

ARTICLE 4 ZONING DISTRICTS

SECTION 4.010 CLASSIFICATION OF ZONING DISTRICTS

For the purpose of this Code the following Primary Zoning Districts are hereby established:

<u>PRIMARY DISTRICTS</u>	<u>ABBREVIATED DESIGNATIONS</u>
Single-family Residential	RS-10
Multiple-family Residential	RM-10
Multiple-family Residential	RM-6
Community Commercial	CC
Highway Commercial/Industrial	HC/I
General Industrial	GI
Exclusive Farm Use	EFU

SECTION 4.020 CLASSIFICATION OF OVERLAY-DISTRICTS

(1) An Overlay-District may be established in combination with a Primary Zoning District, in accordance with **Section 4.200**. The Overlay-District shall establish alternative requirements, standards and procedures for the use and development of property in the Primary District to permit flexibility and innovation in development design. In cases of conflict between the standards and requirements of the Primary District and the Overlay-District, the standards and requirements of the Overlay-District shall apply.

(2) For the purposes of this Code the following Overlay-Districts are hereby established:

<u>PRIMARY DISTRICTS</u>	<u>ABBREVIATED DESIGNATIONS</u>
Flood Hazard	FH
Planned Development	PD

SECTION 4.030 LOCATION OF ZONING DISTRICTS

The boundaries of **Zoning Districts** listed in this Code are identified on the **City Zoning Map – 1B** which is hereby adopted by reference and made a part of this Code.

SECTION 4.040 ZONING MAPS

The Zoning Map adopted by **Section 4.030** of this Code and any amendment thereto shall be dated with the effective date of adoption. of the map including any amendments. A certified print of the adopted map or map amendment shall be maintained in the Tangent City Hall as long as this Code remains in effect.

SECTION 4.050 ZONING DISTRICT BOUNDARIES

Unless otherwise specified, District or Zone boundaries are section lines; sub-division lines; lot lines; streets or railroad right-of-way or such lines extended except where a boundary line clearly divides a lot, then the boundary line shall be determined by use of a measuring scale designated on the County Assessor Maps.

SECTION 4.060 ZONING OF ANNEXED AREAS

- (1) All areas annexed to the City Limits shall be rezoned at the time of annexation consistent with the Tangent Comprehensive Plan as determined by the City Council with recommendation from the Planning Commission as specified in **Section 2.800 (4)**.
- (2) All areas included in the City Urban Growth Boundary shall have a recommended zoning designation at the time the Urban Growth Boundary is changed consistent with the Tangent Comprehensive Plan as determined by the City Council with recommendation from the Planning Commission as specified in **Section 2.700**.

SECTION 4.070 SIMILAR USE AUTHORIZATION

The City Manager may permit in a particular district a use not listed in this Code, provided the use is of the same general type as the uses permitted by this Code. However, this section does not authorize a use specifically listed in another district to be established in a district where it is not listed. The decision of the City Manager may be appealed to the Planning Commission using procedures specified in **Section 3.800** of this Code.

SECTION 4.080 NONCONFORMING USE

It is the intent of the nonconforming use sections of this Code to permit pre-existing uses and structures which do not conform to the use or dimensional standards of this Code to continue under conditions specified herein. However, alteration or expansion of these nonconforming uses and structures that could cause potentially adverse effects in the immediate neighborhood or in the City as a whole, are not permitted as outlined in this section.

(1) **Continuation of a Nonconforming Use.**

- (a) Subject to the provisions of this section, a nonconforming use of a structure or a nonconforming use, may be continued and maintained, but shall not be altered or extended except as provided herein.
- (b) The extension of a nonconforming use to a portion of a structure which was arranged or designed for such use at the time of passage of this Code is not an extension of a nonconforming use.
- (c) In any industrial or commercial district, a pre-existing dwelling may be altered or extended, provided that such alteration or extension shall not reduce the minimum yard, or increase the maximum lot coverage and building height requirements specified in an adjacent residential district.

(2) **Discontinuance of a Nonconforming Use.**

- (a) If a nonconforming use involving a structure is discontinued from active use for a period of one (1) year, further use of the property shall be for a conforming use, unless the Planning Commission approves the continuation of the nonconforming use or a similar use via the Conditional Use Permit Process of **Section 2.500**

- (b) If a nonconforming use not involving a structure is discontinued from active use for a period of six (6) months, further use of the property shall be for a conforming use.
- (3) **Change of a Nonconforming Use.** If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the district in which it is located.
- (4) **Destruction of a Nonconforming Use or Structure.** If a nonconforming structure or a structure containing a nonconforming use is totally destroyed or destroyed to the extent of more than fifty percent (50%) of its fair market value by any cause, a future structure or use on the site shall be either in accordance with the provisions of the district in which the property is located or the property owner may apply for a Conditional Use Permit as specified in **Section 2.500** to continue with the existing use or to replace the structure in the previous location at which it was destroyed. A residence may be replaced in any zoning district subject to this section.
- (5) **Partial Destruction of a Nonconforming Use or Structure.** If a nonconforming structure is destroyed by any cause to the extent of less than fifty percent (50%) of its fair market value, the nonconforming structure may be reconstructed with the same right to continue use of such nonconforming building as existed prior to the damage, provided such reconstruction is commenced within one year from the date of the damage and continues uninterrupted to completion. The building may not be increased in cubic content or floor area. A residence may be replaced in any zoning district subject to this section..
- (6) **Repairs and Maintenance.** Any building housing a nonconforming use may be maintained or restored to conform with the standards of the building code, including repair or replacement of fixtures, wiring, or plumbing, provided the building is not increased in cubic content or floor area.
- (7) **Completion of Structure.** Nothing contained in this Code shall require any change in the plans, construction, alteration or designated use of a structure for which a building permit has been lawfully issued and construction has commenced prior to adoption of this Code, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within one (1) year from the time the permit is issued.

SECTION 4.100 PRIMARY ZONING DISTRICTS

SECTION 4.111 SINGLE-FAMILY RESIDENTIAL DISTRICT RS-10

(1) **Purpose.** To provide areas suitable and desirable for low density single-family residential use with provisions for associated residential or public service uses.

(2) **Permitted Uses.** In an RS-10 District, the following uses and their accessory uses are permitted subject to the standards, provisions and exceptions set forth in this Code:

(a) Farm Uses in conformance with Section 4.141, except that the production, handling or production of hemp, and marijuana businesses as defined in this code, are not permitted in any residential zone in the City.

(b) One single-family dwelling per tax lot

(c) One Manufactured dwelling per tax lot.

(d) One Duplex per corner tax lot.

(e) Residential Care Homes for 5 or less people or a Group Child Care Home for 12 or less children in conformance with **Section 6.121**.

(f) Accessory buildings subject to the following standards:

1. Accessory buildings shall not be used for dwelling purposes.

2. Accessory buildings shall be limited to one story and 800 square feet unless submitted for approval under the Conditional Use provisions of **Section 2.500**.

3. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the conditional use provisions of **Section 2.500** and the home occupation standards of **Section 6110**.

4. Trailers, detached campers, motorized dwellings and similar recreational equipment may be stored, but not used for human habitation except as provided in **Section 1.130(7)**.

(g) Accessory Dwelling (Attached, Separate, Cottage, or Above Detached Garage). An accessory dwelling is a small, secondary housing unit on a single-family lot. The additional unit can be a detached dwelling, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the residential district does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses and the subject property. Accessory dwellings shall comply with all of the following standards:

1. Oregon Structural Specialty Code. The structure complies with the building codes for single family dwellings, or manufactured home standards if attached to a manufactured dwelling as the primary dwelling or as applicable.
2. Owner-Occupied. The primary or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a family member or tenant as a resident caretaker of the principal house and manager of the accessory dwelling;
3. One Unit. A maximum of one accessory dwelling unit is allowed per lot;
4. Floor Area. The maximum floor area of the accessory dwelling shall not exceed 800 square feet;
5. Building Height. The building height of new detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet or the height of primary dwelling, whichever is less; and
6. Buffering. A minimum four-foot hedge or fence is required to buffer a detached accessory dwelling from dwellings on adjacent lots when abutting a residential use or zoning district.
7. Accessory manufactured homes shall comply with the Code for location on an excavated foundation, skirting, roof pitch, and similar siding.
 - A. Roof. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees).
 - B. Residential Building Materials. The manufactured home shall have exterior siding and roofing, which in color, material and appearance are similar or superior to the exterior siding and roof material used on the primary residence (e.g., horizontal wood or wood-appearance siding is considered superior to metal siding and roofing).
 - C. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer’s certification shall not be required.
 - D. Placement. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complies with the minimum setup standards of the adopted state Administrative Rules for Manufactured Dwellings. Where the building

site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home.

- E. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted.
- F. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the Conditional Use provisions of **Section 2.500** and the Home Occupation standards of **Section 6.110**.

8. Trailers, detached campers, motorized dwellings and similar recreational equipment may be stored, but not used for human habitation except as allowed under **Section 1.130 (7)**.

(3) **Conditional Uses.** In an RS-10 District, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Section 2.500** and the applicable Use Standards of **Article 6**.

- (a) Home occupation as specified in **Section 6.110**.
- (b) One Hardship temporary manufactured dwelling per tax lot as specified in **Section 6.144**.
- (c) Residential Care Facility for 15 or less people or a Group Child Care Center for 13 or more children in conformance with **Section 6.122**.
- (d) Public or semi-public uses.
- (e) Historic Resources in accordance with **Section 6.510 – 6.514**.

(4) **Development Standards.**

- (a) Minimum lot area - 10,000 square feet. Property area may need to be increased for properties with building limitations.
- (b) Minimum Lot Width or Depth– 80 feet.
- (c) Maximum Lot Depth to Width Ratio - Newly created lots shall not exceed 2.5 times their width in average depth dimension.
- (d) Maximum Impervious Coverage including accessory buildings – 35%.
- (e) Building Height - 35 feet unless approved by the Planning Commission as a Variance under **Section 2.600..**
- (f) Yards:

1. Front Yard Setbacks:
15 feet,
(Except that an enclosed porch may be within 10 feet, as long as it does not encroach into a public utility easement). Garages and carports shall be accessed from alleys or otherwise set back 20 feet.
 2. Rear yard setbacks
15 feet for street accessed lots
6 feet for alley accessed lots.
(For structures higher than one story, the rear yard setback shall be increased one foot for each additional foot in height over 25 feet, but not to exceed 25 feet.)
 3. Side Yard setbacks
5 feet on interior side yards
15 feet on Street side yards
 4. Setback Exceptions.
The following architectural features are allowed to encroach into the setback yards no more than two feet: eaves, chimneys, bay windows, overhangs, uncovered or unenclosed porches and decks less than 30 inches in height and similar architectural features. Walls and fences may be placed on property lines, subject to the vision clearance standards.
 5. Detached accessory buildings less than 200 square feet that do not require a building permit
5 feet set back on all sides.
- (g) See **Article 5** for additional General Development Standards and **Article 6** for Use Standards that may apply in the RS-10 District.
- (h) Minimum retained or restored native vegetation area – 35%.

SECTION 4.112 MULTIPLE-FAMILY RESIDENTIAL DISTRICT RM-10

- (1) **Purpose.** To provide areas suitable and desirable for low density multiple-family residential use with provisions for associated residential or public service uses. Low density shall mean a maximum of 6 dwelling units per acre unless approved as a Conditional Use under **Sections 4.112(3)** and **2.500** of this code.

- (2) **Permitted Uses.** In an RM-10 District, the following uses and their accessory uses are permitted:
 - (a) Farm Uses in conformance with **Section 4.141**, except that the production, handling or production of hemp, and marijuana businesses as defined in this code, are not permitted in any residential zone in the City.

 - (b) One single-family dwelling or manufactured dwelling per tax lot.

 - (c) Multiple-Family Dwellings up to 6 dwelling units per acre in conformance with **Section 6.130**.

 - (d) Residential Care Home or Residential Care Facility in conformance with **Section 6.121** or **Section 6.122**.

 - (e) Group Child Care Home or Group Child Care Facility in conformance with **Section 6.121** or **Section 6.122**.

 - (f) Accessory buildings subject to the following standards:
 - 1. Accessory buildings shall not be used for dwelling purposes.

 - 2. Accessory buildings shall be limited to one story and 800 square feet unless submitted for approval under the Conditional Use provisions of **Section 2.500**.

 - 3. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the conditional use provisions of **Section 2.500** and the home occupation standards of **Section 6110**.

 - 4. Trailers, detached campers, motorized dwellings and similar recreational equipment may be stored, but not used for human habitation, except as provided in **Section 1.130(7)**.

 - (g) Accessory Dwelling (Attached, Separate, Cottage, or Above Detached Garage). An accessory dwelling is a small, secondary housing unit on a single-family lot. The additional unit can be a detached dwelling, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the residential district does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility

with adjacent land uses and the subject property. Accessory dwellings shall comply with all of the following standards:

1. Oregon Structural Specialty Code. The structure complies with the building codes for single family dwellings, or manufactured home standards if attached to a manufactured dwelling as the primary dwelling or as applicable.
2. Owner-Occupied. The primary or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a family member or tenant as a resident caretaker of the principal house and manager of the accessory dwelling;
3. One Unit. A maximum of one accessory dwelling unit is allowed per lot;
4. Floor Area. The maximum floor area of the accessory dwelling shall not exceed 800 square feet;
5. Building Height. The building height of new detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet or the height of primary dwelling, whichever is less; and
6. Buffering. A minimum four-foot hedge or fence is required to buffer a detached accessory dwelling from dwellings on adjacent lots when abutting a residential use or zoning district.
 7. Accessory manufactured homes shall comply with the Code for location on an excavated foundation, skirting, roof pitch, and similar siding.
 - A. Roof. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees).
 - B. Residential Building Materials. The manufactured home shall have exterior siding and roofing, which in color, material and appearance are similar or superior to the exterior siding and roof material used on the primary residence (e.g., horizontal wood or wood-appearance siding is considered superior to metal siding and roofing).
 - C. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer’s certification shall not be required.
 - D. Placement. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complies with the minimum setup standards of the adopted state Administrative Rules for Manufactured Dwellings. Where the building

site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home.

E. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted.

F. Home Occupations. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the Conditional Use provisions of **Section 2.500** and the Home Occupation standards of **Section 6.110**.

7. Trailers, detached campers, motorized dwellings and similar recreational equipment may be stored, but not used for human habitation except as allowed under **Section 1.130 (7)**.

(3) **Conditional Uses.** In an RM-10 District, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Section 2.500** and the applicable Use Standards of **Article 6**.

(a) Multiple-family dwellings exceeding 6 units per acre but less than 12 units per acre subject to **Section 6.130**.

(b) Public or semi-public uses in accordance with **Section 6.310**.

(c) Historic Resources in accordance with **Section 6.510 – 6.514**.

(4) **Development Standards.**

(a) Minimum lot area - 10,000 square feet. The minimal area may have to be increased for properties with building limitations.

(b) Minimum Lot Width - 60 feet & Minimum Lot Depth - 80 feet.

(c) Maximum Lot Depth to Width Ratio - Newly created lots shall not exceed 2.5 times their width in average depth dimension.

(d) Maximum Impervious Coverage – 40%.

(e) Building Height - 35 feet unless approved by the Planning Commission.

(f) Yards:

1. Front Yard Setbacks:

15 feet,

(Except that an enclosed porch may be within 10 feet, as long as it does not encroach into a public utility easement.) Garages and carports shall be accessed from alleys or otherwise set back 20 feet.

2. Rear yard setbacks
 - 15 feet for street accessed lots
 - 6 feet for alley accessed lots.

(For structures higher than one story, the rear yard setback shall be increased one foot for each additional foot in height over 25 feet, but not to exceed 25 feet.)
 3. Side Yard setbacks
 - 5 feet on interior side yards
 - 15 feet on Street side yards
 4. Setback Exceptions.

The following architectural features are allowed to encroach into the setback yards no more than two feet: eaves, chimneys, bay windows, overhangs, uncovered or unenclosed porches and decks less than 30 inches in height and similar architectural features. Walls and fences may be placed on property lines, subject to the vision clearance standards.
 5. Detached accessory buildings less than 200 square feet that do not require a building permit shall provide 5 feet set back on all sides.
- (g) See **Article 5** for additional General Development Standards and **Article 6** for Use Standards that may apply in the RM-10 District.
- (h) Minimum retained or restored native vegetation area – 25%.

SECTION 4.113 MULTIPLE-FAMILY RESIDENTIAL DISTRICT RM-6

- (1) **Purpose.** To provide areas suitable and desirable for medium density multiple-family residential use with provisions for associated residential or public service uses. Medium density shall mean a maximum of 8 dwelling units per acre unless approved as a Conditional Use.
- (2) **Permitted Uses.** In an RM-6 District, the following uses and their accessory uses are permitted:
 - (a) Farm Uses in conformance with **Section 4.141**, except that the production, handling or production of hemp, and marijuana businesses as defined in this code, are not permitted in any residential zone in the City.
 - (b) One single-family dwelling or manufactured dwelling per tax lot.
 - (c) Multiple-Family Dwellings up to 8 dwelling units per acre in conformance with **Section 6.130**.
 - (d) Residential Care Home or Residential Care Facility in conformance with **Section 6.121** or **Section 6.122**.
 - (e) Group Child Care Home or Group Child Care Facility in conformance with **Section 6.121** or **Section 6.122**.
 - (f) Accessory buildings subject to the following standards:
 1. Accessory buildings shall not be used for dwelling purposes.
 2. Accessory buildings shall be limited to one story and 800 square feet unless submitted for approval under the Conditional Use provisions of **Section 2.500**.
 3. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the conditional use provisions of **Section 2.500** and the home occupation standards of **Section 6110**.
 4. Trailers, detached campers, motorized dwellings and similar recreational equipment may be stored, but not used for human habitation, except as provided in **Section 1.130(7)**.
 - (g) Accessory Dwelling (Attached, Separate, Cottage, or Above Detached Garage). An accessory dwelling is a small, secondary housing unit on a single-family lot. The additional unit can be a detached dwelling, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the residential district does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote

compatibility with adjacent land uses and the subject property. Accessory dwellings shall comply with all of the following standards:

1. Oregon Structural Specialty Code. The structure complies with the building codes for single family dwellings, or manufactured home standards if attached to a manufactured dwelling as the primary dwelling or as applicable.
2. Owner-Occupied. The primary or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a family member or tenant as a resident caretaker of the principal house and manager of the accessory dwelling;
3. One Unit. A maximum of one accessory dwelling unit is allowed per lot;
4. Floor Area. The maximum floor area of the accessory dwelling shall not exceed 800 square feet;
5. Building Height. The building height of new detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet or the height of primary dwelling, whichever is less; and
6. Buffering. A minimum four-foot hedge or fence is required to buffer a detached accessory dwelling from dwellings on adjacent lots when abutting a residential use or zoning district.
 7. Accessory manufactured homes shall comply with the Code for location on an excavated foundation, skirting, roof pitch, and similar siding.
 - A. Roof. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees).
 - B. Residential Building Materials. The manufactured home shall have exterior siding and roofing, which in color, material and appearance are similar or superior to the exterior siding and roof material used on the primary residence (e.g., horizontal wood or wood-appearance siding is considered superior to metal siding and roofing).
 - C. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer’s certification shall not be required.
 - D. Placement. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complies with the minimum setup standards of the adopted state

Administrative Rules for Manufactured Dwellings. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home.

- E. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted.
- F. Home Occupations. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the Conditional Use provisions of **Section 2.500** and the Home Occupation standards of **Section 6.110**.

- 7. Trailers, detached campers, motorized dwellings and similar recreational equipment may be stored, but not used for human habitation except as allowed under **Section 1.130 (7)**.

(3) **Conditional Uses.** In an RM-6 District, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Section 2.500** and the applicable Use Standards of **Article 6**.

- (a) Multiple-family dwellings exceeding 8 units per acre but less than 16 units per acre subject to **Section 6.130**.
- (b) Manufactured Dwelling Park in accordance with **Section 6.150**.
- (c) Public or semi-public uses in accordance with **Section 6.310**.
- (d) Historic Resources in accordance with Section 6.510 – 6.514.

(4) **Development Standards.**

- (a) Minimum lot area - 6,000 square feet. The minimal area may have to be increased for properties with building limitations.
- (b) Minimum Lot Width - 60 feet & Minimum Lot Depth - 80 feet.
- (c) Maximum Lot Depth to Width Ratio - Newly created lots shall not exceed 2.5 times their width in average depth dimension.
- (d) Maximum Impervious Coverage - 50%.
- (e) Building Height - 35 feet unless approved by the Planning Commission.
- (f) Yards:
 - 1. Front Yard Setbacks:
 - 15 feet,

(Except that an enclosed porch may be within 10 feet, as long as it does not encroach into a public utility easement.) Garages and carports shall be accessed from alleys or otherwise set back 20 feet.

2. Rear yard setbacks
 - 15 feet for street accessed lots
 - 6 feet for alley accessed lots.(For structures higher than one story, the rear yard setback shall be increased one foot for each additional foot in height over 25 feet, but not to exceed 25 feet).
 3. Side Yard setbacks
 - 5 feet on interior side yards
 - 15 feet on Street side yards
 4. Setback Exceptions. The following architectural features are allowed to encroach into the setback yards no more than two feet: eaves, chimneys, bay windows, overhangs, uncovered or unenclosed porches and decks less than 30 inches in height and similar architectural features. Walls and fences may be placed on property lines, subject to the vision clearance standards.
 5. Detached accessory buildings less than 200 square feet that do not require a building permit shall provide 5 feet of set back on all sides.
- (g) See **Article 5** for additional General Development Standards and **Article 6** for Use Standards that may apply in the RM-6 District.
- (h) Minimum retained or restored native vegetation area – 20%.

SECTION 4.121 COMMUNITY COMMERCIAL DISTRICT CC

- (1) **Purpose.** The Community Commercial District is intended to provide areas appropriate for the full range of commercial activities to serve the needs of area residents and employees. The CC District is well suited for areas in close proximity to the residential areas of the community having access from the City's arterial or collector streets.

- (2) **Permitted Uses.** In a CC District, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of **Section 2.400** and the standards, provisions and exceptions set forth in this Code, provided all operations except off-street parking and temporary activities shall be conducted entirely within an enclosed building and have no emissions requiring a permit from state or federal agencies:
 - (a) Interim Field Crop Farming, excluding hemp and marijuana production, handling, and processing.
 - (b) Retail stores or shops.
 - (c) Personal or business services including motels and inns.
 - (d) Repair shops (See 3 (b) below).
 - (e) Eating or drinking establishments.
 - (f) Offices, business or professional.
 - (g) Financial institutions.
 - (h) Indoor commercial amusement or recreation establishments.
 - (i) Seed testing, cleaning, or warehousing.
 - (j) Public or semi-public buildings and uses in conformance with **Section 6.310**.
 - (k) Residential Care Facility or Group Child Care Center in conformance with **Section 6.121** or **Section 6.122**.
 - (l) Conversion of residence to a permitted commercial use in accordance with **Section 6.2011(1)**.
 - (m) Attached residences to a commercial use in accordance with **Section 6.211 (2)**.
 - (n) Second Story Residences above a commercial use in accordance with **Section 6.211**.

- (3) **Conditional Uses.** In a CC District, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Section 2.500** and the applicable Use Standards of **Article 6**.

- (a) Uses requiring an Emission Discharge Permit from the Oregon Department of Environmental Quality.
 - (b) Automotive, truck or RV service facilities. Any such facility shall have access from a designated arterial street.
 - (c) Equipment or other repair shops and other uses which possess potential nuisance characteristics or emissions potentially detrimental to Public health, safety and general welfare of the community such as noise, vibrations, smoke, odor, fumes, dust, heat, glare or electromagnetic interference. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use. Inaccurate specification of extent may result in revocation of, or revisions to the Conditional Use Permit.
 - (d) Permitted uses listed in (2) above, requiring exterior display or storage, including but not limited to, automobile or equipment sales.
 - (e) Permitted uses exceeding 50 feet in height.
 - (f) Limited fabrication or assembly operations including cabinet, plumbing or sheet metal shops.
 - (g) Historic Resources in accordance with **Section 6.510 – 6.514**.
- (4) **Development Standards.**
- (a) Minimum lot size shall be 10,000 square feet. Lots are required to be large enough to accommodate the building, sewage disposal system, required parking, service access and bicycle and pedestrian circulation including persons with disabilities.
 - (b) Minimum Lot Width or Depth– 80 feet.
 - (c) Maximum Lot Depth to Width Ratio - Newly created lots shall not exceed 2.5 times their width in average depth dimension.
 - (d) Maximum Impervious Coverage – 60%.
 - (e) Maximum Building Height - 50 feet unless approved by the Planning Commission as a Conditional Use.
 - (f) Yards:
 1. 20 feet
From a front property line adjacent to a street: Otherwise there are no setbacks when abutting a commercial or industrial zone.

2. 12-foot
When abutting a residential zone. There is no setback where abutting commercial or industrial property subject to **Section 5.116 (4)** and the requirements for building construction specified in the Oregon Structural Specialty Code.
- (g) Access shall be designed to cause a minimum interference with traffic and may be subject to the review and approval of the County Engineer or State Department of Transportation. The dedication of additional right-of-way and construction of street improvements by the applicant may be required in order to facilitate traffic circulation.
- (h) See **Article 5** for additional General Development Standards and **Article 6** for Use Standards that may apply in the CC District.
- (i) Minimum retained or restored native vegetation area – 25%.

SECTION 4.122 HIGHWAY COMMERCIAL/INDUSTRIAL DISTRICT HC/I.

- (1) **Purpose.** The Highway Commercial/Industrial District is intended to provide areas appropriate for the full range of commercial and limited industrial activities to serve the needs of area. The HC/I District is well suited for areas having access from the City's major thoroughfares that are free from conflict with non-compatible land uses.

- (2) **Permitted Uses.** In a HC/I District, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of **Section 2.400** and the standards, provisions and exceptions set forth in this Code, provided all operations except off-street parking and temporary activities shall be conducted entirely within an enclosed structure, except as identified herein, and shall have no emissions requiring a permit from state or federal agencies:
 - (a) Uses permitted in the CC Zoning District.
 - (b) Interim Field Crop Farming , excluding hemp and marijuana production, handling, and processing.
 - (c) Auto or truck service and repair facilities.
 - (d) Building Trade Contractors.
 - (e) Fabrication, assembly, research, service, repair or processing shops with no emissions requiring a state or federal emissions permit including compliance with noise standards.
 - (f) Exterior sales or rental yards provided displays are neatly organized.
 - (g) Warehousing and mini-storage units.
 - (h) Agricultural Cooperatives.
 - (i) A manufactured dwelling for the owner or caretaker whenever an on-site residence is necessitated by the primary use. The manufactured dwelling shall comply with the standards for an accessory dwelling as provided in the residential zones.

- (3) **Conditional Uses.** In a HC/I District, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Section 2.500** and the applicable Use Standards of **Article 6**.
 - (a) Permitted Uses listed above requiring exterior operations or storage of materials or equipment.
 - (b) Uses possessing potential nuisance characteristics or emissions potentially detrimental to Public health, safety and general welfare of the community such as noise, vibrations, smoke, odor, fumes, dust, heat, glare or electromagnetic interference. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use.
 - (c) Uses requiring an Emission Discharge Permit from the Oregon Department of Environmental Quality and operations exceeding the state noise standards.

(d) Truck Dispatch Operations.

(e) Outdoor recreational uses.

(4) **Development Standards.**

(a) Minimum lot size shall be 10,000 square feet. Lots are required to be large enough to accommodate the building, sewage disposal system, required parking, service access and bicycle and pedestrian circulation including persons with disabilities.

(b) Minimum Lot Width or Depth– 80 feet.

(c) Maximum Lot Depth to Width Ratio - Newly created lots shall not exceed 2.5 times their width in average depth dimension.

(d) Maximum Impervious Coverage – 60%.

(e) Maximum Building Height - 50 feet unless approved by the Planning Commission as a Conditional Use.

(f) Yards:

1. Exterior street facing yard setbacks:

20 feet from a front property line unless modified by **Section 5.116** or **6.213**.

2. Interior yard setbacks:

12-foot side or rear yard where abutting residentially zoned property with Screening provided in conformance with **Section 5.134 (9)**. There is no minimum setback requirement where abutting commercial or industrial property subject to **Section 5.116** and the requirements for building construction specified in the Oregon Structural Specialty Code.

(g) Access shall be designed to cause a minimum interference with traffic and may be subject to the review and approval of the County Engineer or State Department of Transportation. The dedication of additional right-of-way and construction of street improvements by the applicant may be required in order to facilitate traffic circulation.

(h) See **Article 5** for additional General Development Standards and **Article 6** for Use Standards that may apply in the CC District.

(i) Minimum retained or restored native vegetation area – 20%.

SECTION 4.131 GENERAL INDUSTRIAL DISTRICT GI

- (1) **Purpose.** The General Industrial District is intended to protect and preserve areas suitable for industrial development to assist in supporting the area's economy. The GI District is suitable for manufacturing and warehousing activities having minimal emissions or nuisance characteristics that could impact adjacent non-industrial areas. The GI District is well suited for areas having highway and rail access that are free from conflict with non-compatible land uses.
- (2) **Permitted Uses.** In an GI District, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of **Section 2.400** and the standards, provisions and exceptions set forth in this Code.
 - (a) Farm Use consistent with **Section 4.141(2)**, excluding the production, handling and processing of hemp and or marijuana.
 - (b) All manufacturing, warehousing, wholesaling, compounding, assembling, processing, storing, researching, or testing uses provided all operations except off-street parking and temporary activities shall be conducted entirely within an enclosed building unless approved by the Planning Commission, and provided there are no emissions or nuisance characteristics discernible without instruments at the property line. See **Section 2.140 Item (21)**.
 - (c) Truck Terminals or Freight Depots.
 - (d) Public or semi-public buildings and uses.
 - (e) A manufactured dwelling for the owner or caretaker whenever an on-site residence is necessitated by the primary use. The manufactured dwelling shall comply with the standards for an accessory dwelling as provide in the residential zones.
- (3) **Conditional Uses.** In a GI District, the following uses and their accessory uses may be permitted, subject to the provisions of **Section 2.500**.
 - (a) Manufacturing, warehousing, wholesaling, compounding, assembling, processing, storing, researching, or testing uses having the potential for emissions or nuisance characteristics discernible without instruments at the property line or uses requiring a permit from a local, state or federal agency.
 - (b) Production, handling, or processing of hemp and marijuana, subject to applicable provisions of **Article 6** of this code, and provided that all activities occur within an enclosed structure or structures..
 - (c) Scrap, waste, recycling or wrecking yards
 - (d) Quarrying and related activities, subject to the requirements of **Statewide Planning Goal 5** and **OAR 660-23-180** for Mineral and Aggregate Resources.
 - (e) Processing, storage, distribution or disposal of waste, fuel or other hazardous materials.

(f) Commercial activities in association with an approved industrial use.

(4) **Development Standards.**

- (a) Minimum lot size shall be 10,000 square feet. Lots are required to be large enough to accommodate the building, sewage disposal system, required parking, service access and bicycle and pedestrian circulation including persons with disabilities.
- (b) Minimum Lot Width or Depth– 80 feet.
- (c) Maximum Lot Depth to Width Ratio - Newly created lots shall not exceed 2.5 times their width in average depth dimension.
- (d) Maximum Impervious Coverage – 70%.
- (e) Maximum Building Height - 50 feet unless approved by the Planning Commission as a Conditional Use.
- (f) Yards:
 - 1. Exterior street facing yard setbacks:
20 feet from a front property line unless modified by **Section 5.116** or **6.213**.
 - 2. Interior yard setbacks:
12-foot side or rear yard where abutting residential or commercially zoned property with Screening provided in conformance with **Section 5.134 (9)**. There is no setback where abutting industrial property subject to **Section 5.116** and the requirements for building construction specified in the Oregon Structural Specialty Code.
- (g) Access shall be designed to cause a minimum interference with traffic and may be subject to the review and approval of the County Engineer or State Transportation Department. The dedication of additional right-of-way and construction of street improvements by the applicant may be required in order to facilitate traffic circulation.
- (h) See **Article 5** for additional General Development Standards and **Article 6** for Use Standards that may apply in the GI District.
- (i) Minimum retained or restored native vegetation area – 10%.

SECTION 4.141 EXCLUSIVE FARM USE DISTRICT EFU

- (1) **Purpose.** The purpose and intent of the Exclusive Farm Use (EFU) Zoning District is to provide areas for the continued practice of agriculture and permit the establishment of only those new uses that are compatible with agricultural activities. Therefore, the EFU Zone is to be applied only in those areas that are "agricultural lands" as determined in Statewide Planning Goal 3 thereby providing automatic farm use valuation for farms that qualify under the provisions of **ORS 308**.

The EFU Zone is intended to guarantee the preservation and maintenance of the areas classified for farm use, free from conflicting non-farm uses and influences. The zone is subject to change only in those instances where there is substantial evidence, to the satisfaction of the Oregon Department of Land Conservation and Development (DLCDC), that such land is no longer suitable for agriculture or that there has been a change in the land needs of the City that clearly demonstrates that such land is needed for urban uses other than agriculture.

- (2) **Permitted Uses.** In an EFU District, the following uses and their accessory uses are permitted subject to the standards, provisions and exceptions set forth in this Code. Farm buildings and structures other than a primary residence for the owners or operators of the farm use shall be subject to City approval under the Site Plan Review provisions of **Section 2.400**.

- (a) Farm Use as defined below and the non-farm uses otherwise authorized by **ORS 215.213**. "Farm Use" shall include the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or 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 human use and animal use and disposal by marketing or otherwise. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. It does not include the use of land subject to the provision of ORS chapter 321, except land used exclusively for growing cultured Christmas Trees as defined in subsection (3) of this section or land described in ORS 321.267 (1) (e) or 321.415 (5).

Consistent with state law, in the City of Tangent's EFU Zone, "Farm Use" includes the production, handling, and processing of hemp and marijuana.

- (b) A dwelling for the owners or operators of the farm use in conformance with **OAR 660-033-0120 and ORS 215.213**.
- (c) Nonresidential farm use buildings and structures.
- (d) Seasonal farm-worker housing in conformance with **ORS 197.675**.
- (3) **Conditional Uses.** **OAR 660-033, ORS 215.213, and ORS 215.296** identify Conditional Uses and their accessory uses that may be permitted, subject to the provisions of **Section 2.500** of this Code. Conditional Uses may include but are not limited to the following:
- (a) Public Uses and Facilities including public or private schools
- (b) Churches

- (c) Additional dwelling for relatives involved in the farm operation.
- (d) Seasonal Farm-worker housing.
- (e) Temporary Manufactured dwelling for a hardship condition.
- (f) Geothermal exploration or operation.
- (g) Utility facilities.
- (h) Transportation facilities.
- (i) Winery.
- (j) Commercial activities in conjunction with the farm use including animal by-product businesses.
- (k) Community Centers.
- (l) Golf Courses.
- (m) Home Occupations.
- (n) Historic Resources in accordance with **Section 6.510 –6.514**.

(4) Development Standards.

- (a) Minimum lot area – 40 acres.
- (b) Minimum Lot Width or Depth: None .
- (c) Maximum Impervious Coverage – 40%
- (d) Yards:
 - 1. Exterior street facing yard setbacks:
20 feet from a front or side property line.
See **Section 5.116** for additional street setbacks.
 - 2. Interior yard setbacks:
10 foot side yards.
15 foot rear yards.
- (e) Maximum Residence Height - 35 feet.
- (f) The raising of field crops in the general field of horticulture is allowed on any EFU

property within the city.

- (g) The raising of farm animals in the general field of animal husbandry is permitted within the EFU District under the following conditions:
 - 1. It is the continuing responsibility of the owner to properly contain or restrain all animals or fowl and to maintain proper sanitation at all times.
 - 2. Such animal raising activities may not be part of nor conducted in conjunction with any live stock sales yard, slaughter house, or animal by-product business unless approved as a Conditional Use in conformance with **Section 2.500**.
 - 3. Fencing must be designed and constructed to confine all animals within the property line.
 - 4. A Setback of 200 feet from any off-site residence or drainageway is required for all corralled animals or buildings housing farm animals.
 - 5. It is the responsibility of the property owner to maintain proper health and sanitation standards and to assure that nuisance factors such as noise, smell and unsightly conditions are mitigated. Proper sanitation includes:
 - A. Not allowing animal waste to accumulate.
 - B. Not allowing animal waste to contaminate groundwater or drainageways.
 - C. Taking the necessary steps to minimize odors resulting from farm animals.
- (h) The above standards are the minimum standards applicable to property located within the City of Tangent, additional site area or other standards may be required to comply with county, state or federal Health and Sanitation Standards.
- (i) Any proposed non-farm dwelling or manufactured dwelling in the EFU Zone on a lot, parcel or tract less than forty (40) acres in size shall be submitted to the City to determine that the dwelling complies with **OAR Division 660- 033** for such use.
- (j) Any farm dwelling or manufactured dwelling customarily provided in conjunction with a farm use on a parcel forty (40) acres or larger in size shall be submitted to the City to determine that the dwelling complies with the requirements for "farm use" as that term is defined in State Statutes.
- (k) A proposed Land Division in the EFU Zone shall be submitted to the City for Planning Commission review in conformance with **Section 2.300**. In addition to meeting the forty (40) acre minimum lot size requirement, an applicant also must demonstrate that each lot or parcel created by any land division is appropriate for the continuation of the existing commercial agricultural enterprise. A land division creating lots greater than forty (40) acres in size will not be assumed to satisfy this provision based on lot size alone.

- (l) Development in conformance with **Section 4.141** for EFU lands and subdivision or partitioning of EFU lands are exempt from the off-site improvement requirements of this Code.
- (m) See **Article 5** for additional General Development Standards and **Article 6** for Use Standards that may apply in the EFU District.

SECTION 4.200 OVERLAY-DISTRICTS

An Overlay-District may be established in combination with a Primary Zoning District. The Overlay-District shall establish flexibility to apply alternate and innovative requirements, standards, designs and procedures for the use and development of property in the Primary District. In cases of conflict between the standards and requirements of the Primary District and the Overlay-District, the standards and requirements of the Overlay-District shall apply.

- (1) **Application.** The City, or any interested person with the consent of the property owner, may, apply for designation of an Overlay-District in combination with any Primary Zoning District in accordance with the application requirements of **Sections 2.130 and 2.140** and the amendment procedures of **Section 2.700**. The Quasi-judicial hearing procedures of **Section 3.500** shall be used when the application is submitted by an applicant and applies to a specific property. The Legislative hearing procedures of **Section 3.520** shall be used when the Overlay-District is applied by the City to a group or class of properties under similar circumstances.

SECTION 4.210 FLOOD HAZARD OVERLAY-DISTRICT – FH

The Flood Damage Prevention Code as adopted by Ordinance shall be the basis for administrating this portion of the code

SECTION 4.220 PLANNED DEVELOPMENT OVERLAY-DISTRICT, PD

The purpose of the PD Overlay-District is to provide opportunities to create more desirable working or living environments by the application of alternate development standards applied under an approved plan and program that is professionally prepared. The PD Overlay-District is intended to be used to encourage the utilization of innovative techniques and new technology to community development that can achieve economies in land development and maintenance while providing clustered development, , open spaces and circulation systems that enhance the working or living environment of the inhabitants. A Planned Development may be residential, commercial or industrial, or a mixed combination of land uses. Application procedures are as follows:

(1) **Planned Development Applications:**

- (a) The City or an applicant may request a PD Overlay-Zone in combination with any Primary Zone in accordance with the application requirements of **Sections 2.110 through 2.140**, the amendment procedure of **Section 2.700** and the requirements of **Sections 4.220** contained herein.
- (b) A property owner located in an existing PD Overlay-Zone may request approval of a **PD Master Plan** in conformance with the requirements of **Sections 4.220** contained herein.
- (c) Application for a PD Overlay-Zone or a **PD Master Plan** is divided into three phases:
 - 1. Following pre-application conference with Staff as provided in Section 2.120, the Applicant shall submit a **PD Conceptual Plan** containing drawings and a written program that is presented in enough detail to clearly describe the proposed development. A public hearing will be scheduled before the Planning Commission in conformance with **Section 3.500** to determine if the requested PD conforms to the City's PD requirements and is conceptually acceptable to the City.

2. After receiving Planning Commission recommendation regarding the PD Conceptual Plan, the City Council shall conduct a public hearing and consider the recommendation of the Planning Commission. Upon City Council approval of the Conceptual Development Plan, the applicant shall have a **Detailed Development Plan** prepared by a professional design team that contains drawings and a written program for a formal public hearing and decision by the City.
3. Upon verification by the City Manager of compliance with the Conditions of Conceptual Plan Approval, and acceptance of the **Detailed Development Plan** as being in conformance with the approved **Conceptual Development Plan**, the **Detailed Development Plan** shall be adopted by the City as the **PD Master Plan** and placed in the record of file for the PD application.

SECTION 4.221 PD DEVELOPMENT STANDARDS

- (1) **Site Size.** A PD Overlay-District shall not be established on less than 5 acres unless the Planning Commission finds that a proposed smaller area can comply with all of the requirements of **Sections 4.220-4.228.**
- (2) **Comprehensive Plan Compliance and Adjacent Property Protection.**
 - (a) The development plan and program shall present an organized arrangement of buildings, service facilities, open spaces and improvements in compliance with the intent of the Comprehensive Plan that also protects the property rights of adjacent property owners.
 - (b) Periphery yards of a PD Overlay-District shall be at least as deep as those required by the yard regulations of the underlying District unless the City finds that equal protection will be accorded through the specific design features of the approved plan.
- (3) **Lot Coverage and Building Height.** Lot coverage and building height shall be no greater than for the underlying District unless the City finds that an exception is warranted that provides adequate protection to adjacent property as well as additional amenities proposed in the total development.
- (4) **Open Space.** Open space in a PD Overlay-District means the land area to be used for scenic or open recreational purposes within the development.
 - (a) Open space does not include street right-of-way, driveways, parking areas, required setbacks, or public service easements unless these areas have some special recreational design or purpose.
 - (b) Open space shall be adequate for the recreational and leisure use of the population occupying the development and shall be designed to enhance the development.
 - (c) To the maximum extent possible, the plan and program shall assure that natural features of the land are preserved and landscaping is provided.
 - (d) Instruments guaranteeing the maintenance of open space shall be provided with the proposed plan. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the City Attorney.

- (5) **Density.** Greater overall density than that specified in the Primary District may be allowed under a PD Overlay-District based on the specific development design proposed subject to the availability of all required support utilities including water and sanitary sewers. Generally the density provision of the underlying District shall be used as a guideline for a deviation from the standard density. Areas used for public street right-of-way or private roadways intended to provide access to more than two (2) structures shall be excluded when determining the overall density of the development. Water courses, woodlands and open spaces may be utilized in determining the density of development.
- (6) **Subdivision Lot Sizes.** Minimum area, width, depth and frontage requirements for subdivision lots in a PD Overlay-District shall be the same as the basic District unless smaller lots are approved in accordance with proposed plan and program.
- (7) **Additional Standards and Controls.** The City may require additional standards or controls to protect adjacent property rights or the health, safety and welfare of the general public in compliance with the Comprehensive Plan based upon the specific development request. Additional standards and controls may include, but are not limited to, the following:
- (a) Increasing the required setbacks to protect adjacent properties or solar access.
 - (b) Controlling the location and number of vehicular access points.
 - (c) Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and in general, improving the traffic circulation system including off-site improvements.
 - (d) Requiring improvements for utilities or storm drainage facilities including off-site improvements.
 - (e) Increasing the number of parking spaces and improving design standards for parking areas.
 - (f) Limiting the number, size, location, and lighting of signs.
 - (g) Designating sites for open space and recreation and, in general, improving landscaping requirements.
 - (h) Requiring view obscuring screening or fencing.
 - (i) Establishing time limits for completion of all or any portion of the project, including, but not limited to utilities, drainage facilities, streets, curbs, gutters, bicycle and pedestrian facilities, parking areas, landscaping, fencing, screening or recreation areas.
 - (j) Requiring contractual agreements with the City to assure development of streets, bicycle and pedestrian facilities, drainage facilities, utilities, and other improvements to standards acceptable to the City.
- (8) **Phased Development.** The applicant may propose, or the City may require the applicant to develop the site in successive phases as proposed in the PD Development Plan.

- (a) Each such phase shall be a substantially complete unit of development.
 - (b) The City may require that development be done in phases if, for instance, public facilities are not adequate to service the entire development initially.
- (9) **Permitted Uses In Residential PD Overlay-Districts.** The following uses and their accessory uses may be permitted in a PD Overlay-District which has been combined with a Residential District.
- (a) Residential use of land.
 - (b) Related commercial uses when approved by the City.
 - (c) Related community service uses when approved by the City.
- (10) **Standards and Controls.** Proposed standards or controls shall be specified in the PD Development Plan and signed by the owners. Where applicable, the requirements may be made part of future deed CC&R's.

SECTION 4.222 PD CONCEPTUAL DEVELOPMENT PLAN

Following pre-application conference as specified in **Section 4.220**, the Planning Commission and City Council shall review the proposed **PD Conceptual Plan** in Quasi-Judicial public hearing procedures under **Section 3.500** to determine whether to the Council should approve or deny the request. An applicant shall submit at least eight (8) copies of conceptual drawings and a written program to the City for review. Application shall comply with **Sections 2.130** and **2.140**. The proposal shall address the following elements.

(1) **Elements of the Plan.**

- (a) Vicinity map showing location of streets and lots in the area within 300 feet of the proposed development.
- (b) Existing lands uses.
- (c) Proposed land uses, including housing unit densities (number of units per acre, type of residence, and number of bedrooms by type of residence); commercial facilities, such as shopping, and community facilities, such as schools or parks.
- (d) Building types and approximate bulk.
- (e) Vehicular, bicycle and pedestrian access, circulation and parking pattern, and status of street ownership.
- (f) Proposed Subdivision layout and easements.
- (g) Parks, playgrounds, and open spaces.
- (h) Existing natural features such as trees, streams and topography.

- (i) Proposed landscaping, screening, and fencing.
 - (j) Proposed method of solid waste disposal.
 - (k) Proposed method of water supply and sewage disposal.
 - (l) Proposed utilities.
 - (m) Proposed method for the handling of surface water drainage.
 - (n) Proposed grading patterns.
 - (o) Street, building, parking lot and open space lighting proposals.
- (2) **Elements of the Program.**
- (a) Proposed members of the Professional Design Team.
 - (b) Proposed ownership pattern.
 - (c) Operation and maintenance proposal, such as condominium, co-op, or Homeowners Association.
 - (d) Time table of the development, to include expected starting dates, projection of completion time, and project phasing, if anticipated.
 - (e) Method of public improvements financing, if any.
 - (f) General description of the nature and purpose of the planned development.
- (3) **Review of PD Conceptual Development Plan**
- (a) A public hearing will be conducted before the Planning Commission to determine whether a recommendation may be made to the Council that the requested PD conforms to the City's PD requirements and applicable provisions of this code not specifically modified by the **PD Conceptual Plan**.
 - (b) The recommendation of the commission and ultimate decision by the City Council shall be based upon compliance with the intent of City's Comprehensive Plan, the decision criteria for a PD as found in **Section 4.224(5)**, the intent of City development standards and the extent of deviation from City standards proposed in the PD.
- (4) **Planning Commission Decision.** The Planning Commission, after a public hearing in accordance with the provisions of **Section 3.500**, may recommend approval, denial or approval with conditions of the **PD Conceptual Development Plan** and the PD Overlay-District.
- (5) **City Council Decision.** The City Council, after a public hearing in accordance with the provisions of **Section 3.500** and **4,222(3)**, and after receiving the recommendation from

the Planning Commission on the **PD Conceptual Development Plan**, shall either approve the Plan, deny the application or approve the application with conditions. A separate public hearing will need to be conducted by the City Council to formally adopt the map amendment, upon satisfaction of any conditions of **Conceptual Plan** approval and City approval of the **Detailed Master Plan**.

- (6) **Joint Public Hearing.** A single joint public hearing by the Planning Commission and City Council may be utilized in conformance with **Section 3.500(3)** for purposes of **Conceptual Plan** review.
- (7) **Compliance Required.** Approval of the **PD Conceptual Plan** by the City Council does not indicate final City Approval of a **Detailed or Master Development Plan**. The City shall reject a **PD Conceptual or Detailed Development Plan** that does not comply with the standards and criteria of this Code. The City may require the submission of additional information for the **Conceptual or Detailed Development Plan** reviews.
- (8) The City shall review and may recommend expansion, additions, or modifications in the proposed design team for the preparation of the **Detailed Development Plan**.
- (9) The City may determine the extent of any environmental assessment to be included with the **Detailed Development Plan**.

SECTION 4.223 PD DETAILED DEVELOPMENT PLAN

- (1) After receiving approval of the **PD Conceptual Plan**, the Applicant shall have a **Detailed Development Plan** prepared by a professional design team in such design-related fields as Architecture, Landscape Architecture, Urban Planning, and Civil Engineering for review and approval by the City Manager or their designees.
- (2) **Plan Elements.** In addition to the Application Site Plan required in **Section 2.140**, the PD Detailed Development Plan shall contain the following elements:
 - (a) A complete development plan in conformance with any approved conceptual plan.
 - (b) Existing and proposed contour map of the site to a scale commensurate with the size of the development.
 - (c) Location, widths, and names of all existing or platted streets or other public ways, railroad and utility rights-of-way, parks, or other public open spaces and land uses within 300 feet of the development.
 - (d) Existing sanitary sewers, water mains, and other underground facilities within and adjacent to the development and their certified capacities.
 - (e) Proposed location and capacity of sanitary sewers or other wastewater disposal facilities water mains and other underground utilities.
 - (f) Proposed system for the handling of storm drainage.

- (g) A Subdivision or Partition Tentative Plan in conformance with **Section 2.300**, if the property is proposed to be divided.
- (h) A land use plan indicating the uses planned for the development.
- (i) Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, common areas, school sites, public buildings, or other uses dedicated or reserved to the public, if any.
- (j) Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.
- (k) A traffic flow map showing the circulation pattern within and adjacent to the proposed development.
- (l) Location and dimensions of bikeways, pedestrian walkways, malls, trails, or easements.
- (m) Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays, and angle of parking.
- (n) Location, arrangement, and dimensions of truck loading and unloading spaces, if any.
- (o) Preliminary architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units.
- (p) A preliminary tree planting and landscaping plan meeting or exceeding the minimum specifications of **Section 5.134**. All existing trees over six (6) inches in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.
- (q) The approximate location, height, materials of all walls, fences, and screen plantings. Elevation drawings of typical walls and fences shall be included.
- (r) The phases, if any, of development construction. Such phases shall be clearly marked on the **Detailed Development Plan**.

(3) **Program Elements.**

- (a) Narrative statement of the basic purposes of the planned development and describing any phasing.
- (b) Tables showing the total number of acres and the percentage of the total area that is designated for each type of use, including each dwelling type, off-street parking, streets, parks, playgrounds, schools, and open spaces as shown on the proposed development plan.
- (c) Tables showing the overall density of the proposed residential development and showing density by dwelling types, and any proposals for the limitation of density.

- (d) Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common open space, or required dedications or reservations of public open spaces, and of any dedications of development rights.
- (e) A timetable indicating when utility and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the timetable shall reflect this.

SECTION 4.224 DECISION AND FINDINGS

- (1) **Detailed Development Plan Elements.** Approval of the **Detailed Development Plan** includes approval of all attached elements including the PD Overlay-District, a Subdivision or Partition Tentative Plan and all Conditions of Approval.
- (2) **Decision Criteria.** The recommendation of the Planning Commission and decision by the City Council shall be based upon the following findings:
 - (a) That exceptions from the standards of the underlying District are warranted by the design and amenities incorporated in the proposed PD Development Plan.
 - (b) That the proposed development is consistent with the purpose and intent of the Primary District and that adjacent properties are protected from potential adverse effects resulting from the proposed development by appropriate controls, development standards and conditions of approval.
 - (c) That the proposed development, or a phase thereof, can be substantially completed within two (2) years of final approval.
 - (d) That the internal PD streets and public streets outside of the PD are adequate to support the anticipated traffic in conformance with the **TTSP**.
 - (e) That the proposed utilities and drainage facilities are adequate for the population densities and type of development proposed and will not cause flooding or pollutants to impact drainage inside or outside of the PD Overlay-District.
 - (f) That the timing of installation of utility and drainage facilities will be closely coordinated with development construction and will not create a hardship to residents or occupants either within or outside the PD Overlay-District.
 - (g) That the density in the proposed development will not result in a substantial negative impact on any public facility or utility.

SECTION 4.225 PD MASTER DEVELOPMENT PLAN

- (1) Following approval of the PD **Conceptual Development Plan** by the City Council, the applicant shall make changes in the approved **Conceptual Development Plan** to comply with the Conditions of Approval, and submit to the City Manager a **Detailed Development Plan** for verification of compliance with the **Conceptual Development Plan** and any Conditions of Approval. This plan is to be adopted as the **PD Master Development Plan** for the property.
- (2) If the PD Development Plan is found to be in compliance with the approval conditions and **Conceptual Plan**, it shall be so certified by the City Manager and placed in the Record File of

the Application as the Official **PD Master Development Plan** along with all documents relating to dedications, improvements, agreements, restrictions, and associations.

- (3) If the property is to be divided or streets are to be dedicated, the applicant shall file with Linn County any Final Subdivision or Partition Plat, unless there is no land division and private street exceptions have been approved by the City Council.
- (4) All public site dedications, development rights to open spaces or other dedications for the entire site or approved phased portion shall be certified and placed in the Record File prior to the issuance of any building permit.
- (5) Final copies of all approved articles governing operation and maintenance shall be placed in the Record File prior to the issuance of any building permit.
- (6) An applicant for a PD Overlay-District and **Master Plan** shall petition for an amendment to the zoning map as specified in **Section 2.700**. Upon City acceptance of a **PD Master Development Plan**, Fifteen (15) copies of the **approved Master Development Plan** shall be submitted to the Planning Commission and City Council at least 30 days prior to the date of public hearing for the map amendment, along with other application requirements of Sections 2.130, 2.140 and 2.700. Hearings for the ~~Conceptual~~ **(*PD Master Development) Plan** approval and Zone Map Amendment may not be consolidated.
- (7) The PD Overlay-District shall be adopted by City Ordinance. The area shall henceforth be shown on the official zoning map as a PD Overlay-District in addition to the Primary District. All building permits shall be issued only in conformance with the Official **PD Master Development Plan** recorded in the Record File.

SECTION 4.226 BONDING

- (1) A developer may be required to post financial security, to assure his full and faithful performance in completion of the Official **PD Master Development Plan**. The Security must be acceptable to the City Attorney.
- (2) If the developer fails to carry out the Official **PD Master Development Plan** as approved and the City has un-reimbursed costs or expenses resulting from correcting such failure, the City shall call on the financial security for reimbursements. If the amount of the financial security exceeds the cost and expense incurred by the City, the City shall release the remainder. If the amount of the financial security is less than the cost and expense incurred or anticipated to be incurred by the City, the developer shall be liable to the City for the difference.

SECTION 4.227 PROPOSED CHANGES IN APPROVED PLANS

- (1) **Major Changes.** Major changes in the **PD Master Development Plan** after it has been adopted shall be considered a new petition and shall comply with the procedures for PD application . A Major Change is any change that does not qualify as a Minor Change under **Subsection (2)** of this section..
- (2) **Minor Changes.** Minor changes in an approved **PD Master Development Plan** may be approved by the City Manager, provided that such changes:
 - (a) Do not change the character of the development or the population density.

**Note: clarification added post-adoption.*

- (b) Do not change the boundaries of the PD Overlay-District.
- (c) Do not change any use, such as residential to commercial.
- (d) Do not change the location or amount of land devoted to a specific land use.
- (e) Do not relax dimensional standards or other specific requirements established by the City as a Condition of Approval.

SECTION 4.228 EXPIRATION

- (1) If construction or development has not begun within one year from the date of final approval and acceptance of the **PD Master Development Plan**, the City Manager shall review the status with the owner and make a report of the findings to the Planning Commission and City Council.
- (2) Upon request for abandonment of a particular Planned Development, or if its development has not been substantially completed within two (2) years, consistent with **Section 4.224(5)(c)**, or the alternative time specified in the **PD Master Development Plan**, the City may schedule public hearings to remove the PD Overlay- District unless a request to extend the time limit is approved by the City Council.
- (3) The procedure for removal of a PD Overlay District is essentially the same as for adoption. The proposed removal of the PD Overlay-District shall be reviewed at a public hearing of the Planning Commission to determine whether or not its continuation in whole or in part is in the public interest. If the PD Overlay-District is found not to be in the public interest, the Planning Commission shall recommend to the City Council that the PD Overlay-District of the property be removed. The City Council shall then hold a public hearing on the revocation of the PD Overlay-District and shall either maintain the Overlay District, revoke the Overlay District and development plan approval, or grant a time extension if it appears justifiable. If the PD Overlay District is repealed, further use of the property and future structures thereon shall be in accordance with the existing Primary District or be subject to enforcement action under Section 4.080, Nonconforming Uses.