failure of a person to receive the notice shall not invalidate any proceedings in connection with the proposed zone change.
 3. Legislative amendments shall be given newspaper publication, as set forth above.
- b. Recess of hearing. The Urban Area Planning Commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose, the Commission shall announce the time and date when the hearing will be resumed.
 - c. Public hearing held by governing body. Notice of the hearing shall be given as provided in Section 139.02(a) above.

SECTION 139.03 Action by the Governing Body

Within sixty (60) days of the public hearing, the governing body may enact an amendment to the Ordinance, granting the zone change or amendment, or may by motion deny the granting of the zone change. The governing body shall adopt findings of fact and conclusions of law to support the decision in all quasi-judicial proceedings.

SECTION 139.04 Record of Amendments

The signed decision and findings of fact of each amendment to the text and the map of this Ordinance shall be maintained on file in the office of the City Finance Director and

County Clerk. A record of such amendments shall be maintained in a form convenient for the use of the public.

SECTION 139.05 Re-Submittal

The re-submittal of a denied application shall be governed by the provisions of the joint Land Use Hearing Rules.

SECTION 139.06 Resolution of Intent to Re-zone

If, from the facts and findings presented and the recommendations of the Planning Commission, as required by Section 139 hereof, the appropriate governing body determines that the public health, safety, welfare and convenience will be best served by a proposed change of zone, the appropriate governing body may indicate its general approval in principal of the proposed re-zoning by the adoption of a "resolution of intent to re-zone." This resolution shall include any conditions, stipulations or limitations, which the appropriate governing body may feel necessary to require in the public interest as a prerequisite to final action including those provisions which the appropriate governing body may feel necessary to prevent speculative holding of the property after re-zoning. The fulfillment of all conditions, stipulations and limitations contained in said resolution on the part of the applicant shall make such a resolution a binding commitment on the appropriate governing body. Such a resolution shall not be used to justify spot zoning, to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning or by imposing setback, area or coverage restrictions not specified in the Ordinance for the zoning classification, or as a substitute for a variance. Upon completion of all required conditions, stipulations, and limitations to the Intent to re-zone, the appropriate governing body shall enact an ordinance for the re-zoning. The failure of the applicant to meet any or all conditions, stipulations or limitations contained in the resolution, including the time limit placed in the resolution, shall render the resolution of intent to re-zone null and void, unless an extension is granted by the governing body upon recommendation of the Urban Area Planning Commission.

SIGNS

SECTION 140.01 Signs in Residential Districts

No sign shall be placed in or extend over a required yard or be placed in or extended over a street except as specifically provided in this section. In R-S, R-1, R-2, R-3, or R-4 Districts, no sign shall be allowed except the following:

- a. A sign identifying only the name of the owner or occupant of a building, provided such sign does not exceed two (2) square feet in size, is un-illuminated, and is located not less than fifteen (15) feet from the front lot line.
- b. A temporary sign pertaining to the lease or sale of a building or property provided such sign does not exceed six (6) square feet in area.
- c. Signs for home occupations shall not exceed one (1) square foot in area.
- d. One identification sign facing each bordering street, not to exceed six (6) square feet in area, for any permitted use except residences. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated but non-flashing, and shall not be located in a required yard. (See Section 132.05 for signs for churches, hospitals, or other religious or eleemosynary institutions.)
- e. Temporary sign, for one year, advertising a new subdivision, provided such sign does not exceed thirty (30) square feet in area, advertises only the subdivision in which it is located, is un-illuminated, and is erected only at a dedicated street entrance and within the building lines. Such sign shall be removed if construction on the subdivision is not in progress within sixty (60) days following the date of the sign permit.
- f. Non-illuminated temporary sign advertising a candidate or ballot measure, provided each sign does not exceed six (6) square feet in area for each candidate or ballot measure and not more than two (2) signs for each candidate or ballot measure shall be placed on any single parcel of land. Such signs shall not be placed less than ten (10) feet from the front curb line and shall be removed within a period of ten (10) days following the election to which the sign pertains.

SECTION 140.02 Signs in Convenience Commercial C-2 Districts

No sign shall be placed in or extended over a required yard or be placed in or extended over a street except as specifically provided in this Section. In C-1 and C-2 Districts the following types of signs may be erected:

- a. Signs permitted in Section 140.01.
- b. Business signs. The total square footage of the sign for each business shall not exceed an area equal to one square foot for each foot of frontage of the property occupied by the business or a maximum of 150 square feet per business, whichever is more restrictive.
- c. A sign identifying a group of businesses combined as a shopping center shall not contain the names of individual businesses in the center, the aggregate total shall not exceed one square foot in area for each foot of frontage of the property occupied by the center or 300 square feet, whichever is the more restrictive, and shall not be located in a required yard. The area of a shopping center sign shall be considered as independent of permitted sign area for the individual businesses.
- d. On-premise identification sign for each separate enterprise located on the site, which must be attached and shall not exceed 30 feet in height nor have an area of more than 40 square feet.
- e. Signs in this district may be illuminated but non-flashing.

SECTION 140.03 Signs in Limited Commercial C-3, Tourist Commercial C-4, Thoroughfare Commercial C-5, Central Commercial C-6, Light Industrial M-1 and General Industrial M-2 Districts

In C-3, C-4, C-5, C-6, M-1 and M-2 Districts, signs, business signs and advertising signs are permitted, provided such signs are not located within or extended over a required yard or street except as follows:

- a. Where a front or street side yard is required, one business sign for each business, facing each street on which the business is located, may be erected within ten (10) feet of the property line, provided the sign does not exceed forty (40) square feet in area, and is no closer than fifteen (15) feet to and abutting residential district.
- b. In the instance of a building located on the required yard line, a sign may be constructed flat on the face of the building provided it extends no farther than twelve (12) inches from the surface of such building.
- c. A sign identifying a group of businesses combined as a shopping center may contain the name of individual businesses in the center, the aggregate total shall not exceed one square foot in area for each foot of frontage of the property occupied by the center or 400 square feet, whichever is the more restrictive, and shall not be located in a required yard, provided, in lieu of the said business sign, one sign not to exceed 0.5 square feet per lineal foot of property frontage may be allowed in a landscape strip pursuant to Section 133.03 and Item "g"

below. The area of a shopping center sign shall be considered independent of permitted sign areas for the individual businesses.

- d. One on-premise identification sign for each separate enterprise located on the site, which must be attached and shall not exceed thirty (30) feet in height nor have an area or more than forty (40) square feet.
- e. Signs as permitted in Section 140.01.
- f. In a C-6 District a business sign attached to a building may extend over a street for a distance not to exceed 36 inches.
- g. Signs in a Landscape Strip. Pursuant to Section 133.03 one sign may be allowed in a landscape strip required by Section 133.02 subject to the issuance of a Conditional Use Permit. The permit and its conditions shall relate solely to the sign and factors related to its placement. The area of such sign shall not exceed 0.5 square feet per lineal foot of property frontage. A design for the proposed sign shall be submitted for approval. Such landscape strip sign may contain the name of individual businesses located on the property.

SECTION 140.04 Signs in the Industrial Park M-P District

No sign shall be placed in or extended over a required yard or be placed in or extended over a street except as specifically provided in this Section. In the M-P District the following types of signs may be erected:

- a. Business signs, provided no individual sign exceeds an area of 400 square feet, does not extend into or over a required yard and, if attached to a building, does not extend above the roof line.
- b. Identification or directional sign, provided no sign exceeds an area of 20 square feet, and is not closer than 20 feet to a public street.
- c. Signs in this district may be illuminated but non-flashing.

SECTION 140.05 Construction Signs in all Districts

In all districts construction signs may be erected: to fulfill requirements of Federal or State funding agencies, construction signs may be erected to meet contract sign specifications, subject to the requirements of the particular district.

SECTION 140.06 Maintenance

All signs, together with all of their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted at all times. The building official may order the removal of any sign that

is not maintained or kept in a proper state of preservation.

SECTION 140.07 Clearance and Safeguard

The installation or erection of any sign, or the operation of any crane or other equipment in erection of any sign, must be conducted in a manner as to maintain a minimum clearance of eight (8) feet from any and all high voltage electric power lines.

SECTION 140.08 Projecting Signs

- a. Projecting signs which project over public property shall be capable of being illuminated by electricity. All such signs projecting over public property shall be illuminated electrically at least one night each week between dusk and 9:00 p.m. No sign projecting over public property shall be permitted unless a minimum of eight (8) feet clearance is maintained between the bottom of the sign and the level of the sidewalk or grade immediately below.
- b. Projecting signs shall be so located as to maintain all required clearance from overhead power and service lines, and shall be located on property in conformance with the provisions of Ordinance No. 3074 and the amendments thereof.
- c. The area of the display surface of a projecting sign which projects over public property, or beyond a building line, shall not exceed 150 square feet per display face.

SECTION 140.09 Electric Signs

- a. Electrical equipment used in connection with display signs shall be installed in accordance with City ordinances regulating electrical installations.
- b. The use of any flashing device with a light intensity sufficient to temporarily blind or distract passing motorists is prohibited. The use of any beacon type or flashing device that simulates emergency vehicles is prohibited.

SECTION 140.10 Temporary Signs

- a. No temporary sign shall exceed 100 square feet in area. Temporary signs or rigid material shall not exceed 30 square feet in area, or six feet in height, nor shall any such sign be fastened to the ground except in residential zones; however, no sign shall intrude into a sight-clearance area.

- b. Cloth, canvas or fabric signs may extend across a public street only by permission of the City Manager or Planning Director, with such permission subject to public liability insurance to be obtained by the permitted, and other reasonable requirements as established by the City Manager or Planning Director.
- c. Temporary signs, other than those approved by the Urban Area Planning Commission, when eight (8) feet or more above the ground, may project not more than six (6) inches over public property or beyond the building line.
- d. Temporary signs shall not be permitted to hang or swing from any other sign, awning, or marquees within the Urban Growth Boundary.

SECTION 140.11 Marquees

Signs may be placed on, attached to or constructed in a marquee providing they comply with the provisions of the Zoning Ordinance. Marquees shall, for the purpose of determining projection, clearance, height and material, meet the requirements for marquees as specified in the Uniform Building Code.

ENFORCEMENT AND PENALTIES

SECTION 141.01 Enforcement

It shall be the duty of the City Manager or County Planning Director, as appropriate, to administer this Ordinance. All departments, officials, and public employees of the City of Grants Pass or Josephine County, as appropriate, vested with the duty of authority to issue permits shall conform to the provisions of this Ordinance and shall issue no permit, certification, or license for any use, building or purpose which violates or fails to comply with conditions or standards imposed by this Ordinance. Any permit, certificate of license issued in conflict with the provisions of this Ordinance, intentionally or otherwise shall be void.

SECTION 141.02 Penalties for Violation

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this Ordinance shall be tried in a court of law and upon conviction thereof shall be punished by a fine of not more than \$500.00. Such person, firm or corporation shall be deemed guilty of a separate violation for each and every day during any portion of which any violation of this Ordinance is committed or continued by such person, firm or corporation.

SECTION 141.03 Injunctive Relief

The foregoing sanctions shall not be exclusive, and where the public health, safety, or general welfare will be better served thereby, the City Manager or Board of County Commissioners, as appropriate, may institute such proceedings for injunctive relief against a continuing violation as may be authorized by the statutes of the State of Oregon. In the enforcement of provisions prohibiting nuisances caused by odor, sound, vibration and the like, the City Manager or Board may seek injunction against the specific device, activity or practice causing the nuisance.

SECTION 141.04 Evidence

In any prosecution for causing or maintaining any condition or use of, or activity on, or construction, moving or maintaining any structure on, any premises in violation of this Zoning Ordinance, a person in possession or control of the premises, as owner or lessee at the time of the violation, or continuance thereof, shall be presumed to be the person who constructed, moved, caused or maintained the unlawful activity, use, condition or structure. This presumption shall be rebuttable and either the City Council or the Board of County Commissioners, whichever is appropriate, or the defendant in such prosecution, shall have the right to show that the offense was committed by some person other than, or in addition to, an owner or lessee or other person in possession or control of the premises; but this shall not be construed as relieving a person in possession and control of property from any duty imposed upon him by this Ordinance.

For the purposes hereof, the person to whom the premises are taxed according to the records of the Josephine County Assessor shall be prima facia the person in possession or control of the premises. Where premises on which the violation is committed are commercial or industrial premises on which a sign is situated identifying the commercial or industrial activity conducted thereon, or displaying the real or assumed business name of a person or proprietor thereof, the same shall constitute prima facia evidence that the person whose name is thus displayed is in possession or control of the premises as owner or lessee, but this shall not be construed to relieve from responsibility any agent, manager, employee or other person who actually committed the violation.

SECTION 141.05 Abatement

Where, because of the absence of the responsible person, or persons from the Urban Growth Area or from the State, as the case may be, the courts of the State of Oregon cannot secure effective jurisdiction over the person or persons responsible for the cause of continuation of a structure or condition erected or maintained in violation of this Ordinance, or where the City Council or the Board of County Commissioners, whichever is appropriate, deems it important to the public interest that the unlawful structure or condition be removed or corrected without delay, the Council or Board may, after notice and hearing, order the removal of the unlawful structure or condition and, if such removal or correction is not effected within the time prescribed in the order, the City Manager or the County Planning Director, whichever is appropriate, shall cause such abatement, going upon the premises with such men or equipment as may be necessary, and the Council or Board shall thereafter by Ordinance assess the cost of abatement against the real property. The lien of the assessment shall be enforced in the same manner as in the case of street improvement liens. Notice of hearing shall be sufficient if given 30 days advance of the hearing, either by personal delivery or by mailing the same to the last known address of the owner of the property as shown by the County Assessor's records. The order shall be served upon the owner or responsible person in the manner prescribed for the notice of hearing, and the owner or responsible person shall have such period of time after service of the order but not less than 30 days, as the City Council or Board of County Commissioners, whichever is appropriate, may deem to be reasonably necessary to accomplish the requirements of the order. The notice of hearing and the abatement order shall contain a notice to the property owner, or other person served, that the City of Grants Pass or Josephine County, as appropriate, shall not be responsible for the condition or storage of the component parts of, or personal property situated within, the structure following abatement by the City or County. The remedy of abatement shall be in addition to, and not in lieu of, the other remedies prescribed in this section.

SEVERABILITY CLAUSE

SECTION 142.01 Severability and Validity

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Grants Pass and the Board of County Commissioners of Josephine County hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases might be declared invalid.

SYSTEM FACILITIES CHARGES

SECTION 143.01 Systems Facilities Charges

- a. The following systems facilities charge shall be paid by a property owner prior to issuance of a development permit. Such charge shall apply to the property described in the development permit application, and is for the purpose of providing for additional collection system and sewage treatment plant capacity over time in the Redwood Sewer District; such capacity will be required due to additional burdens placed on systems and facilities as a result of current land use allocations being in excess of original design capabilities and anticipated land use allocations.

1. Collection System:

Four Hundred Sixty Dollars (\$460.00) per dwelling unit or equivalent thereto, as defined in Section 143(b) for each dwelling unit exceeding a density of four (4) dwelling units per acre. The method of payment shall be determined by the Board of County Commissioners. The systems facilities charge (SFC) in dollars shall be computed as follows:

$$\text{SFC IN \$} = 460 (N-4A)$$

Where: N = Number of Dwelling Units

A = Acreage of Lot or Parcel

Note: SFC = 0 when $\frac{N}{A}$ is equal to or less than 4.

- b. An equivalent dwelling unit shall be defined as generating a sewage flow of three hundred (300) gallons per day only for the purpose of converting commercial, industrial and other permitted uses into equivalent dwelling units.
- c. The fee set forth above in Subsection (a) shall be adjusted for cost increases over time according to Engineering News Record (ENR) Index. For purposes of adjustment, the base ENR Index shall be established as of January 1983 at 3960.

HEARINGS OFFICER

SECTION 144.01 Hearings Officer Appointment

The governing bodies by resolution may authorize the appointment of one or more Hearings Officers to hear and decide matters pertaining to any one or more of the following as determined by resolution of the governing bodies: (a) Conditional Use Permits; (b) Planned Unit Developments; (c) Dwelling Group Permits; (d) Home Occupation Permits; (e) Variances; (f) The revocation of any Planned Unit Development Permit, Conditional Use Permit, or Variance; (g) To make reports and recommendations to the governing bodies concerning any re-zone or resolution of intent to re-zone; and regarding amendments to the General Plan of the City adopted November 5, 1969, or Comprehensive Plan of the County for the urbanizing area, as now written or hereafter amended or replaced by any other general or comprehensive plan of the City or County.

SECTION 144.02 Revocation of Permits

Any revocation of a Conditional Use Permit, Planned Unit Development Permit or Variance shall be heard by the Urban Area Planning Commission if such permit has been issued by the Planning Commission, or shall be heard by any Hearings Officer; if such permit has been initially issued by a Hearings Officer; provided that should no Hearings Officer be appointed to office pursuant to this Ordinance at the time of hearing concerning said revocation, then the revocation hearing shall be heard by the Planning Commission.

SECTION 144.03 Amendment of Zoning Regulations

Section 4 of the Josephine County Zoning Regulations of February 1, 1979, as amended, is hereby amended to exclude from its application those lands within the mutually adopted Urban Growth Boundary Area of Grants Pass. Said regulations shall continue in full force and effect and remain applicable to all lands within Josephine County outside of said Urban Growth Boundary Area.

SECTION 144.04 First reading by the Board of County Commissioners is this 26th day of August, 1981.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 9th day of September, 1981. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

/s/ William F. Ford

William F. Ford, Chairman

/s/ Harold L. Haugen

Harold L. Haugen, Vice-Chairman

/s/ Mary E. Benedetti

Mary E. Benedetti, Commissioner

ATTEST:

/s/ Maxine Foster

Maxine Foster, County Clerk

APPROVED AS TO FORM:

/s/ Duane Wm. Schultz

Duane Wm. Schultz,
County Legal Counsel

/s/ Gail J. Gibson

Recording Secretary

URBAN AREA ZONING ORDINANCE INDEX

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