

# MT. ANGEL DEVELOPMENT CODE

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## **SECTION 8 - DEVELOPMENT REGULATIONS**

### **SECTION 1**

#### **INTRODUCTORY PROVISIONS**

- 1.1 GENERAL PROVISIONS**
- 1.2 TITLE**
- 1.3 PURPOSE**
- 1.4 CONFORMANCE REQUIRED**
- 1.5 ORDINANCE ADMINISTRATION**
- 1.6 VIOLATIONS**
- 1.7 INTERPRETATION**
- 1.8 SIMILAR USE DETERMINATION**
- 1.9 SAVINGS CLAUSE**
- 1.10 DEFINITIONS**
- 1.11 GENERAL PROVISIONS**

#### **1.1 GENERAL PROVISIONS**

#### **1.2 TITLE**

This Ordinance shall be known and may be referred to as the City of Mt. Angel Zoning Code.

#### **1.3 PURPOSE**

##### **(a) General**

This Ordinance is enacted to:

1. Implement the goals and policies of the City of Mt. Angel Comprehensive Plan, September 1977, as amended 1978, 1993, 1997, and 1999.
2. Provide methods of administering and enforcing the provisions of the Ordinance;  
and
3. Promote the public health, safety, and general welfare of the community.

#### **1.4 CONFORMANCE REQUIRED**

The use of all land, as well as the construction, reconstruction, enlargement, structural alteration, movement, use, or occupation of any structure within the City of Mt. Angel shall conform to the requirements of this Ordinance.

#### **1.5 ORDINANCE ADMINISTRATION**

The City Planning Commission or public agency empowered by the City shall have the power and duty to enforce the provisions of this Ordinance. An appeal of a Planning Commission decision may be made only to the City Council.

#### **1.6 VIOLATIONS**

Upon failure to comply with any provisions of this Ordinance, or with any restrictions or conditions imposed hereunder, the Council may withhold any further permits and may withhold or withdraw City utility services until correction is made. Notwithstanding any such action taken by the Council, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of the Ordinance shall be subject to civil penalties as set by resolution of the Council for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

The City may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or enjoin, abate, remove, or nullify the unlawful transfer, location, construction, maintenance, repair, alteration, or use.

#### **1.7 INTERPRETATION**

The provisions of this Ordinance shall be interpreted as minimum requirements. When this Ordinance imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this Ordinance shall control.

When there is doubt regarding the meaning of a term or phrase as it is used in this Ordinance, the Planning Commission may issue an interpretation.

The Planning Commission may request an interpretation of this Ordinance by the City Council.

#### **1.8 SIMILAR USE DETERMINATION**

(a) Generally

When an interpretation is required as to the applicability of this Ordinance to a proposed land use which is not specifically listed or otherwise clearly indicated as allowed, conditionally allowed or prohibited, a written request for an interpretation may be submitted for review by the Planning Commission.

(b) Application

The request shall be submitted with the appropriate fee and shall include information on the following characteristics of the proposed use:

- (1) Description of the activity to be conducted on the site.
- (2) Noise and odor characteristics of the proposed use.
- (3) Description of material or product or storage requirements.
- (4) Amount and type of traffic to be generated.
- (5) Description of the structures required.

(b) Decision

The Planning Commission may authorize a use to be included among the allowed uses as a Type II decision if the proposed use:

- (1) Is similar to and of the same general type as the uses specifically allowed;
- (2) Is consistent with the Comprehensive Plan; and
- (3) Is similar in intensity, density, off-site impacts and impacts on community facilities as uses permitted in the zone

The Planning Commission decision may be appealed to the City Council in accordance with Section 2.10.

## **1.9 SAVINGS CLAUSE**

Should any section, clause, or provision of this Ordinance be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Ordinance as a whole or of the remaining sections. Each section, clause, and phrase is declared severable.

## **1.10 DEFINITIONS**

- (a) Grammatical Interpretation. Words used in the masculine include the feminine, and feminine the masculine. Words used in the present tense include the future, the singular number includes the plural. The word “shall” is mandatory and not directory. The word “may” is permissive. All terms in this Code have their commonly accepted dictionary meaning unless they are specifically defined in the following section or the context in which they are used clearly indicates to the contrary.
- (b) Definitions. The following words and phrases, when used in this Ordinance, shall have the meanings set forth in this Chapter, except in those instances where the context clearly indicates a different meaning.

Access: The way or means by which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to property. A private access is an access not in public ownership and is controlled by means of deed, dedications or easement.

Accessory Structure: A detached, subordinate building or portion of a main building, the use of which is incidental to that of the main building or to the use of the land, but does not include dwellings or living quarters.

Accessory Use: A use incidental, appropriate and subordinate to the main use of the parcel.

Alley: A public space or thoroughfare not more than 20 feet and not less than ten (10) feet in width which has been dedicated or deeded to the public for public use, providing a secondary means of access to abutting property.

Alteration, Structural: Any change or repair in the exterior dimensions of a building or change or repair which would affect or materially change a supporting member of a building, such as a bearing wall, column, beam, or girder.

Amateur radio antenna: A ground-, building-, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service and as designated by the Federal Communications Commission (FCC).

Ancillary Telecommunication Facilities: The structures and equipment required for operation of the telecommunication equipment, including but not limited to antennae, repeaters, equipment housing structure, footings and foundations, and ventilation or other electrical or mechanical equipment.

Antenna(e): Any exterior, apparatus, electrical conductor or group of electrical conductors, the surface of which is designed for telephonic, radio or television communications by sending and/or receiving radio-frequency or electromagnetic waves, including those sent and/or received by wireless communication facilities.

Antennae include the following types:

- (1) Directional or Parabolic (“panel” or “disk”) antenna, which receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.
- (2) Omni-direction (“whip”) antenna, which receives and transmits signals in a 360-degree pattern.
- (3) Other, which means all other transmitting or receiving equipment not specifically described herein. Other antennae shall be regulated in conformity with the type of antenna described herein, which most closely resembles such equipment. For purposes of this ordinance, the term antenna shall not include ancillary antennae,

which are antennae less than 12 inches in their largest dimension and are not directly used to provide personal wireless communication services.

- (4) Satellite Dish antenna, which receives signals from satellites.

Area of Special Flood Hazard: The land in the flood plain within Mt. Angel subject to a one percent or greater chance of flooding in any given year. Designated on map as Zone 'A'.

Arterial: A street that is the principal route of traffic within and through the community.

Attached Wireless Communication Facility: A wireless communication facility that is affixed to an existing structure, (e.g., an existing building wall or roof, mechanical equipment, or an alternative tower structure).

Automobile Service Station: A building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100 year flood". Designated on map as Zone 'A'.

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

Bed and Breakfast: A structure designed and occupied as a residence and in which sleeping rooms are provided on a daily or weekly basis (not to exceed 30 days) for use by travelers or transients for a charge or fee paid for the rental or use of the facilities. An operator of a Bed and Breakfast must be a permanent, full-time resident of the building where the use takes place.

Bike Lane: a portion of a roadway that has been designated by striping and pavement markings for the preferential or exclusive use of bicyclists.

Block: A parcel of land, or a group of abutting parcels, bounded by three (3) or more streets, railroad right-of-way, waterway, or combination thereof.

Boarding, Lodging, or Rooming House: A building where lodging with or without meals is provided for compensation for not more than five (5) persons in addition to members of the family occupying such building.

Building: A structure having a roof and built for the support, shelter, or enclosure of persons, animals, or property of any kind.

Building Height: The vertical distance from a reference datum measured to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of the building:

- (1) The elevation of the highest adjoining sidewalk or ground surface within five (5)-foot horizontal distance of exterior wall of building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
- (2) An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in (a.) of this subsection is more than ten (10) feet above lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

Building Line: A line on a plat or map indicating the limit beyond which buildings or structures may not be erected.

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

Carport: A stationary structure consisting of a roof with its supports and not more than one wall or storage cabinet substituting for a wall and used for covering a vehicle parking space.

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

Church: A permanently located building primarily used for religious worship. A church shall also include accessory buildings for related religious activities and a residence.

City: The City of Mt. Angel.

Clear-Vision Area: A triangular area on a lot or parcel at the intersection of two (2) streets or a street and a railroad, two (2) sides of which are lines measured from the corner intersection of the right-of-way lines. The third side of the triangle is a line across the corner of the lot or parcel joining the ends of the other two sides. Where the lines at the intersections have rounded corners, the right-of-way lines will be extended in a straight line to a point of intersection.

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

Club: An organization, group, or association supported by the members thereof, the purpose of which is to render a service primarily for members and their guests, but shall

not include any organization, group, or association the chief activity of which is to render a service customarily carried on as a business for profit.

Collector: A street that allows traffic within an area or neighborhood to connect to the arterial system.

Collocation: The use or placement of two or more antenna systems or platforms by separate FCC license holders on a single support structure, transmission tower or building.

Commission: The Planning Commission of the City.

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

Community Building: A non-profit or publicly-owned and operated facility used for meetings, recreation, or education.

Comprehensive Plan: A City plan for the guidance of growth and development of the City, including modifications or refinements which may be made from time to time.

Conditional Use: A use which may be permitted by the Planning Commission following a public hearing, upon findings by the Planning Commission that the approval criteria have been met or will be met upon satisfaction of conditions of approval.

Curb Line: The line indicating the edge of the vehicular roadway within the overall right-of-way.

Day Care Facility: An institution, establishment or place, not a part of a public school system in which are commonly received three (3) or more children, not of common parentage, under the age of 14 years, for a period not exceeding 12 hours per day for the purpose of being given board, care, or training apart from their parents or guardians with or without compensation. Day care facility includes facilities known as nursery schools, preschools, play schools, or child development facilities.

Dedication: The limited grant by a property owner allowing the use of property by the public for specified purposes.

Demolition: The demolition, removal, or relocation in its entirety, of a historic building.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, filling, and site alteration such as that due to grading, paving, excavation or drilling operations located within the area of special flood hazard.

Development Permit: Any Variance or Conditional Use Permit, New Commercial Building Permit, New Residential Dwelling Building Permit, Manufactured Structure Placement Permit, or permit which increases the structure's square footage by more than 15 percent or the project cost exceeds \$10,000.00

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

Dwelling: Any building or portion thereof, which is not a "boarding house" or a "hotel" as defined in this Code, which contains one or more "dwelling units" or "guest rooms," used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or which is occupied for living purposes, but excluding hotels, motels, boarding, lodging and rooming houses, travel or vacation trailers.

Dwelling Unit: One or more habitable rooms designed exclusively for occupancy by one (1) family with facilities for living, sleeping, cooking, eating, and sanitation.

Dwelling, Single Family: A detached building containing one dwelling unit designed exclusively for occupancy by one (1) family.

Dwelling, 2-Family or Duplex: A detached building containing two (2) dwelling units designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling, Multi-Family: A building or portion thereof containing three (3) or more dwelling units designed for occupancy by three (3) or more families living independently of each other.

Easement: A grant of the right to use or cross a strip of land for specific purposes.

Employees: All persons normally working on the premises during the largest shift.

Face: To front upon.

Family: An individual or two (2) or more persons related by blood or marriage, including adopted children or those pending adoption, or a group of not more than five (5) persons not related by blood or marriage all living as one housekeeping unit.

Fence: An unroofed barrier or an unroofed, enclosing structure or obstruction constructed of any materials including, but not limited to, masonry, ornamental iron, woven wire, wood pickets, or solid wood.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to Mt. Angel.

Flood Insurance Study: The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Frontage Road: A local street or road located parallel to an arterial highway for service to abutting properties for the purpose of controlling access to the arterial highway.

Garage, Private: An accessory building or portion of a main building for the parking or temporary storage of automobiles in which no business, occupation, or service is conducted.

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

Grade: The average elevation of the finished ground at the centers of all walls of a building, except that if a wall is parallel to and within five (5) feet of a sidewalk, the sidewalk elevation opposite the center of the wall shall constitute the ground elevation.

Group Care Home: A home or private institution maintained and operated for the care, boarding, or training of one or more physically or mentally impaired person who require special care by any person who is not the parent or guardian of, and who is not related by blood or marriage to such persons, but does not include foster homes, correctional homes, or detention facilities.

Historic Building: A structure identified in the Mt. Angel Comprehensive Plan inventory of historic structures or listed on the National Register of Historic Places.

Home Occupation: A lawful occupation carried on solely by a resident of a dwelling as a secondary use, in connection with which no assistants are employed and no commodities are sold other than services. No structural alterations shall be made to accommodate home occupations and the residential character of the building remains unchanged. No more than ½ of the floor area of one story shall be devoted to the home occupation.

Hotel: Any building in which lodging is provided to guests for compensation and in which no provision is made for cooking in individual rooms

Industrial: Any enterprise involving the manufacturing, processing, or assembly of semi-finished or finished products from raw materials or similar treatment or packaging of previously prepared materials.

Infill Development: Infill development includes any land division and associated development on land located within the Infill Development Overlay Zone.

Infill Local Street: A public street with a 28-foot-wide paved surface and a sidewalk on one side. An infill local street is intended to serve no more than 25 dwelling units (250 ADT). Two outlets are recommended.

Inventory: The inventory of historic structures identified in the Mt. Angel Comprehensive Plan and any subsequent additions added under the criteria in Section 13.2 of this ordinance.

Junk Yard: The use of more than 200 square feet of the area of any lot or parcel for the storage of salvage materials, including scrap metals or other scrap materials, or for the dismantling or “wrecking” of automobiles or other vehicles or machinery, whether or not such uses are conducted as a business for profit or otherwise.

Kennel: Any lot, parcel or premises on which four (4) or more dogs and/or cats over the age of four (4) months are kept for sale, lease, boarding, or training.

Legislative Land Use Action: An ordinance amendment to the policies, procedures, standards or criteria of the Comprehensive Plan or Zoning Ordinance which does not apply to specifically identified persons or properties, except insofar as persons or properties are generally affected by reason of the change in such policies, procedures, standards or criteria.

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

Lot: A unit of land created by a subdivision or partitioning of land. Except where otherwise stated, the term “lot” includes the term “parcel.”

Lot Area: The total area of a lot measured on a horizontal plane within the lot boundary lines. For flag-shaped lots, the access strip shall not be included in lot area for the purposes of minimum lot area requirements of this Ordinance.

Lot Depth: The horizontal distance measured from the midpoint of the front lot lines to the midpoint of the rear lot line.

Lot, Corner: A lot abutting on two (2) intersecting streets, other than an alley.

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

Lot, Interior: A lot other than a corner lot.

Lot Line: The lines bounding a lot as defined herein.

Lot Line Adjustment: An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with the requirements of Section 11 of the Mt. Angel Subdivision Ordinance.

Lot, Reversed: A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

Lot, Through: An interior lot having frontage on two (2) streets.

Lot Line, Front: The property line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley.

Lot Line, Rear: A lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side: Any lot line which is not a front or rear lot line.

Lot of Record: A lawfully created lot or parcel established by plat, deed, or contract as duly recorded in Marion County property records.

Lot Width: The average horizontal distance between the side lot lines, measured parallel to the front lot line at right angles to the lot depth at a point midway between the front and rear lot lines.

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

Manufactured Home: A home, a structure with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), as amended August 22, 1981 and constructed after June 15, 1976. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. A manufactured home shall be considered a single family dwelling within the context of this ordinance if it possesses all of the following characteristics:

- (1) Is multi-sectional
- (2) Has a minimum floor area of one thousand (1,000) square feet;
- (3) Is placed on an excavated and backfilled continuous perimeter foundation wall, such that the manufactured home is not more than twelve (12) inches above grade;

- (4) Has a pitched roof with a minimum pitch of three (3) feet in height for each twelve (12) feet in width;
- (5) Has an enclosed, attached or detached garage constructed of like material and design;
- (6) Said garage and manufactured home have an exterior siding and roofing which is consistent in color, material and appearance with the exterior siding and roofing of residential dwellings within the surrounding area and;
- (7) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building codes.

Manufactured Home Park: A privately owned place where four (4) or more manufactured homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental, lease, or use of facilities or to offer space free in connection with securing the trade or patronage of such person. A person shall not construct a new manufactured home park or add lots to an existing manufactured home park without approval by the Oregon Department of Commerce. “Manufactured Home Park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured home per lot if the subdivision was approved pursuant to this Ordinance.

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

Nonconforming Structure or Use: A lawfully existing structure or use at the time this Ordinance or any amendments thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

Notification Area: Unless otherwise specified in this ordinance, the notification area for all conditional uses and variances shall consist of 100 feet from and parallel to the boundaries of the subject property. The notification area for all zone changes shall consist of 250 feet from and parallel to the boundaries of the subject property.

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

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

Parcel: A single unit of land conforming with all land development regulations in effect on the date the parcel was created. Parcel does not include a unit of land created solely to establish a separate tax account. "Parcel" does not include "lot" as defined under this Ordinance.

- (1) Any lawfully created parcel will cease to be recognized by the City as a distinct unit of land once it has been reconfigured or altered by approval or recording of any one or more of the following:
  - (A) partition plat;
  - (B) subdivision plat;
  - (C) deed with a single unified metes and bounds legal description which unifies separate legal parcels;
  - (D) deed expressly stating an intent to unify separately described parcels;
  - (E) covenant expressly stating an intent to unify separately described parcels.
- (2) A legally created unit of land does not mean a buildable unit of land. Zoning and other development restrictions may exist which require the combination of lots or parcels in order for such parcels to be developed.

Parking Area, Private: An open area, building, or structure other than a street or alley, used for the parking of the automobile(s) of residents and guests of a building.

Parking Area, Public: An open area, building, or structure other than a private parking area, street, or alley used for the parking of automobiles and other motor vehicles and available for use by persons patronizing a particular building or establishment.

Partition, Major: A partition which includes the creation of a road or street.

Partition, Minor: A partition of land that does not include the creation of a street.

Partition Land: To divide an area or tract of land into two (2) or three (3) parcels when such area or tract of land exists as a unit or contiguous units of land under single ownership. “Partition land” does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and division of land made pursuant to court order, including but not limited to court orders in proceedings involving testate or intestate succession; and “partition land” does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum standards of the zoning ordinance.

Pathway: All-weather surface for walking with a minimum five (5)-foot width.

Pedestrian Way: A right-of-way with a minimum five (5)-foot width having an all-weather surface which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Permit: Any form of written approval pertaining to the use of land rendered by the City of Mt. Angel.

Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district as provided in the Development Regulations.

Person: A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch or government, or any group or combination acting as a unit.

Plat: The final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

Pre-existing Towers and Pre-existing Antennae: Any tower or antennae for which a building permit has been properly issued prior to the effective date of this ordinance.

Private Accessway: An 18-foot wide private street within a 20-foot wide easement or tract, intended to serve up to four (4) lots (40 ADT).

Quasi-judicial Land Use Action: A land use decision made pursuant to existing criteria regarding specifically identified persons or properties.

Recreational Vehicle: A vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for temporary human occupancy and is designed for vacation or recreational purposes but not residential use.

Recreational Vehicle Park: Any area operated and maintained for the purposes of picnicking, or providing space for overnight use by recreational vehicles.

Reserve Block or Reserve Strip: A strip of land, usually one (1) foot in width, reserved across the end of a street or alley and terminating at the boundary of a subdivision or a strip of land between a dedicated street of less than full width and adjacent acreage, in either case reserved or held for future street extension or widening.

Residential Facility: A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to 15 individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential Home: A home licensed by or under the authorization of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Right-of-Way: The area between boundary lines of a street or other easement.

Road or Street: A public or private way that is created to provide ingress and egress for persons to one or more lots, parcels, areas, or tracts of land, excluding a private way that is created to provide ingress and egress to such land. The term "street" shall include such designations as highway, road, land, avenue, alley, or similar designations.

- (1) **Arterial**: A street that is the principal mover of traffic within and through the community. It interconnects the major traffic generators and links with important rural routes. An arterial should never penetrate neighborhoods and usually performs only a secondary land service function.
- (2) **Collector**: A street that allows traffic within an area or neighborhood to connect to the arterial system. It supplies abutting property with the same degree of land served as a local street but is given priority over minor streets in any traffic control installations.
- (3) **Cul De Sac**: A short, dead-end street with vehicular turn-around at or near the dead end.
- (4) **Dead End Street**: The same as cul-de-sac, usually longer, which will be extended and with no turn-around at the present dead end.
- (5) **Half Street**: A portion of the ultimate width of a street, usually along the edge of a subdivision where the remaining portion of the street shall be provided when adjacent property is subdivided.

- (6) **Marginal Access Street:** A minor street parallel and adjacent to a major arterials street providing access to abutting properties, but protected from through traffic.
- (7) **Local:** A street not designated on one of the higher systems. It serves primarily to provide direct access to abutting land and offers the lowest level of traffic mobility. Through traffic movement is deliberately discouraged.
- (8) **Private Street or Accessway:** A street or right-of-way serving a subdivision, planned unit development, or infill development lots that is not dedicated to the public or accepted by the City.

**School, Elementary, Junior High or High:** An institution, public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.

**School, Trade or Commercial:** A building where instruction is given to pupils for a fee in money or otherwise, which fee is the principle reason for the existence of the school.

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

**Support Structure (Telecommunication):** The structure to which wireless communication antennae and other necessary hardware are mounted. For purposes of this ordinance the terms “support structure,” “tower,” and “transmission tower” shall be interchangeable. Support structures include, but are not limited to:

- (1) **Guyed Tower:** A tower, which is supported, in whole or in part, but the use of cables (guy wires) and ground anchors.
- (2) **Lattice tower:** A freestanding support structure which consists of an open framework of crossed metal braces on three or four sides which stabilize the tower and which is built without guy wires and ground anchors.
- (3) **Monopole:** A freestanding support structure consisting of a single upright pole sunk into the ground and/or attached to a foundation and engineered to be self-supporting without guy wires or ground anchors.

**Start of Construction:** The date the building permit was issued. This includes substantial improvement. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. It does not include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level is directly above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar, or unused under-floor space shall be considered a story.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, regardless of whether it is wholly or partly above or below grade. For flood damage prevention purposes, structure also includes a gas or liquid storage tank that is principally above ground.

Subdivide Land: To divide an area or tract of land into four (4) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of each year.

Subdivision: An act of subdividing land or an area or a tract of land subdivided as defined in this section.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) before the improvement or repair is started, or
- (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Tax Lot: A lot designation by the County Assessor for the purpose of levying property taxes.

Temporary Use: A use that is seasonal or directed toward a specific event or occasioned by an unforeseen event.

Tower Footprint: The area described at the base of a transmission tower as the perimeter of the transmission tower including the transmission tower foundation and any attached or overhanging equipment, attachments or structural members but excluding ancillary facilities and guy wires and anchors.

Tower Height: The distance measured vertically from the highest point when positioned for operation to the lowest point, which is defined as the bottom of the base of the structure being measured at either roof level for a roof-mounted structure or at ground level for a freestanding structure. The height of a tower shall include the height of any antennae positioned for operation attached or which may be attached to the highest point on the tower.

Tower Pad: The area encompassing the tower footprint, ancillary facilities, fencing and screening.

Trailer (Travel or Vacation): See Recreational Vehicle.

Unimproved: Streets and Public Utility improvements which do not meet or exceed the requirements of Ordinance No. 462, Subdivision Ordinance, Section 52.

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

Utilities: Any water, gas, sewer, electrical, telephone, and wire communication service, and all persons and companies supplying the same.

Vision Clearance Area: Formed by measuring from the intersection of the street corner or street and/or railroad corner property lines to points 30 feet along the front property line and side property line and then connecting the two points of base with a straight line.

Visual Obstruction: Any fence, hedge, tree, shrub, device, wall or structure between the elevations of three (3) and eight (8) feet above the adjacent curb height or above the elevation of the street edge where there is no curb, as determined by the Public Works Director or City Engineer, as so located at a street, drive, or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on said streets, drives, or alleys.

Travel Trailer Parks: See Campground, or, Recreational Vehicle Park.

Walkway: A right-of-way deeded, dedicated, and designated for the use of non-motorized vehicles and pedestrians.

Wholesale Trade: The bulk sale of goods for resale to a person other than the direct consumer.

Wireless Communication Facility: an unstaffed facility for the transmission or reception of radio frequency signals. Such a facility includes two or more of the following components:

- (1) antenna(e) or other transmission and reception devices;
- (2) support structure;

- (3) equipment enclosures, such as a shelter or cabinet; and
- (4) security barrier. As defined in this ordinance, amateur radio antennae are not wireless communication facilities.

Yard: An open space other than a court on the same lot or parcel with a building that is unobstructed from the ground upward except as otherwise provided in this Ordinance.

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the foundation of the main building.

Yard, Landscaped: An open area or areas devoted primarily to the planting and maintaining of trees, grass, shrubs, and plants together with sufficient permanent irrigation installation to properly maintain all vegetation. All complementary features such as fountains, pools, screens, decorative lighting, sculpture, and outdoor furnishings may be placed within said area.

Yard, Rear: A yard extending across the full width of the lot between the most rear primary building and the rear lot line. For determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the centerline of the alley, toward the nearest part of the foundation of the primary building.

Yard, Side: A yard between the primary building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard or the rear lot line if no rear yard is required. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of the primary building.

## **1.11 GENERAL PROVISIONS**

- (a) Ordinance Administration. The City Planning Commission or public agency empowered by the City shall have the power and duty to enforce the provisions of this Ordinance. An appeal of a Planning Commission decision may be made only to the City Council.
- (b) Minimum Requirements. In interpreting and applying this Ordinance, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.
- (c) Lots Abutting A Partial Street. No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and is located on that side which has not yet been dedicated or condemned unless the yards provided on such lot include both that portion of the lot lying within the required street and the required yards. This provision shall not be construed as being in lieu of or waiving any subdivision or partitioning requirements of this or any other ordinance.

- (d) Dwellings and All Other Buildings To Be Accessible To Public Street. Except as allowed for partitions meeting the requirements of the Infill Development Overlay Zone, every dwelling shall be situated on a lot having direct access by abutting upon a public street or pre-existing private driveway of a width not less than 20 feet and a private drive shall not serve more than four dwelling units.

Note: Drive widths, grade, and surfacing pertaining to parking lots access will be referred to in the Parking Section.

- (e) Conformance And Permits Required. No building, structure, or premise shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, structurally altered, or enlarged unless in conformity with all the regulations herein specified for the zone in which it is located and then only after applying for and securing all permits and licenses required by all laws and ordinances.
- (f) Interpretation of Ordinance. When, in the administration of this Ordinance, there is doubt regarding the intent of the Ordinance, the City Recorder shall request an interpretation of the provision by the Planning Commission, who may issue an interpretation of the question if they have determined that such interpretation is within their power and is not a legislative act. Any interpretation of the Ordinance shall be based on the following:
- (1) The purpose and intent of the ordinance as applied to the particular section and question; and
  - (2) The opinion of the City Attorney when requested by the Planning Commission.
- (g) Interpretation Of Zoning Boundaries. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the map accompanying and made a part of this ordinance, the following rules apply:
- (1) The district boundaries are either streets or alleys unless otherwise shown and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by street or alley lines, said street or alley shall be construed to be the boundary of such district.
  - (2) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the districts designated on the map accompanying and made a part of this ordinance, are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such district unless said boundaries are otherwise indicated on the map.
  - (3) In unsubdivided property, the district boundary lines on the map accompanying and made a part of this ordinance, shall be determined by use of the scale contained on such map.

- (h) Splitting of Lot By Zoning Boundary. Where a zoning boundary splits any portion of a lot or parcel of single ownership, a permitted use of the least restrictive zone (such as commercial) may encroach a distance of not more than 50 feet into the more restrictive zone (such as residential), provided that such an encroachment is approved by the Planning Commission through the procedure of a variance application. The decision of the Planning Commission shall be based upon its determination of the compatibility of the proposed use with regards to such facts as: The probable future of the least restrictive zoned property; the type of use proposed to encroach into the least restrictive zone; the amount, type, and location of screening and landscaping proposed along areas for parking and loading; and storage.
- (i) Certificate of Occupancy. Hereafter no land shall be used or occupied except for agricultural purposes permitted under this ordinance and no building hereafter erected, enlarged, or structurally altered shall be used or occupied and no change of use for land or building shall be permitted until a certificate of occupancy shall have been issued by the City Recorder, stating that the building or the proposed use of the land complies with the requirements of this ordinance.
- (j) Certificate of Occupancy for a Building. Application for a certificate of occupancy for a new building or an enlargement or structural alteration of an existing building shall be made coincident with application for a building permit. Application for a certificate of occupancy of an existing building where change of use is involved and where no new building or enlargement or structural alteration of an existing building is involved, shall be made prior to occupation of said building for its new use. A certificate of occupancy will be issued following presentation of evidence that the new building or enlargement or alteration of the existing building has been completed in conformity with the requirements of this ordinance. Pending the issuance of a regular certificate of occupancy, a temporary certificate of occupancy may be issued for a period not exceeding six (6) months, for a building found safe for occupancy, permitting its completion or alteration within such time. A certificate of occupancy is not required for single family or two-family dwellings.
- (k) Certificate of Occupancy for Land. Application for a certificate of occupancy shall be made for the use of vacant land or a change in the use of land. Such certificate will be issued after application is made, provided the use of the land applied for conforms to the regulations of this ordinance.
- (l) Plats. Each application for a certification of occupancy of land or building, or a change in the use of land shall be accompanied by a drawing or plat drawn to scale, showing the lot or tract plan, the location of the building or structure on the lot or tract, or structure and other information necessary to show compliance with these regulations.
- (m) Records. A record of each certificate of occupancy shall be kept in the office of the City Recorder and copies may be furnished on request of the owners or tenant of the land or building. A fee shall be charged for each original certificate of occupancy at the time application is made.

- (n) Improvement Requirements. Building Permits shall not be approved where street and/or public utility facilities adjacent to the site of such Building Permit are unimproved. However, the City Administrator shall allow the property owner to sign a Construction Deferral Agreement with Waiver of Rights for Street and Public Utility Improvements, in lieu of improvements. Such agreement to be recorded by the City with Marion County, shall run with the land and be binding upon the successors and assigns of the petitioner.
- (o) Lots of Record. Any single lot or tract of land, held in single ownership, which was of record and a legal lot at the time of the adoption of this ordinance, but does not meet the requirements of the district in which it is located for minimum lot area, may be utilized for a permitted use of the zoning district, if all other requirements are met.
- (p) Penalties.
- (1) Any violation of this Ordinance constitutes a Class 1 Civil Infraction and shall be dealt with in accordance with the procedures established by the City's Uniform Civil Infraction Ordinance.
  - (2) If a parcel of land is used, or is proposed, to be used, developed, or maintained in violation of this ordinance, the aforesaid use shall constitute a nuisance, and the City may, as an addition to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful use, development, or maintenance of the land.
- (q) Takings Claims. If an applicant intends to assert that it cannot legally be required to comply with the development standards required by the Mt. Angel Comprehensive Plan, Development Regulations or Subdivision Ordinance, the application under review shall include a "rough proportionality" report, prepared by a qualified civil or traffic engineer, as appropriate, showing:
- (1) The estimated intent, on a qualitative basis, to which the improvements or dedication will be used by persons served by the building or development, whether the use is for safety or convenience;
  - (2) The estimated level, on a quantitative basis, of improvements or dedication needed to meet the estimated extent of use by persons served by the building or development;
  - (3) The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements or dedication will be a part; and
  - (4) The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system.

## SECTION 2

### ADMINISTRATIVE PROVISIONS

- 2.1 SUMMARY OF APPLICATION TYPES AND REVIEW PROCEDURES
- 2.2 GENERAL PROVISIONS
- 2.3 NOTIFICATION OF HEARING
- 2.4 HEARING PROCEDURES
- 2.5 RECORD OF HEARING
- 2.6 LIMITS ON ORAL TESTIMONY
- 2.7 EXHIBITS
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- 2.10 APPEAL OF PLANNING COMMISSION ACTIONS
- 2.11 CITY COUNCIL ACTION
- 2.12 SUPPLEMENTAL APPLICATION FOR REMAINING PERMITTED USES FOLLOWING DENIAL OF INITIAL APPLICATION
- 2.13 FEES

#### 2.1 SUMMARY OF APPLICATION TYPES AND REVIEW PROCEDURES

All development permits and land use actions are processed under the City's administrative procedures. There are four types of actions, each with its own procedures.

(a) Type I Action

A ministerial action reviewed by staff based on clear and objective standards. Clear and objective conditions may be placed on the decision, and notice of the decision is sent only to the applicant. Appeal is to the Planning Commission. The following actions are processed under the Type I procedure:

- (1) Lot Line Adjustment
- (2) Home Occupation
- (3) Sign Permit

- (4) Floodplain Permit
- (5) Site Design Review for Residential Development
- (6) Minor Variance
- (7) Partition, where a street frontage exception is not required

(b) Type II Action

A Type II action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Public notice is provided pursuant to Section 2.3. A public hearing is required for Type II actions unless otherwise specified. Appeal of a Type II decision is to the City Council. The following actions are processed under the Type II procedure:

- (1) Major Variance
- (2) Conditional Use Permit
- (3) Determination of Legal Nonconforming Status
- (4) Partitions, where a street frontage exception is required
- (5) Subdivisions
- (6) Planned Unit Developments
- (7) Similar Use Determinations
- (8) Site Design Review for Commercial or Industrial Development

(c) Type III Action

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards, and makes the final, local decision. The Planning Commission's role is advisory in this process. Public notice is provided, and except as noted in subsection (4), public hearings are held before the Planning Commission and City Council. Section 2.3 and 2.4 list the notice and hearing requirements. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure:

- (1) Zone Change
- (2) Comprehensive Plan Map Amendment
- (3) Annexation and Zone Change when requested concurrent with one another. If the annexation request is in conformance with Section 19.6 and consistent with Table

19-1, the City Council reviews such a request without review or recommendation by the Planning Commission. If the annexation request does not conform with Section 19.6 and requests a change not consistent with Table 19-1, the Planning Commission conducts a public hearing and makes a recommendation regarding the proposed change to the City Council.

(d) Type IV Action

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties may request a Type IV action; however, it must be initiated by the Planning Commission, or City Council. The City Council makes the final, local decision. Sections 2.3 and 2.4 list the notice and hearing requirements.

- (1) Amendments and Revisions of the Comprehensive Plan
- (2) City Plan Document Adoption, e.g. Water System Plan
- (3) Zoning Ordinance Amendments

## **2.2 GENERAL PROVISIONS**

In order to provide for citizen review of the planning process and the orderly keeping of records of actions relating to this Ordinance, the City shall ensure that the following measures are maintained and available for public review.

- (a) The City staff shall prepare a written report relating to all applications and actions pursuant to this Ordinance.
- (b) The City shall maintain a record of all actions taken pursuant to this Ordinance. The record shall include the required application materials, any exhibits presented to the decision-making bodies, findings for approval or denial, conditions of approval, and any other materials which may have a bearing on the decision.
- (c) Citizen and Agency Involvement. The City shall provide opportunities for public and agency input in the planning process.
- (d) Ministerial Actions. This subsection establishes the procedures to be followed in Type I actions. Applications subject to ministerial review shall be reviewed and decided by the City Administrator, after consultation with City Engineer and Planner.
  - (1) Initiation: An application may be submitted by the property owner, contract purchaser or an authorized agent of the owner or contract purchaser.
  - (2) Completeness: Upon receipt of an application for a development permit, the City staff shall review the application for completeness with respect to the submission requirements of this Ordinance. If the application is incomplete, staff shall notify the applicant of exactly what information is missing within 30 days of the receipt

of the application, and allow the applicant to submit the missing information. The application shall not be acted upon until:

- (A) All necessary information is received and the application is deemed complete; or
  - (B) Should the applicant refuse or fail to submit the missing information, the application will be deemed complete, for the purpose of acting on the application, on the 31<sup>st</sup> day after the original submission. Incompleteness of an application may be grounds for denial.
- (3) Information submitted to the City after the date the application is deemed complete that results in a substantial change from the original application shall authorize review as a new application. The City Planner shall determine whether a submission constitutes a substantial change from the original application.
  - (4) Notice of the application will be sent to interested agencies such as City departments, school district, utility companies, and applicable state agencies.
  - (5) If the staff finds that the facts of the particular case require interpretation of existing standards, then the application shall be forwarded to the Planning Commission for review. The procedures for conducting the public hearing shall comply with the standards in Section 2.4.
  - (6) Within 30 days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance.
  - (7) Written notice of any Type I decision shall be mailed to the applicant.
  - (8) A Type I land use decision may be appealed by the applicant to the Planning Commission. The appeal shall be filed within 12 days from the date of the decision, pursuant to the provisions of Section 2.11.
  - (9) The timing requirements established in this subsection are intended to allow a final action, including resolution of any appeals, within 120 days of receipt of a complete application. If for any reason it appears that such final action may not be completed within the 120-day period, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance.
    - (A) The City staff shall notify the City Council of the time conflict by the 95<sup>th</sup> day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120-day period.
    - (B) Public notice shall be mailed to affected parties as specified in this section.

- (C) The City Council shall hold a public hearing on the specified date and render a decision approving or denying the request within the 120-day period. Such action shall be the final action by the City on the application.
- (e) Quasi-Judicial Actions. This subsection establishes the procedures to be followed in Type II and Type III land use actions.
- (1) Initiation: An application may be submitted by the property owner, contract purchaser or an authorized agent of the owner or contract purchaser.
  - (2) Completeness: Upon receipt of an application, the City staff shall review the application for completeness with respect to the submission requirements of this Ordinance. If the application is incomplete, Staff shall notify the applicant of exactly what information is missing within ten (10) days of the receipt of the application, and allow the applicant to submit the missing information. The application shall not be acted upon until:
    - (A) All necessary information is received and the application is deemed complete; or
    - (B) Should the applicant refuse or fail to submit the missing information, the application will be deemed complete, for the purpose of acting on the application, on the 31<sup>st</sup> day after the original submission. Incompleteness of an application may be grounds for denial.
  - (3) Information submitted to the City after the date the application is deemed complete that results in a substantial change from the original application shall authorize review as a new application. The City Planner shall determine whether a submission constitutes a substantial change from the original application.
  - (4) Notice Procedures. Notice of a public hearing on a Type II or Type III, quasi-judicial application shall be given by the City by posting such notice in a conspicuous place on the subject property. The mailing of copy of the notice to property owners in the affected area shall be within 20 days prior to the date of the hearing. The affected area is herein defined as the land area that is within a 100-foot radius of the subject property. The failure of any such property owner to receive such notice by mail shall not affect the validity of the proceedings. The City staff shall file with the Planning Commission a certificate showing the date of mailing.
  - (5) Combination of Review Procedures: Applications for more than one quasi-judicial land use action for the same property may, at the applicant's discretion, be combined and heard or reviewed concurrently.
  - (6) Application Review: Most Type II and all Type III, quasi-judicial applications shall be heard by the Planning Commission at a public hearing conducted in accordance with the provisions for public hearings. Type III actions also require a

second public hearing before the City Council. The hearings shall be open to the public and may be continued as provided under Section 2.8.

- (7) **Review Standards:** If an application for a quasi-judicial land use action was complete when first submitted, or if the applicant submits the requested additional information within 180 days of the original submittal date, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
- (8) **Notice of Decision:** Within 14 days of any action on a quasi-judicial land use application, the applicant, adjacent property owners within 100 feet of the subject property, and all individuals who have in writing requested notice of the decision, shall be mailed written notice of the action. Notice shall specify findings justifying the approval or denial of the request and any applicable conditions of approval.
- (9) **Maximum 120-Day Review Limit (Timing Requirements):** The City shall complete its review of any quasi-judicial action provided under the provisions of this Ordinance within 120 days of receipt of a complete application. This maximum time period shall include the time necessary to resolve any potential appeals of such actions. This 120-day maximum period shall not apply to any application for an amendment of the Comprehensive Plan. If for any reason it appears that a final action cannot be completed within 120 days, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance:
  - (A) The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120-day period.
  - (B) Public notice shall be provided in accordance with the provisions of this Section.
  - (C) The City Council shall hold a public hearing on the specified date and render a decision approving or denying the request within the 120-day period. Such action shall be the final action by the City on the application.
- (10) **Conditions of Approval:** Approvals of any quasi-judicial action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:
  - (A) Conditions shall be designed to protect public health, safety and general welfare. Conditions shall be related to the following:
    - (i) Protection of the public from the potentially deleterious effects of the proposed use; or

- (ii) Fulfillment of the need for public service demands created by the proposed use.
  - (B) Changes or alterations of conditions shall be processed consistent with the level of review provided for the original approval.
  - (C) Whenever practical, all conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information which demonstrates to the satisfaction of the Planning Commission that it is not practical to fulfill all conditions prior to issuance of such permit, the Planning Commission may require a performance guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.
- (f) Legislative Actions. This subsection establishes the procedures to be followed by the City in the consideration of Type IV land use actions.
- (1) Initiation: A Type IV, legislative land use action may be initiated by a majority vote of either the Planning Commission or the City Council.
  - (2) Procedures: Legislative land use actions shall be heard by the Planning Commission at a public hearing conducted in accordance with the provisions of this section. Public notice shall be in accordance with the procedures set forth in this Section. The Planning Commission may continue any meeting in order to make a reasonable recommendation to the City Council. Following Planning Commission action, the City Council shall hold a public hearing to consider the Planning Commission's recommendation on proposed amendments pursuant to the notification requirements and hearing procedures of this Section.

## **2.3 NOTIFICATION OF HEARING**

- (a) Quasi-Judicial Hearings (Type II and Type III).
  - (1) Notice of any public hearings before the Planning Commission or City Council shall be provided for any quasi-judicial land use action. Notice shall be published in a newspaper of general circulation, a minimum of 20 days prior to the public hearing.
  - (2) Written notice of the initial public hearing shall be mailed at least 20 days prior to the hearing date to the owners of property within 100 feet of the boundaries of the subject property.
- (b) Legislative Hearings (Type IV). Notice of Public Hearing by the Planning Commission or City Council relating to any legislative action shall be published in a newspaper of general circulation a minimum of 10 days prior to the date of the hearing. Notice shall be provided to the Department of Land Conservation and Development at least 45 days prior to the first evidentiary hearing by the City for any legislative action.

## 2.4 HEARING PROCEDURES

- (a) General Provisions. Quasi-judicial land use actions shall be initially heard within 60 days of the receipt of an application that is complete, as specified in Section 2.3.
- (b) Evidence:
- (1) All evidence offered and not objected to may be received unless excluded by the Planning Commission on its own motion. Evidence may be received subject to a later ruling as to its admissibility.
  - (2) The Planning Commission may exclude irrelevant, unduly repetitious, immaterial or cumulative evidence; but erroneous admission of evidence by the Commission shall not preclude action or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party. When a hearing will be expedited, any part of the evidence may be received in written form.
  - (3) All evidence shall be made a part of the public record in the case.
  - (4) Every party is entitled to testify about, and present evidence in accordance with the provisions of this Section.
  - (5) All interested parties shall be allowed to testify.
- (c) Ex Parte Communications. No decision or action of the Planning Commission or City Council shall be invalid due to ex parte contact or bias resulting from ex parte contact with a member of the decision-making body, if the member of the decision-making body receiving the contact:
- (1) Places on the record the substance of any written or oral ex parte communications concerning the decision or action; and
  - (2) Has a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication made at the first hearing following the communication where action will be considered or taken on the subject to which the communication related.
  - (3) A communication between City staff and the Planning Commission or City Council shall not be considered an ex parte contact for the purposes of subsection (c) of this section.

## 2.5 RECORD OF HEARING

A verbatim record of the proceeding shall be made by written, mechanical or electronic means, which record need not be transcribed except upon review of the record.

## **2.6 LIMITS ON ORAL TESTIMONY**

The Planning Commission Chairperson may set consistent, reasonable time limits for oral presentations such that parties are encouraged to submit as much evidence as possible in writing prior to the hearing.

## **2.7 EXHIBITS**

All exhibits received shall be marked so as to provide identification upon review. The City shall retain such exhibits.

## **2.8 CONTINUED HEARINGS**

A public hearing before the Planning Commission or City Council may be continued for further testimony or for further deliberations by the hearing body; however, the continuance shall not result in the City exceeding the 120-day limit for reaching a final decision. If a hearing is continued for further consideration, additional public notice shall not be required if the time, date, and location for the continued hearing are announced at the conclusion of the preceding hearing. Otherwise, full notice, in accordance with the provisions of Section 4 of this Article shall be required.

## **2.9 APPEAL OF CITY ADMINISTRATOR DECISIONS**

Any decision by the City Administrator may be appealed to the Planning Commission by either the applicant or any persons submitting comments in writing prior to the City Administrator's decision. Notice of hearings on appeal to the Planning Commission shall be pursuant to public notice and hearing requirements of this Section, and shall include written notice at least 12 days prior to hearing to the appellant, the applicant, and any other individuals who received notice of the original decision.

## **2.10 APPEAL OF PLANNING COMMISSION ACTIONS**

Any decision by the Planning Commission may be appealed to the City Council by either the applicant or persons submitting comments in person or in writing prior to the Planning Commission decision. The City Council may call up any Type II action of the Planning Commission in granting or denying the land use action, whereupon such action of the Council shall be taken at the meeting where notice of the Planning Commission decision is presented. The appeal shall be filed within 12 days from the date of the decision. No appeal shall be provided for applications that require a final decision by the City Council under the provisions of this Ordinance.

- (a) Form of Appeal. Appeal requests shall be made on forms provided by the City and shall state the alleged errors in the Planning Commission action.
- (b) Public Notice Requirements. Notice of public hearings by the City Council on appeal requests shall be as specified in this Section.

## **2.11 CITY COUNCIL ACTION.**

After the hearing, the City Council may reverse or affirm wholly or partially or modify any decision of the Planning Commission in regards to Type I and Type II land use actions. No application for Type I, II or III land use actions which has been denied by the Planning Commission or by the City Council shall be resubmitted for a period of one year from such denial, unless consent for resubmission is given by two-thirds of the members of the Planning Commission.

## **2.12 SUPPLEMENTAL APPLICATION FOR REMAINING PERMITTED USES FOLLOWING DENIAL OF INITIAL APPLICATION.**

- (a) A person whose application for a permit is denied by the City may submit to the City a supplemental application for any or all other uses allowed under the City's comprehensive plan and land use regulations in the zone that was the subject of the denied application.
- (b) The City or its designee shall take final action on a supplemental application submitted under this section, including resolution of all appeals, within 240 days after the application is deemed complete. Except that 240 days shall substitute for 120 days, all other applicable provisions of ORS 227.178 ("The 120-day Rule") shall apply to a supplemental application submitted under this section.
- (c) A supplemental application submitted under this section shall include a request for any rezoning or variance that may be required to issue a permit under the City's comprehensive plan and land use regulations.
- (d) The City shall adopt specific findings describing the reasons for approving or denying:
  - (1) A use for which approval is sought under this section; and
  - (2) A rezoning or variance requested in the application.

## **2.13 FEES**

- (a) Fees or a fee deposit shall be payable at the time of application and shall be as set forth by Ordinance or Resolution of the City Council. There shall be no fee required for an application initiated by the Planning Commission or the City Council.
- (b) The failure to submit the required fee or fee deposit with an application or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect.
- (c) Fees or the required deposit are not refundable unless the application is withdrawn prior to the notification of the hearing.
- (d) The City Council may reduce or waive the fees upon showing of just cause to do so.

## **SECTION 3**

### **ZONE CHANGE PROCEDURE**

- 3.1 ZONE CHANGE**
- 3.2 PROCESS**
- 3.3 INITIATION OF ZONE CHANGE**
- 3.4 CRITERIA FOR APPROVAL**
- 3.5 ACTION BY THE COMMISSION**
- 3.6 FINAL ACTION BY THE CITY COUNCIL**
- 3.7 EFFECTIVE DATE OF ZONE CHANGE**

#### **3.1 ZONE CHANGE**

A zone change is a reclassification of any area from one zone or district to another, after the proposed change has been reviewed and recommended by the Planning Commission. Such change shall be made by an ordinance enacted by the City Council after proceedings have been accomplished in accordance with the following provisions.

#### **3.2 PROCESS**

Zone change shall be reviewed in accordance with the Type III review procedures specified in Section 2.1

#### **3.3 INITIATION OF ZONE CHANGE.**

A zone change and the proceedings of such a change may be initiated as one of the following:

- (a) A zone change may be initiated by resolution by the City Council only for governmental, educational, religious, or philanthropic purposes. In such a case the City Administrator shall refer the resolution to the Planning Commission, whereupon the Commission shall set a date, time, and place for the hearing. A zone change may be initiated by a resolution of the Planning Commission. The Commission shall not initiate any proceedings unless the zone change is in the public interest. The public notice procedure is as provided by Section 2.3.
- (b) A zone change may be initiated by petition of property owners or by persons purchasing property under contract. Procedure for a zone change by petition shall be as follows:
  - (1) The petition shall set forth the names of the owners of all property within 250 feet of the boundary of the property proposed for a zone change, mailing addresses, and the description of their properties as it appears on the most recent assessment and tax roll of Marion County, or as it appears in the deed records of the County,

if such records be later. Property owned by the City of Mt. Angel shall not be deemed as part of the affected area.

- (2) The petition shall contain a description of the property sought for a zone change and shall be accompanied by a plot showing the location of all property in the affected area.
- (3) Attached to the petition shall be the affidavit of the person(s) preparing the plat and list of names and addresses of owners therein, showing that said person(s) is qualified and competent to prepare such plat and to examine the public records pertaining to ownership of real property, and certifying that the list of names of the owners and descriptions of the property in such lists are accurate and correct and that no name of any property owner in the affected area is omitted from the list. The certificate of an abstract or title company duly incorporated under the laws of Oregon shall be deemed in compliance with this provision.

A petition must be filed within 60 days after the making of such affidavit or certificate. All property owners signing the petition shall acknowledge the same before a notary public or some other official authorized to take acknowledgments, and the certificate of the notary public or another official shall be attached to the petition; or, in lieu of having the signers of the petition acknowledge before a notary public or other officer, the person circulating the petition may execute and file with the petition an affidavit to the effect that such persons secured each name appearing on the petition, or as certified, that each name was signed freely, voluntarily, without undue influence of any nature, and under no misrepresentation as to the facts.

- (4) The petition of a zone change shall be filed with the Secretary of the Commission who shall immediately refer the petition to the City Administrator or their designee who shall within five (5) days check the petition and determine whether the same is signed by the property owners requesting a zone change and contains the required plat and list of names. The City Administrator shall then return the petition to the Planning Commission who shall then fix the public hearing date as provided in Section 2.3.

### **3.4 CRITERIA FOR APPROVAL**

Zone change proposals shall be approved if the applicant provides evidence substantiating the following:

- (a) The proposed zone is appropriate for the Comprehensive Plan designation on the property and is consistent with all applicable Plan policies.
- (b) Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.
- (c) Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

- (d) For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.
- (e) The following additional criteria shall be used to review all non-residential changes:
  - (1) The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone as described in the Comprehensive Plan, or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use.
  - (2) The proposed zone, if it allows uses more intensive than other zones appropriate for the land designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.
- (f) The following additional criteria shall be used to review all annexation proposals requesting a change to a specific zone district versus conformance with Section 19.6, Table 19-1.
  - (1) The associated comprehensive plan designation and zone district provides for logical urbanization of land,
  - (2) The comprehensive plan and zone designation is compatible with development patterns in the nearby vicinity,
  - (3) Social, economic, or demographic patterns of nearby vicinity have so altered that the current designation/zoning is no longer appropriate, and
  - (4) It is in the public interest that the proposed change be adopted.

### **3.5 ACTION BY THE COMMISSION**

After every public hearing for a zone change, the Planning Commission shall forward to the Council its decision and include in its decision findings of fact to support the public health, safety, and welfare relating to but not limited to the following:

- (a) Conformance with the Comprehensive Plan for the City of Mt. Angel.
- (b) Existing and future capacity of public facilities and services with regards to the range of uses allowed by the proposed zone change.
- (c) Compatibility with surrounding zoning and development.

### **3.6 FINAL ACTION BY THE CITY COUNCIL**

Any zone change or reclassification of property shall be by ordinance which shall be passed by the governing body. Any denial of a proposed zone change shall be by resolution. Whenever any premises are reclassified as to zone, or a new zone established, or boundary lines of a zone changed, the official zoning map shall be changed. The City of Mt. Angel will take final action on a permit or zone change application, including all appeals, within 120 days of completion of the application. The 120-day final action requirement does not apply to Comprehensive Plan changes.

### **3.7 EFFECTIVE DATE OF ZONE CHANGE.**

The zone change shall be effective 21 days following the final action taken by the City Council. Within the 21 day period, the decision may be appealed to the Land Use Board of Appeals (LUBA).

**SECTION 4**  
**VARIANCE PROCEDURE**

- 4.1 PURPOSE**
- 4.2 APPLICABILITY**
- 4.3 SUBMITTAL REQUIREMENTS**
- 4.4 CRITERIA AND PROCEDURE - MINOR VARIANCE**
- 4.5 CRITERIA AND PROCEDURE – MAJOR VARIANCE**
- 4.6 LIMITING VARIANCES**
- 4.7 PERIOD OF VALIDITY**
- 4.8 EFFECTIVE DATE OF VARIANCE**

**4.1 PURPOSE**

The development standards in this Ordinance protect the public health, safety and welfare by establishing standard setbacks, maximum building heights and other development standards that apply to various uses. For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a variance to quantifiable requirements. The power provided herein to the Planning Commission to grant variances from the strict application of the provisions of this Ordinance shall be used sparingly.

**4.2 APPLICABILITY**

Variance applications shall be heard in accordance with the public hearing process set forth in Section 2.4 for Type II actions.

Under the following provisions, a property owner or his designate may propose a modification or variance from a standard or requirement of this Ordinance, except when one or more of the following applies:

- (a) The proposed variance would allow a use which is not permitted in the zone;
- (b) Another procedure and/or criteria is specified in the Ordinance for modifying or waiving the particular requirement or standard; or
- (c) Modification of the requirement or standard is prohibited within the district.

### **4.3 SUBMITTAL REQUIREMENTS**

An application for a variance shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application, including findings that address relevant criteria and the review criteria of this Section.

### **4.4 CRITERIA AND PROCEDURE - MINOR VARIANCE**

- (a) The City Administrator or designee may allow a minor variance from a requirement or standard of this Ordinance in accordance with the Type I review procedures provided that the applicant provides evidence that the following circumstances substantially exist:
  - (1) The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; or
  - (2) The particular development as proposed otherwise clearly satisfies the intent and purpose for the provision sought to be varied; and
  - (3) The proposed development will not unreasonably impact adjacent existing or planned uses and development; and
  - (4) The minor variance does not expand or reduce a quantifiable standard by more than 20 percent and it the minimum necessary to achieve the purpose of the minor variance; and
  - (5) There has not been a previous land use action approved on the basis that a minor variance would not be allowed.
- (b) When a minor variance application is submitted concurrently with an application requiring a Type II review, such as a partition, subdivision, or planned unit development, the City Administrator may refer the minor variance application to the Planning Commission for their review.

### **4.5 CRITERIA AND PROCEDURE - MAJOR VARIANCE**

The Planning Commission may permit and authorize a major variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with review procedures, provided that the applicant provides evidence that the following circumstances substantially exist. Approval shall not be granted unless each of these criteria are met.

- (a) The variance requested is the minimum variance which would alleviate the hardship.
- (b) Exceptional or extraordinary circumstances or conditions apply to the property which do not apply generally to other properties in the same zone or vicinity; and result from lot size or shape, legally existing prior to the date of this Ordinance, topography, or other circumstances that substantially exist.

- (c) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy.
- (d) Such variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner that is possessed by the owners of other properties in the same vicinity or zone.
- (e) Approval of the application does not conflict with policies and objectives of the Comprehensive Plan.
- (f) The circumstances or conditions applicable to the specific property involved or to the intended use or development of the specific property does not require the property to be rezoned.
- (g) That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.
- (h) Strict adherence to the requirement or standard is unnecessary because the proposed variance will reasonably satisfy both of the following objectives:
  - (1) Granting the variance will not create significant adverse effects to the appearance, function or safety of the use or uses on the subject property; and
  - (2) Granting the variances will not impose limitations on other properties in the area, including uses which would be allowed on vacant or underdeveloped sites.

#### **4.6 LIMITING VARIANCES**

The City Administrator or designee, in the case of a minor variance, or the Planning Commission, in the case of a major variance, may impose such limitations, conditions, and safeguards as it may deem appropriate so that the spirit of this Ordinance will be observed, public safety and welfare secured, and substantial justice be done. The City Administrator or designee or the Planning Commission may limit the time or duration of a variance. If the variance is granted the applicant will exercise the rights and limitations of the approval by the Planning Commission. A violation of any such condition or limitation shall constitute a violation of this ordinance.

#### **4.7 PERIOD OF VALIDITY**

Variances granted under this Ordinance shall be effective for six (6) months from the date of decision, unless a longer period is specified or allowed by the City Administrator or designee or the Planning Commission. In case such right has not been exercised, or extended, the variance shall be void. An applicant may submit a written request for an extension. The request must be filed with the City at least 30 days prior to the expiration of the variance approval. The Planning Commission shall approve or deny an extension request for a major variance at its next scheduled meeting.

#### **4.8 EFFECTIVE DATE OF VARIANCE**

If an appeal of a variance decision is not filed, the variance shall be effective 12 days after mailing the notice of the decision.

## **SECTION 5**

### **CONDITIONAL USES**

#### **5.1 PURPOSE**

#### **5.2 PROCESS**

#### **5.3 SUBMITTAL REQUIREMENTS**

#### **5.4 CONDITIONAL USE AND CONCURRENT VARIANCES**

#### **5.5 CRITERIA FOR APPROVAL**

#### **5.6 CONDITIONS**

#### **5.7 EFFECTIVE DATE OF CONDITIONAL USE**

#### **5.8 PERIOD OF VALIDITY**

#### **5.9 VIOLATION OF THE CONDITIONAL USE**

#### **5.1 PURPOSE**

A conditional use is an activity that is basically associated with other uses permitted in the zone, but due to some of the characteristics of the conditional use, which are not entirely compatible with the zone, such use could not otherwise be permitted in the zone. A public hearing and review of the proposed conditional use by the Planning Commission will ensure that the use will be in consonance with the purpose and intent of the zone.

#### **5.2 PROCESS**

Conditional Use Permit applications shall be reviewed in accordance with the Type II review procedures.

#### **5.3 SUBMITTAL REQUIREMENTS**

An application for a Conditional Use Permit shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this section.

#### **5.4 CONDITIONAL USE AND CONCURRENT VARIANCES**

Variances may be processed concurrently and in conjunction with a conditional use application and when so processed will not require an additional public hearing or an additional filing fee.

#### **5.5 CRITERIA FOR APPROVAL**

Conditional use permits shall be approved if the applicant demonstrates that the proposed use satisfies the following criteria:

- (a) The location of the proposed use is compatible with other land uses in the area; and

- (b) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, location of improvements and natural features; and
- (c) The proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use; and
- (d) The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity; and
- (e) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone.
- (f) The proposal is compatible with applicable goals and policies of the Comprehensive Plan.

## **5.6 CONDITIONS**

The Planning Commission may prescribe restrictions or limitation for the proposed conditional use. The Commission, in acting upon the application, shall provide that approval of a conditional use shall be contingent upon acceptance and observance of specified conditions, including but not limited to the following matters:

- (a) Conformity to approved plans and specifications;
- (b) Open spaces, buffer strips, walls, fences, advertising signs, concealing hedges, landscaping, lighting;
- (c) Volume of traffic generated, requirements for off-street parking, vehicular movements within the site and points of vehicular ingress and egress;
- (d) Performance characteristics related to the emission of noise, vibration, and other potentially dangerous or objectionable elements;
- (e) Limits on time of day for the conduct of specified activities,
- (f) Guarantees as to compliance with the terms of the approval;
- (g) Outdoor advertising, including the number, location, color, size, height, lighting and landscaping of outdoor signs and structures as related to creation of traffic hazards and appearance in harmony with surrounding development and community objectives;
- (h) Street dedications, easements, and public improvements on property frontages.

## **5.7 EFFECTIVE DATE OF CONDITIONAL USE**

If no public hearing is held by the City Council, the conditional use shall be effective ten (10) days after the mailing of the notice of decision of the Planning Commission. If a public hearing

is held by the City Council, the conditional use shall be effective following the final action taken by the City Council.

#### **5.8 PERIOD OF VALIDITY**

An approved conditional use permit shall lapse and become void unless substantial improvements related to such use are commenced within one (1) year of the date that the approval is granted.

#### **5.9 VIOLATION OF THE CONDITIONAL USE**

Continued compliance with the terms and conditions of an approved conditional use permit and adherence to the approved plans shall be required. Any departure from the terms and conditions of approval shall constitute a violation of this Ordinance. The City Administrator or their designee may conduct periodic reviews of compliance and, upon sufficient complaints or other evidence of violations, may call up the permit for review by the Planning Commission and Council. After public notice and public hearing as provided in Section 4, the City may alter the terms and conditions of the permit, up to and including revocation of the permit. After public notice and public hearing, the holders of a conditional use permit may request a modification of terms and conditions or transferal of the permit to another person.

## SECTION 6

### ZONING

- 6.1. RESIDENTIAL ZONE, SINGLE FAMILY (RS)**
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#### **6.1 RESIDENTIAL ZONE, SINGLE FAMILY (RS)**

- (a) Purpose: It is the purpose of the RS Zone to permit single-family residential uses and their accessory structures and to permit, with Planning Commission approval, certain other uses that are compatible to single-family residential living.
- (b) Permitted Uses. The following uses are permitted in the RS Zone:
  - (1) Single-family dwelling, including a single-family manufactured home;
  - (2) Public parks and recreation area;
  - (3) Public buildings and structures, such as libraries and fire stations;
  - (4) Gardens, orchards and crop cultivation, in addition to those uses allowed in Ordinance, provided no stables or barns, livestock, bees or poultry are maintained in connection therewith, and provided further, that all other applicable ordinances are complied with;
  - (5) Utility right-of-ways;
  - (6) Public utility facilities of non-industrial nature;
  - (7) Accessory uses and structures;
    - (A) Customary residential accessory buildings for private use, such as a pergola, greenhouse, hot house, hobby shop, or hobby house, summer house, patio, enclosed or covered patio, woodshed, quarters for domestic animals maintained as pets of the residents;
    - (B) Fences;

- (C) Off-street storage for a commercial vehicle with a maximum of one commercial vehicle per dwelling;
  - (D) Guest houses and guest quarters not in the main buildings provided such houses and quarters are and remain dependent upon the main building for either or both the kitchen and bathroom facilities and the guest facilities are not used for residential purposes.
  - (E) Swimming pools for private use (requires a building permit);
  - (F) Home occupations, as defined in Section 1.10;
  - (G) Amateur radio antennas;
  - (H) Satellite dishes not exceeding one (1) meter in diameter;
- (8) Right-of-way for streets
- (c) Transitional Uses. The following transitional uses shall be permitted in the RS Zone where the side of a lot or parcel abuts upon any Commercial Zone or Industrial District, provided that such transitional use does not extend across a street or alley and in no case more than 165 feet from the boundary of the less restricted zone which it adjoins:
- (1) Two-family dwelling (duplexes) on a lot of 8,000 square feet or more;
  - (2) The following public and semi-public use buildings and structures:
  - (3) Churches;
  - (4) Community or neighborhood centers, including swimming pools and other allied facilities when erected by a nonprofit community organization for the improvement of the zone or for social recreation of the organization's members;
  - (5) Public automobile parking areas when located and developed as prescribed in Section 8;
  - (6) Outdoor nursery for growing, displaying and sale of shrubs or plants.
  - (7) Day nursery, provided the residential character of the building is unchanged.
- (d) Conditional Uses. The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 5.
- (1) Public and semi-public use buildings and structures;
  - (2) Radio, television, and other telecommunications transmitters and antennae;
  - (3) Public or private schools;

- (4) Two-family dwelling (duplexes) on a lot of 8,000 square feet or more;
- (5) Day nursery, provided the residential character of the building is unchanged;
- (6) Use of an accessory building for a home occupation;
- (7) Planned Unit Development subject to the provisions of Section 10.5;
- (8) Manufactured Home Parks subject to the provisions of Section 10.5;
- (9) Golf Course;
- (10) Conditional Home Occupations subject to the provisions of Section 10.5;
- (11) Boat, camper, and trailer storage area on lot or parcel incidental to the permitted use subject to the provisions of Section 10.3;
- (12) Bed and Breakfast subject to the provisions of Section 10.6;
- (13) Zero side yard dwellings units subject to the provisions of Section 10.7.
- (14) Satellite dishes greater than one (1) meter in diameter.

(e) Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the RS Zone.

- (1) Minimum Lot Area
  - (A) Interior Lot 7,000 square feet
  - (B) Corner Lot 8,000 square feet
  - (C) Vacant parcels with a minimum size of 5,600 square feet may be created, subject to the design requirements of Section 14.6 - Residential Development Standards. No variances to the minimum lot size or design requirements will be allowed.
- (2) Minimum Yard Setback Requirements. All principal and accessory structures shall maintain the following minimum yard setbacks:
  - (A) Front Yard 20 feet
  - (B) Rear Yard Setbacks
    - (i) One-story building 24 feet
    - (ii) Two-story building 30 feet

- (iii) 2-and-one-half story building 36 feet
    - (iv) Corner Lot 14 feet
  - (C) Side Yard Setbacks
    - (i) One-story building 5 feet
    - (ii) Two+ -story building 6 feet
- (3) Maximum Structure Height 35 feet

Exception: Churches and public and semi-public buildings may be built to a height of 70 feet when approved by the Planning Commission. Such buildings must be set back from their lot lines one (1) foot for each foot of height of the building in excess of 35 feet, in addition to other yard and setback requirements herein specified.

- (4) Minimum Front Lot Line Width 20 feet
  - (A) Interior Lot Width at Building Line 50 feet
  - (B) Corner Lot Width at Building Line 70 feet
- (5) Lot Coverage: The area of a lot covered by all buildings including public and private parking areas or garages and accessory buildings of one story in height or less shall not exceed 45 percent of the lot area. All buildings in excess of one story in height shall not exceed 35 percent of the lot area.
- (6) Frontage: All lots or parcels created after the effective date of this Ordinance shall provide a minimum of 20 feet of frontage on an existing or proposed public street, with the following exceptions:
  - (A) Residential lots or parcels, excluding Planned Unit Developments, may be accessed via a private street developed in accordance with the provisions of Section 14 of the Mt. Angel Development Regulations, Infill Development Overlay Zone.
  - (B) When the Planning Commission finds that public street access is:
    - (i) Unfeasible due to parcel shape, terrain, or location of existing structures; and
    - (ii) Unnecessary to provide for the future development of adjoining property.

(f) Single Family Dwelling Features. All single-family dwellings shall have a private garage constructed of like materials and design to include 12-inch projecting eaves on all

structures. All single-family dwelling shall utilize at least three (3) of the following design features to provide visual relief along the front of the home:

- (1) Dormers;
- (2) Gables;
- (3) Recessed entries;
- (4) Covered porch entries;
- (5) Cupolas;
- (6) Pillars or posts;
- (7) Bay or bow windows;
- (8) Offsets on building face or roof (minimum 16")

## 6.2 RESIDENTIAL ZONE, MULTI-FAMILY (RM)

- (a) Purpose: The purpose of the RM Zone is to permit the integration of multi-family dwellings and other residentially-oriented uses within and adjacent to single-family residential area by limiting the height of such structures to one story, except in those instances where two-story structures are determined to be appropriate.

Further, it is the intent of the RM Zone to permit certain types of land use that can buffer single-family residential uses from other types of conflicting land uses, such as commercial or industrial developments.

- (b) Permitted Uses. The following uses are permitted in the RM Zone:

- (1) Any permitted, transitional, and conditional use allowed in the RS Zone except Bed and Breakfasts;
- (2) Duplexes, Multi-Family Dwellings, and Apartments;
- (3) Dormitories;
- (4) Sorority and fraternity houses;
- (5) Student homes;
- (6) Boarding and rooming houses;
- (7) Churches;
- (8) Community or neighborhood centers clubs;
- (9) Day nurseries;
- (10) Accessory uses and structures;
  - (A) Amateur radio antennas;
  - (B) Satellite dishes not exceeding one (1) meter in diameter;

- (c) Conditional Uses. The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 5:

- (1) Schools (elementary, junior high, and high school);
- (2) Golf Course;
- (3) Planned Unit Development subject to the provisions of Section 10.5;
- (4) Residential Home;

- (5) Home for the aged or Retirement homes;
- (6) Group Care Home;
- (7) Nursing home;
- (8) Hospital;
- (9) Conditional Home Occupation subject to the provisions of Section 10.2;
- (10) Boat, camper, and trailer storage area or lot incidental to the permitted use subject to the provisions of Section 10.3;
- (11) Manufactured Home Park subject to the provisions of Section 10.4;
- (12) Public parking area subject to the provisions of Section 8;
- (13) Bed and Breakfast subject to the provisions of Section 10.6;
- (14) Satellite dishes greater than one (1) meter in diameter.

(d) Dimensional Standards

The following dimensional standards shall be the minimum requirements for all developments in the RM Zone.

- (1) Minimum Lot Area
  - (A) Single-family dwelling
    - (i) Interior Lot 7,000 square feet
    - (ii) Corner Lot 8,000 square feet
  - (B) Duplex: 8,000 square feet
  - (C) Multi-family dwelling, three (3) unit plus 3,500 square feet per unit in excess of 3 units 10,500 square feet
- (2) Minimum Yard Setback Requirements. All principal and accessory structures shall maintain the following minimum yard setbacks:
  - (A) Front Yard 15 feet
 

No parking shall be allowed in the required minimum front yard exclusive of the driveways.
  - (B) Rear Yard
    - (i) One-story building 10 feet

- (ii) Two-story building 15 feet
- (iii) Over Two stories 20 feet

No parking shall be allowed within ten (10) feet of the street property line.

(C) Side Yard. The width of the side yard on each side of the lot shall not be less than one-half the height of the building, provided that:

- (i) No side yard shall be less than five (5) feet nor required to be more than 15 feet.
- (ii) The side yard of a street shall not be less than 15 feet and may not be utilized for parking within ten (10) feet of the street property line.

(3) Landscaped Yards. In an RM Zone, landscaping shall be provided on at least 15 percent of the total lot area for duplex and multi-family developments. This includes area along the perimeter of parking areas and adjacent to streets.

(4) Maximum Structure Height 35 feet

Exception: Churches and public and semi-public buildings, where permitted, may be built to a height not to exceed 70 feet, provided any such building sets back from every street and lot line one (1) foot for each foot of height of the building in excess of 35 feet, in addition to other yard and setback requirements herein specified. A structure exceeding its height limitation requires approval of a conditional use permit.

(5) Minimum Lot Width

- (A) Width at Front Lot Line 20 feet
- (B) Interior Lot Width at Building Line 50 feet
- (C) Corner Lot Width at Building Line 70 feet

(6) Lot Coverage: No building or group of buildings, including accessory buildings, shall occupy more than 45 percent of the lot area, and no detached accessory buildings may occupy more than 25 percent of any side or rear yard.

(7) Frontage: All lots or parcels created after the effective date of this Ordinance shall provide a minimum of 20 feet of frontage on an existing or proposed public street, with the following exceptions:

- (A) Residential lots or parcels, excluding Planned Unit Developments, may be accessed via a private street developed in accordance with the provisions

of Section 14 of the Mt. Angel Development Regulations, Infill Development Overlay Zone.

- (B) When the Planning Commission finds that public street access is:
  - (i) Unfeasible due to parcel shape, terrain, or location of existing structures; and
  - (ii) Unnecessary to provide for the future development of adjoining property.

### **6.3 RESIDENTIAL COMMERCIAL ZONE (RC)**

- (a) Purpose: It is the purpose of the RC Zone to provide for the development of residential uses and other types of uses associated with higher-density residential developments.

Further, it is the intent of the RC Zone to provide a means by which certain compatible commercial and residential uses may be permitted within and adjacent to certain areas designated on the Comprehensive Plan for residential or commercial use when it is determined to be appropriate and reasonable to the area.

- (b) Permitted Uses. The following uses are permitted in the RC Zone:

Any permitted, transitional and conditional uses allowed in the RM Zone with the exception of a Bed and Breakfast;

- (1) Duplexes;
- (2) Multi-family dwellings;
- (3) Apartments;
- (4) Schools;
- (5) Homes for the aged or Rest Homes;
- (6) Retirement Homes;
- (7) Group Care Homes;
- (8) Nursing Homes;
- (10) Accessory uses and structures;
  - (A) Amateur radio antennas;
  - (B) Satellite dishes not exceeding one (1) meter in diameter;

- (c) Conditional Uses. The following uses will be permitted in the RC Zone as conditional uses, provided that such uses are approved in accordance with Section 5.

- (1) Planned Unit Development;
- (2) Manufactured Home Park subject to the provisions of Section 10.4;
- (3) Fraternal or lodge building;
- (4) Beauty salon and barber shop;

- (5) Medical and dental offices;
  - (6) Public parking area subject to provisions of Section 8;
  - (7) Banks;
  - (8) Professional Office. Retail businesses are not included;
  - (9) Boat, Camper, and Trailer storage area on lot as incidental to the permitted use;
  - (10) Mortuary;
  - (11) Hospital;
  - (12) Fire Station;
  - (13) Wholesale nursery;
  - (14) Florist Shop;
  - (15) Gift Shop;
  - (16) Conditional Home Occupation subject to the provisions of Section 10.2;
  - (17) Bed and Breakfast subject to the provisions of Section 10.6;
  - (18) Satellite dishes greater than one (1) meter in diameter.
- (d) Dimensional Standards. The following dimensional standards shall be the minimum requirements for all developments in the RC Zone.
- (1) Minimum Lot Area
    - (A) Residential lot coverage is the same as in the RM Zone.
    - (B) All other uses shall occupy no more than 60 percent of the lot area.
  - (2) Minimum Yard Setback Requirements. All principal and accessory structures shall maintain the following minimum yard setbacks:
 

(A) Front Yard	15 feet
(B) Side Yard	
(i) Adjoining a non-residential zone	None
(ii) Adjoining a residential zone	20 feet
(C) Rear Yard	

(i)	One-story dwelling	10 feet
(ii)	Two-story dwelling	15 feet
(iii)	Two+ storied dwelling	20 feet
(iv)	One-story building	10 feet
(v)	Two-story building	15 feet

- (3) Landscaped Yards. For residential purposes, all required yards adjacent to a street shall be landscaped including along the perimeter of parking areas. Non-residential land uses shall provide landscaping as required below:
- (A) Provide for combined perimeter and interior landscaping along parking areas and driveways.
  - (B) Provide minimum five-foot high solid screen when adjacent to land uses other than commercial or industrial.
  - (C) Provide a visual relief screen when adjacent to any street in the form of a hedge, fence, planter box, berm, shrubbery, and trees or any combination thereof.
  - (D) A vision clearance area shall be observed regarding all screens.
  - (E) Landscaping shall be provided on at least 15 percent of the lot area.
- (4) Lot Width. Lot width is the same as in the RM Zone.

#### **6.4 GENERAL COMMERCIAL ZONE (CG)**

- (a) Purpose: To provide for a wide range of retail, wholesale, transportation, and service uses that are primarily dependent on vehicle and pedestrian patronage.
- (b) Permitted Uses. The following uses are permitted in the General Commercial Zone:
- (1) Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, used merchandise store; hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types of retail activities;
  - (2) Public and semi-public buildings, structures and uses, such as parks, municipal offices, libraries, police and fire stations, churches, and hospitals;
  - (3) Retail and Service related stores such as television and radio sales and service, bicycle shop, locksmith, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use;
  - (4) Service-related businesses such as barber shops, beauty salons, advertising agencies, self-serve laundry, dry cleaning, printing or photocopying, or other activities where the primary activity is the providing of a service to retail customers;
  - (5) Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; and miscellaneous offices such as detective agencies, drafting services or contractor's offices.
  - (6) Greenhouse and garden supply;
  - (7) Amusement and recreation related businesses such as bowling alleys, miniature golf, pool halls, motion picture theaters, video arcades, and other types of amusement and recreational businesses.
  - (8) Hotel and Motel
  - (9) Residences located on the second story of a commercial building
  - (10) Retail sales of spas (with no more than 5 units displayed outside the building).
  - (11) The following businesses shall be permitted, provided that:
    - The lot is paved with a concrete or asphalt surface;
    - The lot is screened from any adjoining residential zone by a sight-obscuring fence, wall, or hedge at least five (5) feet in height; and

- All storage of merchandise and supplies shall be conducted wholly within a building or enclosed area, except for the provision of gas services ancillary to a repair or service station provided below.
- (A) Automobile, truck, motorcycle, trailer, farm equipment, recreational vehicle and boat sales and repair;
  - (B) Automobile service station, including towing services and vehicle washing and polishing facilities, and services;
  - (C) Part and accessory sales for automobiles, trucks, motorcycles, trailers, farm equipment, recreational vehicles and boats;
  - (D) Retail tire sales, service and repair; tire recapping, service and repair, paint and body shop;
  - (E) Lumber yard and contracting supplies for lumber, stone, masonry or metal (sales only);
  - (F) Special trade contracting facilities such as floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting;
  - (G) Newspaper, periodical, publishing and printing;
  - (H) Veterinary clinics;
  - (I) Tire recapping (conducted wholly within a building); welding; blacksmith shop; public swimming pool; travel trailer park; contracting supplies, lumber, stone, masonry, metal (sales only); garage and repair shop; newspaper, periodical, publishing and printing; tractor and farm equipment, sales, and service; veterinary clinic; kennel; light components assembly; baker (wholesale and manufacture of bakery products)
  - (J) Cabinet shop (conducted wholly within a building)
- (12) Accessory uses and structures;
    - (A) Amateur radio antennas;
    - (B) Satellite dishes not exceeding two (2) meters in diameter;
    - (C) Collocated wireless communication facilities where the existing support structure height will not be increased by 20 feet or more.
- (c) Conditional Uses. The following uses are will be permitted as conditional uses, provided that such uses are approved in accordance with Section 5:

- (1) Self-service, short-term storage;
- (2) Public swimming pool;
- (3) Recreational vehicle park;
- (4) Kennel;
- (5) Light components assembly;
- (6) Bakery: wholesale and manufacture of bakery products;
- (7) Mini-storage warehouses.
- (8) Satellite dishes greater than two (2) meters in diameter;
- (9) Towers and ancillary wireless communication facilities, subject to the provisions of Section 18, provided that the facilities are not located within 350 feet of any residential zones.
- (10) Collocated wireless communication facilities where the existing support structure height will be increased by 20 feet or more.

(d) Dimensional Standards

The following minimum dimensional standards shall be required for all development in the General Commercial Zone.

- |                                  |         |
|----------------------------------|---------|
| (1) Minimum lot area:            | None    |
|                                  |         |
| (2) Minimum yard setbacks:       |         |
|                                  |         |
| (A) Front Yard                   |         |
| Adjoining a non-residential zone | None    |
| Adjoining residential zone       | 15 feet |
| Across the street from RS Zone   | 20 feet |
| Across the street from RM Zone   | 15 feet |
| Across the street from RC Zone   | 15 feet |
|                                  |         |
| (B) Rear Yard                    |         |
| Adjoining a non-residential zone | None    |

- |     |                                  |         |
|-----|----------------------------------|---------|
|     | Adjoining a residential zone     | 15 feet |
| (C) | Side Yard                        |         |
|     | Adjoining a non-residential zone | None    |
|     | Adjoining a residential zone     | 10 feet |
| (3) | Maximum structure height         | 45 feet |
- (e) Landscaped yards. For residential purposes, all required yards adjacent to a street shall be landscaped including along the perimeter of parking areas. Non-residential land uses shall provide landscaping as required below:
- (1) Provide for combined perimeter and interior landscaping along parking areas and driveways.
  - (2) Provide minimum five-foot high solid screen when adjacent to land uses other than commercial or industrial.
  - (3) Provide a visual relief screen when adjacent to any street in the form of a hedge, fence, planter box, berm, shrubbery, and trees or any combination thereof.
  - (4) A vision clearance area shall be observed regarding all screens.
  - (5) Landscaping shall be provided on at least 15 percent of the lot area. Properties within the Parking District (Exhibit A of Section 8) are exempt from this requirement.
- (f) Conditions Imposed Where Zone Change To General Commercial Zone Abuts Residential Zone. In any zone change or reclassification of property to General Commercial where the land proposed to be changed abuts upon a residential zone, or abuts upon a street or alley which would be the boundary line between the proposed General Commercial Zone and the residential zone, conditions to preserve neighborhood qualities may be imposed by the governing body relating to:
- (1) Size and location of signs;
  - (2) Size, type, and location of outdoor lighting;
  - (3) Landscaped area;
  - (4) Screening;
  - (5) Building setbacks;
  - (6) Ingress and egress for commercial uses.

If any of the above conditions are imposed, they shall be placed in the deed records of the County.

- (g) Special Development Standards. Except for outdoor storage of materials or outdoor sales, as allowed by this or any other city ordinance, all uses permitted in the CG Zone shall be conducted within one or more buildings situated on permanent foundations requiring issuance of building permits.

## 6.5 LIGHT INDUSTRIAL ZONE (IL)

- (a) Purpose: To permit certain industrial uses which are generally compatible with and unobtrusive to normal community development, and to permit additional, more intensively oriented industrial use when approved by the Planning Commission.
- (b) Permitted Uses. The following uses are permitted in the Light Industrial Zone:

Any permitted or conditional use allowed in the CG Zone;

- (1) Warehouses including mini-warehouse storage; assembly, including light manufacturing, processing, packaging, treatment, fabrication of goods or merchandise; laboratories, offices, bottling and distribution centers, light repair facilities, wholesale businesses, and similar uses such as contracting and service facilities.
  - (2) Motor vehicles and motor vehicle equipment facilities, including the painting of motor vehicles;
  - (3) Wood fuel dealers
  - (4) Auction house or market (no livestock or poultry sales);
  - (5) Motor freight depot;
  - (6) Accessory uses and structures;
    - (A) Amateur radio antennas;
    - (B) Satellite dishes not exceeding two (2) meters in diameter;
    - (C) Collocated wireless communication facilities where the existing support structure height will not be increased by 20 feet or more.
- (c) Conditional Uses. The following conditional uses may be permitted in any IL Zone subject to obtaining a conditional use permit in accordance with Section 5:
- (1) Chemicals, fertilizers, insecticides, paint, and allied products manufacturing facilities;
  - (2) Food, grain, and feed products processing;
  - (3) Paper and allied products manufacturing facilities;
  - (4) Petroleum products and gasoline storage, provided all storage is underground;
  - (5) Transportation equipment manufacturing facilities, including but not limited to motor vehicle brakes and railroad equipment;

- (6) Wood and lumber products processing, manufacturing, and storage facilities:
  - (7) Auto racing track;
  - (8) Machinery manufacturing facilities:
    - (A) Construction and mining equipment;
    - (B) Engines and turbines;
    - (C) Farm machinery and equipment;
    - (D) General industrial machinery and equipment;
    - (E) Materials handling machinery and equipment;
  - (9) Mining, pits, and quarries facilities:
    - (A) Earth, topsoil, clay, peat;
    - (B) Sand and gravel pits, quarries, including extraction from rivers and streams;
    - (C) Rock crushing and preparing sand and gravel for construction uses or other special uses.
  - (10) Satellite dishes greater than two (2) meters in diameter;
  - (11) Towers and ancillary wireless communication facilities, subject to the provisions of Section 18, provided that the facilities are not located within 350 feet of any residential zones.
  - (12) Collocated wireless communication facilities where the existing support structure height will not be increased by 20 feet or more.
- (d) Prohibited Uses.
- (1) Rendering plants
  - (2) Wrecking, demolition, junkyards, including recycling firms.
  - (3) Any other use which is or can be operated in such a manner as to create a dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt, or other forms of air pollution; electrical or other disturbance; glare; or other substance, condition or element in such amount as to adversely affect the public health, safety, and welfare.

(e) Dimensional Standards

- |     |  |  |
|-----|--|--|
| (1) | Minimum Lot Size:                          | None   |
| (2) | Setback Requirements:                      |  |
|     | (A) Front yard                             |  |
|     | Adjacent to a residential zone:            | Equal to the minimum requirements of the adjoining residential zone. |
|     | Adjacent to other than a residential zone: | None   |
|     | (B) Side Yard                              |  |
|     | Adjacent to a residential zone:            | Equal to the minimum requirements of the adjoining residential zone. |
|     | Adjacent to other than a residential zone: | None   |
|     | (C) Rear Yard                              |  |
|     | Adjacent to a residential zone:            | Equal to the minimum requirements of the adjoining residential zone. |
|     | Adjacent to other than a residential zone: | None   |
| (3) | Maximum Building Height                    | 45 feet  |

(f) Landscaped Yards. Where the building or structure portion thereof to be erected, altered, or enlarged is to be used for residential purposes, then the requirements for the Multi-Family Residential Zone set forth in Section 6 shall govern. Non-residential land uses shall provide landscaping as required below:

- (1) Provide for combined perimeter and interior landscaping along parking areas and driveways.
- (2) Provide minimum five (5) foot high solid screen when adjacent to land uses other than commercial or industrial.
- (3) Provide a visual relief screen when adjacent to any street in the form of a hedge, fence, planter box, berm, shrubbery, and trees of any combination thereof.
- (4) A vision clearance area shall be observed regarding all screens.
- (5) Landscaping shall be provided on at least 15 percent of the lot area.

- (g) Industrial Performance Standards. In the Light Industrial Zone no land or structure shall be used or occupied unless there is continuing compliance with the following standards and limitations on use:
- (1) Heat, glare, and light: All operations and facilities producing heat, glare, or light, including exterior lighting, shall be so directed or shielded by walls, fences, or evergreen plantings that such heat, glare, or light is not reflected or directed onto adjacent properties or streets;
  - (2) Noise: No noise or sound in the IL Zone shall be of a nature which will constitute a nuisance;
  - (3) Sewage: Adequate provisions shall be provided for the disposal of sewage and waste materials and such provisions shall meet the requirements of the County Health Department and/or the Oregon Department of Environmental Quality;
  - (4) Vibration: No vibration, other than that caused by highway vehicles and trains, shall be permitted which is discernible without instruments at or beyond the property line for the use concerned.
- (h) Special Development Standards. Except for outdoor storage of materials or outdoor sales, as allowed by this or any other city ordinance, all uses permitted in the IL Zone shall be conducted within one or more buildings situated on permanent foundations requiring issuance of building permits.

## 6.6 PUBLIC AND SEMI-PUBLIC USE ZONE (PS)

- (a) Purpose: To permit, on certain publicly and semi-publicly owned lands, uses that provide for the varying needs of the general public and that will not unreasonably disrupt or alter areas of the community.
- (b) Permitted Uses. The following uses are permitted in the Public and Semi-Public Use (PS) Zone:
- (1) Publicly and semi-publicly owned buildings and facilities such as city halls, community centers, libraries, schools, fire and police stations, armories; auditoriums; expositions, penal institutions, reformatories;
  - (2) Public and semi-public outdoor recreation facilities such as parks, swimming pools, golf courses, playgrounds, amusement parks, ball parks, fairgrounds, and zoos;
  - (3) Public utility structures and buildings, such as pump stations, reservoirs, electric substations, water and sewage treatment facilities and necessary right-of-way for identified public utilities;
  - (4) Lands designated for public open space such as nature preserves or scenic areas;
  - (5) Dwelling for a caretaker or watch guard;
  - (6) Military training facilities;
  - (7) Cemeteries;
  - (8) Medical and dental clinics;
  - (9) Convent or similar such group living arrangement of a religious nature (e.g. The Benedictine Sisters);
  - (10) Nursing home, when owned and operated in conjunction with a religious group (e.g. The Benedictine Sisters)
  - (11) Towers and ancillary wireless communication facilities, used for non-commercial purposes, only at the following locations:
    - (A) Any property owned by the City of Mt. Angel;
    - (B) Any Property owned by the Mt. Angel Fire District; and
    - (C) Any property within an electric utility substation.

- (12) Uses clearly accessory and subordinate to the above, including the following:
  - (A) Amateur radio antennas;
  - (B) Satellite dishes not exceeding two (2) meters in diameter;
  - (C) Collocated wireless communication facilities where the existing support structure height will not be increased by 20 feet or more.
  
- (c) Conditional Uses. The following uses may be permitted in the Public and Semi-Public Zone subject to obtaining a conditional use permit in accordance with Section 5.
  - (1) Fraternal and civic organizational facilities;
  - (2) Hospitals and overnight clinics;
  - (3) Private schools and branch educational facilities;
  - (4) Semi-public facilities such as churches, synagogues, and temples;
  - (5) Commercial airport;
  - (6) Shelter care, under the control of a Resident Manager, for the homeless and needy when owned and operated in conjunction with a religious group (e.g. The Benedictine Sisters).
  - (7) Satellite dishes greater than two (2) meters in diameter;
  - (8) Towers and ancillary wireless communication facilities, subject to the provisions of Section 18, provided that the facilities are not located within 350 feet of any residential zones.
  - (9) Collocated wireless communication facilities where the existing support structure height will be increased by 20 feet or more.
  
- (d) Changing Use. Any area shown on the official zoning map as a Public or Semi-Public Zone shall not be used for any other purpose than that for which it is used at as of the effective date of this Ordinance. Whenever the use of such an area or zone is proposed to be changed, it shall be reviewed by the Planning Commission in the manner provided for by Section 5 of this Ordinance (Conditional Uses).

Dimensional Standards. The following dimensional standards shall be required for all development in the Public and Semi-Public Zone:

- (1) Minimum Yard Setbacks
  - (A) Front Yard 20 feet
  - (B) Side Yard

	Adjoining a non-residential zone	none
	Adjoining a residential zone	15 feet
(C)	Rear Yard	20 feet
	Increased by four (4) feet for each additional story above the first.	

(2) Maximum Building Height 45 feet

(f) Landscaped yards. For residential purposes, all required yards adjacent to a street shall be landscaped including along the perimeter of parking areas. Non-residential land uses shall provide landscaping as required below:

- (1) Provide for combined perimeter and interior landscaping along parking areas and driveways.
- (2) Provide minimum five (5)-foot high solid screen when adjacent to land uses other than commercial or industrial.
- (3) Provide a visual relief screen when adjacent to any street in the form of a hedge, fence, planter box, berm, shrubbery, and trees or any combination thereof. Note: A vision clearance must be maintained.

**6.7 DOWNTOWN CORE ZONE OVERLAY DISTRICT (DC)**

- (a) Purpose: To provide for an appropriate range of mixed use retail, service, and residential uses that are primarily dependent on pedestrian patronage.
- (b) Permitted Uses. The following uses are permitted in the Downtown Commercial Zone:
  - (1) All uses described in the General Commercial Zone except those listed in Section 6.4 (b) (11).
- (c) Dimensional Standards. The following dimensional standards shall be required for all development in the Downtown Core Zone:
  - (1) Minimum Yard Setbacks
    - (A) Front Yard none
    - (B) Side Yard
      - Adjoining a non-residential zone none
      - Adjoining a residential zone 15 feet
    - (C) Rear Yard
      - Adjoining a non-residential zone none
      - Adjoining a residential zone 15 feet
  - (D) Maximum Building Height 45 feet

## SECTION 7

### GENERAL DEVELOPMENT STANDARDS

#### 7.1 YARD AND LOT STANDARDS

#### 7.2 ACCESSORY STRUCTURES

#### 7.3 HEIGHT AND OTHER EXCEPTIONS

#### 7.1 YARD AND LOT STANDARDS

- (a) New Buildings To Be On One Lot. Every building erected shall be located on a lot as herein defined.
- (b) Yards Apply Only To One Building. No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing yard or open space on the lot whereon the building is to be erected.
- (c) No Parking In Front Yard, Yards Adjacent To A Street, Or Landscaped Areas. No parking shall be allowed exclusive of driveways within the required front yard area. The side yard and rear yard areas may be used for parking vehicles unless otherwise prohibited by this ordinance.

The yard areas adjacent to a street shall not be used for the permanent storage of utility trailers, house or vacation trailers, boats, or other similar vehicles where such parking or storage might impair public safety and welfare.

- (d) Average Yard Setback Adjacent To A Street (Front And Exterior Side Yards). Every building requiring a front yard shall set back from the front line at least 20 feet, except in the instance where the average depth of the other buildings on the same side of the street are between 30 and ten (10) feet, then the average depth may be used. The average depth is the average of the distance from the closest part of the foundation of the existing buildings to the front property line where the existing buildings are within 200 feet of the center of the proposed building, on the same side of the street, within the same block.

If existing buildings are within less than ten (10) feet of the property line, then no less than ten feet shall be used in figuring the average, or if existing buildings are more than 30 feet from the property line then no more than 30 feet shall be used in figuring the average.

- (e) Front Yard Projections - Exemptions. The following projections are exempt from the front yard setback provisions: Planter boxes, chimneys and flues, steps, cornices, eaves,

gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features of not more than 24 inches from main buildings, uncovered porches, and covered but unenclosed porches when not more than one story high and which do not extend more than five (5) feet beyond the front walls of the building.

(f) Side Yard Projections.

- (1) Cornices, eaves, gutters, and fire escapes, when not prohibited by other code or Ordinance, may project into a required side yard not more than one-third of the width of the side yard, nor more than three (3) feet in any case.
- (2) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and ornamental features may project not more than two (2) feet into a required side yard, provided that chimneys and flues shall not exceed six (6) feet in width.
- (3) Uncovered decks and patios attached to the main building when measured directly beneath the outer edge of the deck or patio may be extended to the side yard property line when they are three (3) feet or less in height from ground level.

(g) Rear Yard Projections.

- (1) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters, and other ornamental features may project not more than two (2) feet into a required rear yard, provided, however, that chimneys and flues shall not exceed six (6) feet in width.
- (2) A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than five (5) feet into a required rear yard and set back at least six (6) feet from any property line.
- (3) Planter boxes, steps, uncovered porches, and covered but unenclosed porches including covered patios when not more than one story high and not more than four (4) feet above grade, and which shall not come closer than 14 feet from the rear lot line, are exempt from the minimum rear yard depth requirement.
- (4) No permitted projection into a required rear yard shall extend within ten (10) feet of the center line of an alley, or of a rear lot line if no alley exists, or within six (6) feet of an accessory building.
- (5) Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the rear yard property line when they are three (3) feet or less in height from ground level.

## **7.2 ACCESSORY STRUCTURES**

- (a) Application Of Regulations. The regulations herein set forth shall apply to all residential zones and to structures in any other zone used in connection with residential purposes.

Accessory structures shall be located within the rear or interior yard. A maximum of two (2) are permitted.

- (b) Height. The maximum height of any accessory structure shall be eight (8) feet at the lot line. Such maximum height may be increased one (1) foot for each one (1) foot of distance from the lot line to a maximum height of 20 feet. Roof drainage shall be accommodated within the confines of the property.
- (c) Front Yards And Yards Adjacent To Streets. Any accessory structure, except fences, which has any portion extending above grade shall observe the yard requirements the same as the main building.
- (d) Side Yards, Interior. Accessory structures not attached to the main building located in an interior side yard shall be set back at least five (5) feet from any lot line.
- (e) Rear Yards. Within interior rear yards and portions of rear yards not abutting a street, an accessory structure may be placed on the property line except along an alley. All structures except fences shall be at least five (5) feet from the alley.
- (f) Accessory Structures Attached To The Main Building. Covered or enclosed accessory buildings which are attached to the main building shall be considered as a portion of the main building and shall observe the same requirements as the main building except for certain projections, as provided in Section 7.1. Accessory structures shall be considered attached to the main building when any portion of the accessory structure is located within 4 feet of the main building.
- (g) Fences, Walls And Hedges - Location, Height And Density. Fences, walls, and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of required clear-vision areas. Fences along a front property line or within a front yard setback shall not exceed a height of five (5) feet, when the fence is at least 50 percent open. All other in fences, walls, or hedges along a front property line shall not exceed a height of four (4) feet. For side and rear yards, fences, walls or hedges shall not exceed six (6) feet in height without approval of a variance.
- (h) Fences - Use Of Hazardous Materials. Fences shall not be constructed of or contain any material which could cause bodily harm such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials. Except that barbed wire fences can be used for livestock as long as they are not used along a sidewalk or public way. Electric fences cannot be within 50 feet of a property line and must be marked. Barbed wire may be permitted in Commercial, Industrial, and Public and Semi-Public Use zones only when used as the top section for security fences and shall be a minimum of six (6) feet above grade.
- (i) Exceptions For Electric And Barbed Wire Fences. Electric or barbed wire fences intended to contain or restrict cattle, sheep, horses or other livestock, and existing prior to annexation to the City, may remain. Use of barbed wire is as follows:
  - (1) Agricultural uses may utilize electric and barbed wire fencing.

- (2) Conforming and City-approved businesses may use fencing in the Commercial, Industrial and Semi-Public Use Zones with a height limit of six (6) feet. This may include the use of one (1) foot of double barbed 12 ½ gauge fencing at the top portion. Approval of a fence with barbed wire higher than six (6) feet requires the approval of a variance request.

### **7.3 HEIGHT AND OTHER EXCEPTIONS.**

- (a) Chimneys may exceed the maximum height of the zone in which they are located.
- (b) Electronic communication antennas and towers, such as radio, television, and telecommunications receiving antennas, may exceed the height limits of the zone, but must meet provisions regulating such installation as provided in Section 18, and any applicable provisions from the zoning district.
- (c) Amateur radio transmitting towers and antennas are not subject to the provisions of Section 18 and may exceed the height requirements for structures as required by the zone, but must meet all state and federal provisions regulating such facilities and comply with manufacturers installation requirements.
- (d) Steeples may exceed the maximum height of the zone in which they are located provided that they do not contain any habitable space.
- (e) Replacement of an existing utility pole along or within the right-of-way used for electric, cable, telephone, etc., that is located along a right-of-way is permitted without land use review including the establishment of a pole that is suitable for use for wireless communication in the Commercial General (CG), Light Industrial (IL), and Public and Semi-Public Use (PS) zones. The multi-purpose monopole must not exceed the height of other existing poles along the adjacent utility corridor by more than 20 feet.

## **SECTION 8**

### **OFF-STREET PARKING AND LOADING**

- 8.1. NEW AND EXISTING FACILITIES TO PROVIDE PARKING AND LOADING**
- 8.2. REDUCTION OF REQUIRED PARKING AREA PROHIBITED**
- 8.3. REDUCTION OF PARKING AND LOADING AREA ALLOWED IN THE BUSINESS CENTER**
- 8.4. LOCATION**
- 8.5. JOINT USE**
- 8.6. OFF-STREET AUTOMOBILE PARKING REQUIREMENTS**
- 8.7. OFF-STREET LOADING REQUIREMENTS**
- 8.8. PARKING AND LOADING AREA DEVELOPMENT REQUIREMENTS**
- 8.9. GENERAL PROVISIONS, OFF-STREET PARKING AND LOADING**
- 8.10. HANDICAPPED PARKING**
- 8.11. ACCESS TO STATE HIGHWAYS**

#### **8.1 NEW AND EXISTING FACILITIES TO PROVIDE PARKING AND LOADING.**

Off-street automobile parking areas and off-street loading areas as hereinafter set forth shall be provided and maintained:

- (a) For any new building or structure erected after the effective date of this Ordinance.
- (b) For additional seating capacity, floor area, guest rooms, or dwelling units added to any existing building or structure.
- (c) When the use of the building or structure as set forth in Section 8.6 is changed, such changed use would require additional parking areas and off-street loading areas under the provisions of this Ordinance.
- (d) As a condition of approval in a land use decision.

#### **8.2 REDUCTION OF REQUIRED PARKING AREA PROHIBITED.**

Off-street parking and loading areas which existed on the effective date of this Ordinance shall not be reduced below the required minimum set forth in this Ordinance, except as provided for in 8.3 below.

**8.3 REDUCTION OF PARKING AND LOADING AREA ALLOWED IN THE BUSINESS CENTER.**

Off-street parking and off-street loading area requirements for a particular use as enumerated in this Ordinance are not required for a new or expanding use when located within the Parking District delineated in Exhibit "A".

**8.4 LOCATION.**

Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that:

- (a) In Residential-zoned property, automobile parking areas for dwellings and other uses permitted in a residential zone may be located on another lot if such lot is within 200 feet of the lot containing the main building, structure, or use;
- (b) In any commercial zone, the parking area may be located off the site of the main building, structure, or use if it is within 500 feet of such site.

**8.5 JOINT USE.**

A parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to City approval for commercial and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. In shared parking areas, the requirements of subsection 8.6 may be reduced accordingly. Such joint use shall not be approved unless satisfactory legal evidence is presented that demonstrates the access and parking rights of all affected parties.

**8.6 OFF-STREET AUTOMOBILE PARKING REQUIREMENTS.**

Off-street automobile parking shall be provided as required in Section 8.8 and approved by the Director of Public Works in the amount not less than listed below:

<u>Use</u>	<u>Parking Required</u>
<u>Residential</u>	
(a) One and two family dwellings	Two (2) spaces per dwelling unit
(b) Three-family and multi-family dwellings or four (4) or more units located on the same lot.	One and one-half (1 1/2) spaces per dwelling unit
(c) Hotel, motel, and Boarding houses, rooming houses	One (1) space per guest accommodation plus one space for the owner or manager

## Public Uses

- |  |   |
|--|---|
| (d) Hospital, nursing home               | One (1) space per two (2) beds plus one (1) space per two (2) employees   |
| (e) Churches, auditorium                 | One (1) Space per four (4) seats or every eight (8) feet of bench length  |
| (f) Elementary or junior high school     | Two (2) spaces per classroom plus off-street loading and unloading facility   |
| (g) High school                          | One (1) space per classroom, plus one (1) space per employee, plus 1 space for each 10 students, plus off-street student loading and unloading facility |
| (h) Municipal and Governmental Buildings | One (1) space per 600 square feet of gross floor area plus one space per two (2) employees  |
| (i) Medical and Dental Clinic            | One (1) space per 300 square feet of gross floor area, plus one (1) space per two (2) employees   |

## Commercial Uses

- |   |   |
|---|---|
| (j) Club, lodge, restaurant   | One (1) space per three (3) seats or six (6) feet of bench length                               |
| (k) Bowling alley, skating rink, Amusement and Recreational Services                      | One (1) space per 200 square feet of gross floor area, plus one (1) space per two (2) employees |
| (l) Retail store  | One (1) space per 400 square feet of gross floor area plus one space per two (2) employees      |
| (m) Retail store handling exclusively bulky merchandise such as automobiles and furniture | One (1) space per 600 square feet of gross floor area plus one space per two (2) employees      |
| (n) Service or repair shop  | One (1) space per 200 square feet of gross floor area   |

Industrial Uses

- (o) Storage Warehouse;  
0-49,999 square feet of floor area                      One (1) space per 5,000 square feet or one (1) space per employee, whichever is greater
- 50,000-99,000 square feet of floor area                      One (1) space per 10,000 square feet or one (1) space
- (p) Manufacturing Establishment with  
100,000 or more square feet  
of floor area                      One (1) space per 15,000 square feet or one (1) space per employee, whichever is greater
- (q) Wholesale Establishment                      One (1) space per employee or 1,000 square feet of gross floor area, whichever is greater, plus one (1) space per 700 square feet of patron-serving area

Note: When a parking requirement is stated in terms of employees, it means the maximum number of employees who will be at the site at one time, either on a single shift or an overlap of shifts.

**8.7 OFF-STREET LOADING REQUIREMENTS.**

Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading spaces in sufficient number and size to adequately handle the needs of the particular use. Off-street loading space shall be provided as listed below, except when the Planning Commission may waive such requirements as provided for in Section 2:

- (a) The following standards shall be used in establishing the minimum number of spaces required.

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

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

- (b) A loading space shall contain a space a minimum of 12 feet wide and 30 feet long and have a vertical clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required size of these spaces shall be increased.

## 8.8 PARKING AND LOADING AREA DEVELOPMENT REQUIREMENTS.

All parking and loading areas except those for single-family dwellings shall be developed and maintained as follows:

- (a) Location: The required yard areas adjacent to a street shall not be used for parking or loading areas. The side and rear yards, other than those adjacent to a street or alley, may be used for parking and loading areas when such yard areas have been developed as required by this Ordinance.
- (b) Surfacing: All driveways, parking, and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded, and drained as required by the Public Works Superintendent.
- (c) Parking Spaces: The design of all off-street parking spaces shall comply with the requirements of the most recently adopted City of Mt. Angel, Public Works Design Standards.
- (d) Driveways: Driveways shall conform to the City of Mt. Angel Public Works Design Standards. The following driveway dimensions shall apply:

(1) Without adjacent parking:	<u>Driveway Width</u>
(A) Single-family residence	10 feet
(B) One-way	10 feet
(C) Two-way	16 feet

(2) With adjacent parking:	
<u>Parking Angle</u>	<u>Driveway Width</u>
0 to 40	12 feet
41 to 45	13 feet
46 to 55	15 feet
56 to 70	18 feet
71 to 90	24 feet

- (e) Screening: When any public parking or loading area is within or adjacent to Residential zone, such parking or loading area shall be screened from all residential properties with an ornamental fence, wall, or hedge or other forms or landscaping a minimum five (5) but not more than six (6) feet in height, except along alleys. Along alleys, the fence, wall, or hedge shall be a minimum of four (4) feet in height.

- (f) Lighting: Any light used to illuminate a parking or loading area shall be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way.
- (g) Areas used for parking and maneuvering of vehicles shall be drained as to avoid flow of water across sidewalks.
- (h) Groups of more than four (4) parking spaces shall be so located and served by a driveway so that their use requires no backing movements or other maneuvering within a street right-of-way other than an alley.
- (i) Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper guard at least four (4) inches high, located a minimum of three (3) feet from the property line to prevent a motor vehicle from extending over the adjoining property or into the right-of-way.

## **8.9 GENERAL PROVISIONS, OFF-STREET PARKING AND LOADING**

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

## **8.10 HANDICAPPED PARKING**

Parking for the handicapped shall be provided in parking lots in accordance with the standards and requirements established in Chapter 31 of the most recent edition of the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations. Parking spaces for the handicapped may be included in determining compliance with the total parking space requirements established by this Ordinance.

## **8.11 ACCESS TO STATE HIGHWAYS**

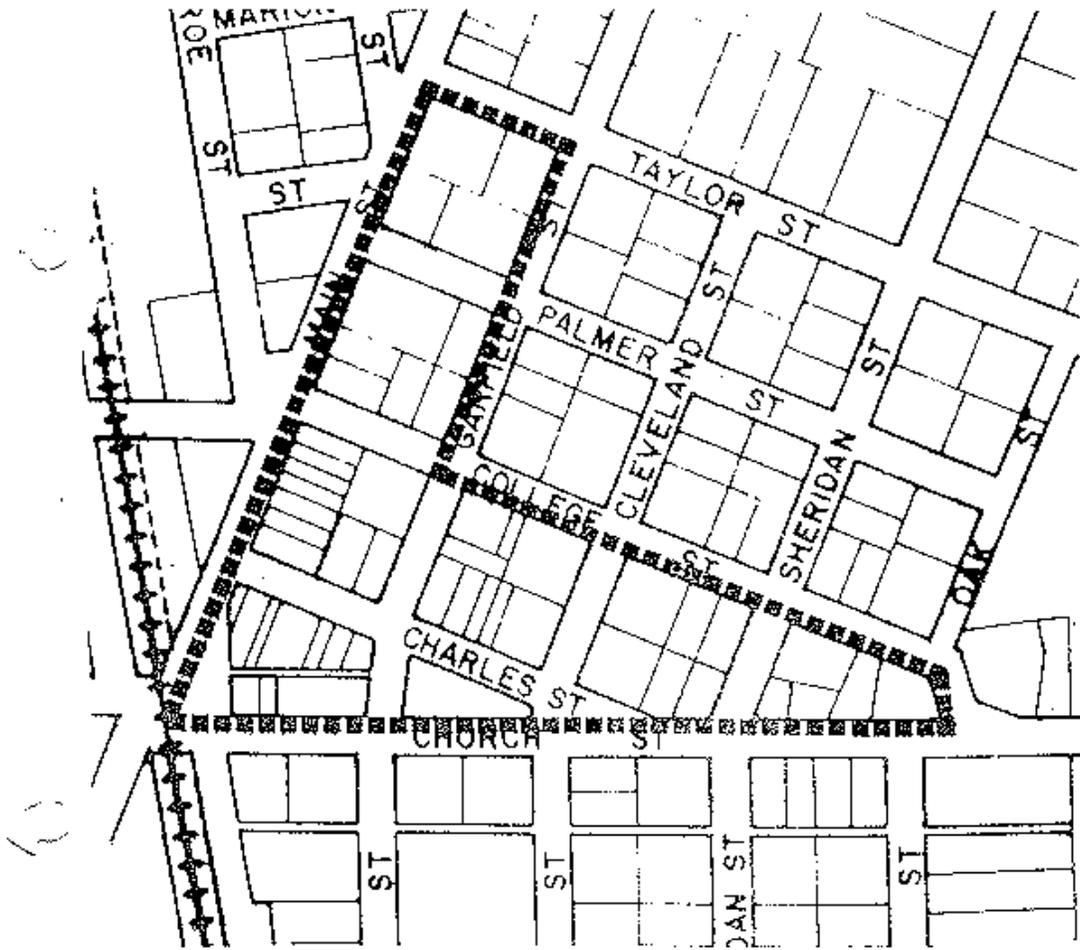
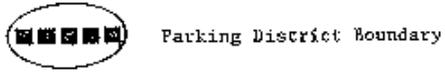
Access to State Highways is granted by the Oregon Department of Transportation (ODOT). A change of use to which the lot or building is put may require amending an existing highway approach permit.

## **8.12 BICYCLE PARKING REQUIREMENTS.**

Bicycle parking shall be provided as part of all new multi-family residential developments of four units or more, new retail, office, industrial, and institutional developments. Bicycle parking shall also be required for expansions and other remodeling that increases the required level of automobile parking.

- (a) A minimum of two spaces at all developments. These spaces, if conveniently placed for the user, may be located in a common area shared by other developments.
- (b) Above the minimum of two spaces, one bicycle parking space for every 20 automobile spaces required except at schools or parks, where the ratio is one for every 10 automobile spaces, and at multi-family residences, one space for every two units. When calculating round up to the nearest whole number.
- (c) Where bicycle parking use is expected to be greater than the above guidelines, additional parking to meet the need may be required by the Planning Commission.
- (d) At a minimum, bicycle parking facilities shall be consistent with the following design guidelines:
  - (1) Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility.
  - (2) Each bicycle parking space shall be at least 2 feet by 6 feet with a vertical clearance of 6 feet.
  - (3) An access aisle of at least 5 feet shall be provided in each bicycle parking facility.
  - (4) Parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack," upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary.) Note: businesses may provide long-term, employee parking by allowing access to a secure room within a building, although additional short-term customer parking may also be required.
  - (5) The rack shall support the bicycle in a stable position without damage.

Exhibit "A"



## **SECTION 9**

### **NONCONFORMING BUILDINGS AND USES**

- 9.1. NONCONFORMING USE OF BUILDINGS AND LAND**
- 9.2. DETERMINATION OF LEGAL NONCONFORMING STATUS**
- 9.3. CESSATION OF NONCONFORMING USE OF BUILDING AND LAND**
- 9.4. REPAIR TO NONCONFORMING BUILDING**
- 9.5. DESTRUCTION OF NONCONFORMING BUILDING**
- 9.6. ENLARGEMENT, EXTENSION OR ALTERATION OF NONCONFORMING BUILDING AND USES**
- 9.7. CONDITIONAL USES ARE NOT NONCONFORMING USES**
- 9.8. RESTORATION OR REPLACEMENT OF A NONCONFORMING USE**

#### **9.1 NONCONFORMING USE OF BUILDINGS AND LAND.**

The lawful use of a building or land existing on the effective date of this Ordinance may be continued although such use of a building or land does not conform to the regulations specified for the zone in which the land or building is located. Continuation of a nonconforming use includes a change of ownership or occupancy.

#### **9.2 DETERMINATION OF LEGAL NONCONFORMING STATUS.**

- (a) This review will determine if a use or building has legal nonconforming status. In addition, it will determine what the current legal use is, based on the use categories in Section 6.
- (b) This review is required where a land use review or building permit is requested, and the applicant does not provide standard evidence or the City Planner does not find the evidence to be satisfactory. This review also may be requested by an applicant when it is not required.
- (c) Determination of Legal Nonconforming Status reviews are processed through a Type II procedure.
- (d) Approval criteria. The legal status of the nonconforming situation will be certified if the Planning Commission finds that:
  - (1) The nonconforming situation would have been allowed when established; and
  - (2) The nonconforming situation has been maintained over time.

- (e) The applicant must provide evidence to show that the situation was allowed when established and was maintained over time. If the applicant provides standard evidence from the list below, the Planning Commission will determine if the evidence is satisfactory. The Planning Commission will also determine, based on the evidence, what the current legal use is, using the definitions in Section 1.10 and the use categories in Section 6.
  - (1) Situation allowed when established. Standard evidence that the situation was allowed when established is:
    - (A) Building, land use, or development permits; or
    - (B) Zoning codes or maps;
  - (2) Situation maintained over time. Standard evidence that the use has been maintained over time is:
    - (A) Utility bills;
    - (B) Income tax records;
    - (C) Business licenses;
    - (D) Listings in telephone, business, or directories;
    - (E) Advertisements in dated publications; or
    - (F) Building, land use, or development permits.

**9.3 CESSATION OF NONCONFORMING USE OF BUILDING AND LAND.**

If the actual operation of a nonconforming use of a building or land ceases or interrupts for a period of one (1) year, such building and/or land shall be subject to all the regulations specified by this Ordinance in effect at the time of resumption of use.

**9.4 REPAIR TO NONCONFORMING BUILDINGS.**

Maintenance and minor repairs necessary to keep a nonconforming use in sound condition during such continuance and not requiring the issuance of a building permit shall be permitted.

**9.5 DESTRUCTION OF NONCONFORMING BUILDINGS.**

The City Administrator shall authorize restoration or replacement of a lawful, nonconforming building when restoration or replacement is made necessary by fire, casualty, or natural disaster, provided the physical restoration or replacement is lawfully commenced within one (1) year of the damage or destruction.

To the extent that the total deterioration exceeds 60 percent of the cost of replacement of the building using new materials, the land and building shall be subject to all the regulations specified by this ordinance for the zone in which such land and building are located.

#### **9.6 ENLARGEMENT, EXTENSION, OR ALTERATION OF NONCONFORMING BUILDINGS AND USES.**

A nonconforming building or use may be enlarged, extended, or altered provided such change conforms in all respects to the regulations specified by this Ordinance for the zone in which the building is located. An application to alter a nonconforming use shall be reviewed by the Planning Commission as a conditional use permit. The Planning Commission may impose conditions in order to reduce the impact of the alteration on the surrounding neighborhood. The applicant must demonstrate that the proposed enlargement, extension, or alteration meets all of the following criteria.

- (a) That the nonconforming use or building has not greater adverse impact on the surrounding neighborhood;
- (b) That the site of the nonconforming use or building as reconstructed, altered, enlarged, or converted will be of sufficient size to accommodate the proposed use and all yards, open space, walls, fences, parking, loading, landscaping and such other requirements established by this Ordinance;
- (c) That the site of the nonconforming use or building is served by streets of sufficient capacity to carry traffic generated by a nonconforming use as reconstructed, altered, enlarged, or converted; and
- (d) That the continuation of a nonconforming use without the benefit of such reconstruction, alteration, enlargement, or conversion would be likely to result in a deterioration of the neighborhood.

#### **9.7 CONDITIONAL USES ARE NOT NONCONFORMING USES.**

Any use which is permitted as a conditional use as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use, qualified with such conditions as the Planning Commission has required.

#### **9.8 RESTORATION OR REPLACEMENT OF A NONCONFORMING USE.**

The City Administrator shall authorize restoration or replacement the building(s) associated with a lawful, nonconforming use when restoration or replacement is made necessary by fire, casualty, or natural disaster, provided the physical restoration or replacement is lawfully commenced within one (1) year of the damage or destruction. The restoration or replacement shall not exceed the size of the buildings to be restored or replaced without approval of a conditional use permit as required by Section 9.5.

## SECTION 10

### SPECIAL USE REQUIREMENTS

#### 10.1. DUPLEX ON A CORNER LOT

#### 10.2. CONDITIONAL HOME OCCUPATIONS

#### 10.3. BOAT, CAMPER AND STORAGE AREA OR LOT

#### 10.4. MANUFACTURED HOME PARKS

#### 10.5. PLANNED URBAN DEVELOPMENT

#### 10.6. BED AND BREAKFAST

#### 10.7. ZERO SIDE YARD DWELLING UNITS

#### 10.1 DUPLEX ON A CORNER LOT, provided:

- (a) That the lot shall have at least 8,000 square feet;
- (b) That only one dwelling unit of a duplex on a corner lot shall be permitted to face upon any one street, and that the second unit shall face upon the intersecting street;
- (c) That when approved by the Planning Commission, both units of a duplex may front and gain access from the one minor intersecting street if, in the Commission's determination, adherence to (b) above would be allowing access to one unit of the duplex from an arterial street, or other major thoroughfare;
- (d) That the yards adjacent to any public right-of-way shall be 20 feet in depth; and
- (e) That the rear yard may have a 14-foot depth for a one-story duplex and 20 feet in depth for a two-story duplex, which yard may be provided adjacent to either interior lot line.

#### 10.2 CONDITIONAL HOME OCCUPATIONS, provided:

- (a) The occupation or activity be carried on solely by the resident and no more than one person shall be employed who is not a resident of the home;
- (b) No structural alterations are made to accommodate such occupations, the residential character of the buildings and property remains unchanged by the use of colors, materials design, construction, lighting, landscaping or lack of landscaping.
- (c) A home occupation located on a local street, or privately maintained road serving three (3) or more residences, shall not generate more than 20 vehicle trips in one (1) day. A "trip" is a vehicle traveling in one direction to or from a source. Twenty (20) trips is equivalent to ten (10) round trips;

- (d) The business or activity shall be conducted wholly within the home or within a small (not greater than one-half the floor area of the house) accessory building, residential in appearance;
- (e) No home occupation shall create vibration, glare, fumes, odors, or electrical interference detectable to normal sensory perception outside the dwelling or accessory unit. In the case of electrical interference, nothing shall be used which creates visual or auditory interference in any radio or television off the premises;
- (f) No storage of materials, products, or supplies be conducted outside of the building;
- (g) There be sufficient room to load and unload materials, supplies, and products on the premises.

**10.3 BOAT, CAMPER AND STORAGE AREA OR LOT, provided:**

- (a) That no sales, or retail business, or service may be operated in connection therewith, nor shall any substantial maintenance or repair of any vehicle or equipment stored thereon be conducted on the premises, whether by the owner or otherwise, unless such work be performed wholly within a building;
- (b) That the front yard and any other yard adjacent to a street shall be landscaped with an evergreen ground cover; and this landscaping shall be adequately and permanently maintained;
- (c) That an ornamental sight-obscuring fence, or wall, having a height of at least five (5) feet, or a compact evergreen hedge not less than three (3) feet in height when planted and capable of reaching at least six (6) feet within three (3) years, be placed at the front yard setback line and at the setback line of any other yard adjacent to a street, and along all other property lines; provided, however, that the Planning Commission may require additional screening and landscaping where topography or other special conditions indicate such to be necessary to adequately screen the area;
- (d) That the lot be paved or oil mat or graveled and maintained in a manner so that dust shall be reasonably controlled;
- (e) That lighting shall be so oriented to not shine or reflect upon abutting properties nor into the traveling lanes of any street in such a manner so as to constitute a nuisance;
- (f) That any building used in conjunction with the storage lot shall conform to all yard setbacks for main buildings in the RS zone, and said building shall be architecturally designed and constructed of materials compatible with the residential development of the subdivisions or neighborhood.

#### 10.4 MANUFACTURED HOME PARKS.

Manufactured Home Parks may be permitted in the RS, RM, or RC zone as a conditional use, subject to the conditions set forth below. The Planning Commission or the Council may prescribe such additional conditions for manufactured home parks as the particular circumstances may require for the protection of the health, safety, and welfare of the residents in the vicinity of the development consistent with the intent and provisions of this ordinance.

- (a) Application Procedure. Any person wishing to establish, enlarge, or alter a manufactured home park shall file written application with the Planning Commission setting forth the description of the property, a layout or plat plan, a statement indicating how the requirements of Section (b) of this Ordinance will be met, and any other information requested by the Commission. A fee shall be paid upon filing said application. The application is processed as a Type II application with a public hearing conducted by the Planning Commission.
- (b) General Development Standards. Unless otherwise approved, the following development standards shall apply to all manufactured home parks:
  - (1) **Density.** The maximum density of a manufactured home park shall not exceed six (6) units per gross acre.
  - (2) **Area.** The minimum area to be contained on a manufactured home space by a manufactured home and its accessory structures shall be 4,000 square feet.
  - (3) **Yards.** Adjacent to any public street, there shall be a yard of at least 20 feet in depth. Adjacent to any property line other than along a street, there shall be a minimum of at least ten (10) feet
  - (4) **Driveways.** Access drives shall be provided to each space, shall be continuous, shall connect with a public street, shall have a minimum width of 20 feet, and shall be paved with an asphalt or concrete surface to the same cross-sectional requirements established for local City streets. In addition, if parking is to be permitted along the driveway, a minimum width of 30 feet is required. All driveways shall be adequately designed as to permit safe, easy access by emergency vehicles.
  - (5) **Parking.** A minimum of two (2), off-driveway parking spaces shall be provided for each manufactured home space, or one (1) community parking space shall be provided for second vehicles.
  - (6) **Accessory Buildings.** Accessory buildings shall not be placed closer than five feet to any property line. Accessory buildings placed on a manufactured home space shall be sited in a manner so as not to hinder or restrict access to the side and rear yard areas adjacent to the manufactured home.
  - (7) **Walks.** Provisions shall be made for a walk from each manufactured home to each driveway. All walks must be hard-surfaced, well-drained, and not less than

36 inches in width. All walks adjacent to driveways and thoroughfares shall be curb line walks.

- (8) **Lighting.** Common driveways and walkways must be adequately lighted.
- (9) **Open Space.** A minimum of at least 5,000 square feet per 25 manufactured home spaces or portion thereof shall be provided for a recreational play area, group and/or community activities. Perimeter landscaping may be required by the Planning Commission who may require these areas to be protected from streets, parking areas, or the like, by a fence or the equivalent, at least 30 inches in height. Unless otherwise approved, no required open space area shall contain less than 5,000 square feet.
- (10) **Fences.** The Planning Commission may require that an ornamental fence, wall, or hedge be established and maintained between the manufactured home park and adjacent properties.
- (11) **Signs.** All signs shall be approved by the Planning Commission.
- (12) **Patio.** Each manufactured home space shall have a slab or patio of concrete, asphalt, or flagstone or similar substance not less than 20 feet in length and ten (10) feet in width adjacent to each manufactured home parking site.
- (13) **Minimum Width.** No manufactured home space shall be less than 30 feet in width at its driveway frontage.
- (14) **Boundaries Of Space.** The boundaries of each manufactured home space shall be clearly marked by a fence, landscaping, or by permanent markers.
- (15) **Water, Sewer, And Surface Drainage.** Adequate provisions shall be made for an ample supply of safe and potable water, and adequate provisions shall be made for sewage disposal and surface drainage and plans for such must have prior approval of the Oregon Health Division, Oregon Department of Environmental Quality, Public Works Superintendent, and the City Engineer before a manufactured home park is approved by the Planning Commission. All meters, sewer and water lines shall be inspected while being installed and the installation shall meet normal City standards.
- (16) **Manufactured Home Space Coverage.** Not more than 45 percent of a manufactured home space may be occupied by a manufactured home and its accessory structures, whether or not it is attached to the manufactured home.
- (17) **Storage Area.** A storage space in a building having a gross floor area of at least 60 square feet shall be constructed and completed prior to occupancy of the manufactured home for storing the outdoor equipment and accessories necessary to residential living. Such structures shall comply with all setback requirements, and shall be subject to all of the applicable provisions of State Statutes and the Uniform Building Code. Accessory buildings which are placed on a

manufactured home space shall be sited in a manner to not hinder or restrict access to the side and rear yard areas adjacent to the manufactured home.

- (18) **Appearance.** A caretaker, owner or manager shall be responsible for ensuring that the manufactured home park, its facilities and equipment are kept in a clean, orderly and sanitary condition.
  - (19) **Skirting.** All manufactured homes shall have skirting around the exterior of the manufactured home or they may be situated upon a continuous foundation meeting the approval of the Uniform Building Code.
  - (20) **Utilities.** All utility services shall be underground. The applicant shall furnish the City with proper easements for reading the meters and for inspecting water and sewer lines. All meters and water and sewer lines shall be maintained by the park owner to City standards.
  - (21) No part of any manufactured home park shall be used for the parking or storage of any heavy equipment, or trucks with a rated capacity exceeding two (2) tons.
- (c) **Siting Requirements.** The minimum distance between a manufactured home and:
- (1) Any other manufactured home shall be 15 feet.
  - (2) Any building or accessory structure on an adjacent space shall be ten (10) feet.
  - (3) Any property line (excluding manufactured home space boundaries) shall be ten (10) feet.
  - (4) Any public street shall be 20 feet.
  - (5) Any common driveway or common walk (excluding those in a manufactured home space) shall be five (5) feet.
- (d) **Additions To Manufactured Homes.** Carports, cabanas, ramadas, awnings, and all other structures, whether defined herein or not, which are situated upon a manufactured space and are attached to the manufactured home, shall conform to the requirements of the City building code. Such additions and structures shall be considered as a portion of the manufactured home for determining the extent of lot coverage, setback lines, and all other requirements for manufactured homes, as if such additions and structures were a part of such manufactured home.
- (e) **Option Siting.** In lieu of the minimum requirements set forth in Section (c), the developer may show how the manufactured home and any accessory structure will be located on any or all sites that do not conform to such requirements, except the required lot area shall not be diminished. Optional siting may include locating the manufactured homes and structures on manufactured home space boundary lines and manufactured homes and accessory structures may be attached under this provision. When the Planning Commission has approved the siting plans, such plans shall be the basis on which the

permits for the manufactured homes and accessory structures will be issued. Optional sitings will be shown on the plan which is to be used as the basis for the public hearing.

- (f) Parking Of Manufactured Homes. Manufactured home parks in an RS, RM, and CG zone may accommodate only manufactured homes and not vacation trailers except for storage. A manufactured home shall not remain overnight in a manufactured home park unless it is parked in a manufactured home space or in an area specifically designated for such use. Not more than one manufactured home or travel trailer will be parked at one time in a manufactured home space.
- (g) Expansion Or Alteration Of Manufactured Home Parks. Existing manufactured home parks may be expanded or altered after approval is obtained from the Planning Commission. The application, filed by the owner or other party in interest, will be filed and processed in the same manner as an application for a new manufactured home park. The Planning Commission, in granting permission for expansion of any existing park, may require that those portions of the existing park which do not meet the minimum standards be brought to these minimum standards. The Planning Commission may attach such conditions to the granting of permission to expand the manufactured home park as will satisfy the Planning Commission, in its judgment, that the existing park will meet the established standards.
- (h) Building Code And Building Permits. All structures within a manufactured home park shall comply with the provisions of the City building code. Building permits shall be obtained prior to construction of any portion of the manufactured home park facilities.
- (i) Varying Requirements Of This Amendment. The Planning Commission and Council may vary one or more of the requirements of Section (b) of this Ordinance upon application being filed pursuant to Section (a) hereof. When such variance is requested concurrent with the application for the park, such variance request may be processed concurrently with the application and will not require an additional filing fee, separate public hearing, or separate notice of public hearing. No waiver may be made for any provision required by ORS Chapter 446 or other state laws.
- (j) Severability. In the event any provision or section of this Ordinance shall be declared invalid, it shall not affect the validity of any other section or of the Ordinance as a whole.

## **10.5 PLANNED UNIT DEVELOPMENT.**

A planned unit development may be permitted in an RS, RM, and RC zone as a conditional use, subject to the conditions and provisions as herein set forth. The Planning Commission or the Council may prescribe such additional conditions for planned unit developments as the particular circumstances may require for the protection of the health, safety and welfare of the residents in the vicinity of the development consistent with the intent and provision of this Ordinance.

- (a) Purpose. The purpose of a planned unit development (PUD) is to add flexibility in development of land to address topographic, economic or aesthetic factors encountered in the development process. It is intended to encourage variety in the development pattern

of the community and the use of a creative approach to land development. It is further intended to facilitate adequate and economical provisions for roads and public facilities, and to preserve the natural and scenic features of a site.

(b) Application Procedure.

- (1) Letter of Intention. The applicant shall inform the City Administrator in writing of the intention to apply for a PUD. A sketch plan and narrative must accompany the letter of intention with sufficient detail to outline the proposed PUD.
- (2) Pre-Application Conference. The City Administrator shall schedule a pre-application conference with the applicant no more than 14 days following receipt of the letter of intention. Representatives of public and private agencies may attend or may submit such information and recommendations that will assist the applicant in preparing the development plan. The applicant or City Administrator may request additional meetings.

(c) Submittal Requirements A complete application shall include the applicable fee and shall include the following documentation:

- (1) Ten (10) copies of a PUD map that illustrates the following information:
  - (A) Name of the development tract.
  - (B) North point, scale and date of preparation. The scale of drawing shall be not less than one inch to 20 feet nor more than one (1) inch to 200 feet.
  - (C) Names, addresses and telephone numbers of the owner and developer, as well as project planners, surveyor, landscape architect, engineer or any other persons involved with the development.
  - (D) A legal description of property boundary.
  - (E) Location, width, surface type and names of all existing or platted streets within or adjacent to the property, together with other right of ways, easements, and land subdivision lines.
  - (F) Location of existing and proposed utilities on and abutting the tract, including sanitary sewer, storm sewer, and water. Statement of availability of utilities such as telephone, gas and electricity. Existing grade and contour (and proposed grade and contour) with contour intervals not exceeding ten (10) feet, also existing location and direction of water courses, wooded areas, ravines, and other nature features as may be pertinent.
  - (G) A statement of provisions for ultimate ownership and maintenance of all parts of the development, including streets, structures, and open spaces.

- (H) The location of existing structures, vegetation and natural features.
  - (I) Delineation of development phasing, if any.
  - (J) A tabulation of the total land area and percentage thereof designated for various uses.
  - (K) Location and approximate dimensions of proposed lots and proposed lot and block numbers.
- (d) Public Hearing. A conditional use application for a planned unit development shall be considered by the Planning Commission. Notification of the public hearing before the Planning Commission shall be as prescribed in Section 2.3 of this Ordinance. After such hearing, the Planning Commission shall determine whether the proposal reasonably conforms to the evaluation criteria set forth in subsection 10.5(g) of this Ordinance, and may approve or disapprove the preliminary development plan or require changes or impose conditions of approval as are in its judgment necessary to insure conformity to said criteria and regulations.
- (e) Final Plan. If said preliminary plan is approved, the applicant may proceed to finalize or revise as made necessary by the conditions of approval established by the Planning Commission. If the applicant proceeds with the final plan, they must simultaneously plat the tract according to the subdivision regulations. The approval of the preliminary planned unit development shall be considered as approval of a preliminary plat, and the applicant shall proceed with the submission of a final subdivision plat as prescribed by the subdivision ordinance for final approval by the Planning Commission.
- (f) Evaluation Criteria. Evaluation of the proposed planned unit development by the Planning Commission shall consider the following and any other considerations it deems necessary in review of the application:
- (1) The capacity of the sanitary sewer system to adequately collect and treat the wastes of the proposed development.
  - (2) Sufficient water is available for the foreseeable needs of the development, and that the development will not cause an unreasonable depreciation of an existing water supply, or deprive or interfere with neighboring users of their water supply.
  - (3) The capacity of the storm drainage system is adequate to dispose of surface runoff.
  - (4) The Mt. Angel Fire Department is able to provide fire protection with regards to the number and location of fire hydrants, access for fire equipment, placement of structures, and availability of adequate water pressure.
  - (5) The capacity of the school system is adequate to absorb the children expected to inhabit the proposed development without necessitating double sessions, unusual scheduling, or classroom overcrowding.

- (6) The circulation plan conforms to the Comprehensive Plan of Mt. Angel and that the capacity of the street system is adequate to provide for the needs of the proposed development without substantially altering existing patterns or overloading the existing street system beyond its planned capacity.
  - (7) The adequacy of parks and playgrounds, whether as provided within the proposed development or public parks system, to meet the recreation demands of its inhabitants.
  - (8) The design characteristics of the proposed development conforms to the general character of the City or its neighborhood.
  - (9) That there will not be an undesired adverse impact on existing, unique, and irreplaceable life forms such as plants, trees, shrubs, birds, animals, fish or endangered species of any kind.
  - (10) It may also request reports from other agencies, departments or special districts.
- (g) General Development Standards And Requirements.
- (1) Permitted Uses.
    - (A) In addition to permitted uses and uses allowed by a conditional use permit in the underlying zone, commercial uses may be allowed in a residential PUD, subject to approval of a conditional use permit. A conditional use permit for a commercial use in an approved PUD shall be approved by the Planning Commission.
    - (B) In addition to satisfying the conditional use permit requirements of this Ordinance, an application for a conditional use permit in a PUD shall demonstrate that:
      - (i) The use is primarily for the service and convenience of residents within the PUD; and
      - (ii) Such use shall not change or alter the predominate character of the PUD.
    - (C) Recreational facilities, including, but not limited to tennis courts, swimming pools and playgrounds.
    - (D) Open space uses.
    - (E) School, libraries, community halls, and churches.
    - (F) Offices, buildings and facilities required for the operation, administration and maintenance of the Planned Unit Development.

- (2) **Minimum Area.** The owner or owners of any contiguous tract of land not less than three (3) acres may make application to the Planning Commission for a planned unit development. The Planning Commission may permit application on tracts of less acreage where the Planning Commission determines such proposed development is in consonance with the objectives for development of underutilized tracts within the City.
- (3) **Density.** The total number of dwelling units in a planned unit development in an RS zone shall not exceed 4.64 units per net acre. Net acreage is determined by subtracting the area within the development comprised of interior streets, right-of-ways, open space, etc. In an RM and RC zone, 12 dwelling units per gross acre shall be used in determining the total number of dwelling units allowed.
- (4) **Height, Lot Coverage, Lot Width, and Setbacks.** Structures within a planned unit development must maintain the requirements for height, lot width, and lot coverage of the underlying zoning district. Assumed lot lines between buildings within the interior area of a planned unit development may be partially relieved of setback requirements for the district. The setback of buildings at the perimeter of the planned unit development must maintain the setback requirements for the district.
- (5) **Off-Street Parking And Loading Areas And Driveways.** These features shall be provided as prescribed by Section 8 of this Ordinance.
- (6) **Access.** Lots or parcels may be accessed via public or private streets, in accordance with the following standards:
  - (A) Internal local streets or drives may be private.
  - (B) Collector and arterial streets shall be public.
  - (C) Local streets needed to provide access to adjoining properties shall be public.
- (7) **Signs.** The type, size, and location of signs shall be as required by this ordinance.
- (8) **Utilities.** All utility services shall be underground.
- (9) **Dedication Of Facilities.** The Commission may require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for at least the following uses:
  - (A) **Streets.** The Commission may require that the right-of-way width of streets necessary for the proper development of adjacent properties be dedicated to the City.

- (B) **Easements.** Easements or right-of-ways necessary for to the orderly extension of public utilities, streets and pedestrian access or walkways may be required as a condition of approval.
- (10) **Required Open Space.** A minimum of 15 percent of the gross site area included in the PUD shall be devoted to open space. Such open space may include:
- (A) Areas determined by the Planning Commission to be suited for park use which are dedicated to the City for public park use;
  - (B) Tracts of land owned and maintained by a homeowners association as private open space; and/or
  - (C) Areas of individual lots in which significant features, such as trees, stream corridors, wildlife habitat areas, etc., are preserved through conservation easements or other means deemed suitable by the City Attorney.
- (11) **Maintenance of Open Space Area.**
- (A) The perpetual maintenance of private open space shall be provided by a Home Owners Association. Property owners within the planned unit development shall automatically be members of the association. The Articles of such Association that apply to maintenance of the PUD's open space area shall be approved by the Planning Commission prior to final approval of the development.
  - (B) Such Articles shall provide for the maintenance of the open space and other common areas by stating how maintenance costs are to be assessed. The Articles shall prescribe the permitted uses of the open space.
  - (C) In the event that the entire planned unit development is to remain under one ownership, the developer shall then file a deed restriction between the owners and the City in the deed records of the county providing for a Home Owners Association in the event the property is divided or any part thereof is sold.
  - (D) In lieu of A, B, and C above, the City may require the dedication of all or part of the required open space for public park use when such land is reasonably suited for such purposes in consideration of such factors as size, shape, topography, geology, access, location and applicable Comprehensive Plan policies.
- (12) The final development plan shall also comply with the following minimum standards:
- (A) Access shall be designed to cause minimum interference with traffic movement on abutting streets.

- (B) The plan shall provide for adequate landscaping and effective screening for off-street parking areas and for areas where the residential use may not be in character with adjacent residential areas. Required yards shall be maintained in grass, trees, and shrubbery.
  - (C) The arrangement of buildings, parking area, signs, and other facilities shall be designed and orientated to minimize noise and glare relative to adjoining property.
  - (D) Artificial lighting, including illuminated signs and parking area lights, shall be so arranged and constructed not to produce direct glare on adjacent property or otherwise interfere with the use and enjoyment of adjacent property.
- (h) Variances. Variances from the terms of the planned unit development provisions may be considered concurrently with the application for the planned unit development by the Planning Commission in the same manner as provided for in Section 4 of this Ordinance. The Planning Commission shall make the findings set forth in Section 4 prior to granting a variance request. If an application for a variance is filed at the same time as the filing of the Preliminary Plan on which the planned unit development public hearing is to be held, then the variance may be processed and considered concurrently in all respects, and the notice of hearing for the planned unit development shall be considered as fulfilling the requirements for notice of hearing and no additional fee shall be required.
- (i) Modification Of Approved Plan. Minor modifications of an approved plan that does not deviate by more than ten (10) percent from approved lot size or dimensions, may be approved by the Planning Commission without resubmitting an application or requiring a public hearing. A plat modification which exceeds this standard but otherwise substantially conforms to the approved PUD plan may be approved by the Planning Commission, subject to a public hearing. All other modifications which do not substantially conform to the approved PUD plan shall be reviewed pursuant to the procedures for initial PUD approval.
- (j) Limitations Of Resubmission. No application which has been denied by the Planning Commission shall be resubmitted for a period of one year from such denial, except on approval by 2/3 majority vote of the members of the Planning Commission present and voting.
- (k) Revocation Of Permit. Failure to comply with the final development plan, any condition of approval prescribed, or to comply with a phased development schedule, shall constitute a violation of this Ordinance. In this event, the Planning Commission may, after providing notice and conducting a public hearing, revoke a Planned Unit Development Permit.
- (l) Expiration. If substantial construction of a planned unit development has not taken place within two years from the effective date of its approval, the Planning Commission shall

review the planned unit development at a public hearing, after notifying the original applicant or their successor, to determine if the permit is to become null and void.

#### **10.6 BED AND BREAKFAST.**

A Bed and Breakfast may be permitted in an RS, RM, or RC zone as a conditional use, subject to the following standards and conditions:

- (a) Not more than one (1) morning meal per day shall be served to guests of the Bed and Breakfast.
- (b) The property which is the site of the Bed and Breakfast shall have sufficient off-street parking to accommodate one (1) space per guest room plus one (1) space per person employed.
- (c) The site shall be maintained in a neat and orderly manner. The yards shall be landscaped and maintained at all times.
- (d) No signs other than those permitted in the underlying zone shall be allowed.
- (e) Any other conditions which the Planning Commission may find necessary for the orderly development of the site of a Bed and Breakfast.

#### **10.7 ZERO SIDE YARD DWELLING UNITS.**

Zero side yard dwelling units may be permitted in an RS, RM, or RC Zone as a conditional use, subject to the following use and development standards:

- (a) When developed as required in this section, not more than five dwellings units, each on a separate platted lot, may be attached in RS or RC districts, without regard to the side yard requirements otherwise applicable under the zoning ordinance. Any number of unattached dwellings, built contiguous with one but not both of the side lot lines of a separate platted lot, one dwelling per lot, may be developed under this section in any zone where permitted as a conditional use.
- (b) The requirements of the zoning ordinance for yards adjacent to a street are not relieved by this section, and shall be met.
- (c) Any exterior wall or portions thereof which faces but is not contiguous to a side lot line shall meet all applicable interior side yard requirements under the zoning ordinance.
- (d) Buildings on adjacent properties but not attached to each other shall be separated by a distance of at least ten (10) feet.

## **SECTION 11**

### **SIGN PROVISIONS**

- 11.1 SIGN REGULATION PURPOSE**
- 11.2 DEFINITIONS RELATING TO SIGNS**
- 11.3 GENERAL LIMITATIONS**
- 11.4 SIGNS GENERALLY PERMITTED**
- 11.5 PROHIBITED SIGNS**
- 11.6 PERMIT REQUIREMENTS**
- 11.7 DESIGN REVIEW REQUIREMENTS**
- 11.8 PERMIT APPROVAL OR DENIAL**
- 11.9 RESIDENTIAL SIGN REGULATIONS**
- 11.10 COMMERCIAL AND INDUSTRIAL SIGN REGULATIONS**
- 11.11 NONCONFORMING SIGNS**
- 11.12 ENFORCEMENT OF SIGN ORDINANCE**
- 11.13 SPECIAL CATEGORY SIGNS**
- 11.14 CONSTRUCTION AND MAINTENANCE STANDARDS**
- 11.15 VARIANCES**
- 11.16 ILLUMINATED SIGNS**
- 11.17 SIGN REMOVAL**

#### **11.1 SIGN REGULATION PURPOSE.**

- (a) The City Council finds that it is necessary to regulate signs in the City to help assure that Mt. Angel is a safe and attractive place in which to live and to do business and thereby safeguard public health, safety and general welfare.
  - (1) The purpose of this Ordinance is to help maintain the appearance of the city by encouraging well-designed and wisely located signs, which are consistent with the intent and objectives of the Comprehensive Plan. These regulations are intended to control the size, location, number and type of signs in such a manner as to minimize any adverse effects on the public health, safety, general welfare or overall aesthetic appearance of the city.

- (2) The purpose of this Ordinance is to encourage compatibility of signs with the Bavarian Theme District within the Commercial General (CG) and the Residential Commercial (RC) Zones of the city.

## **11.2 DEFINITIONS RELATING TO SIGNS.**

- (a) Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined elsewhere in the Mt. Angel Development Regulations, shall be given the meanings set forth in such ordinance.
  - (1) Abandoned Sign – Any sign that represents or displays any reference to a business or use that has been discontinued.
  - (2) Alteration – Any change excluding content, and including but not limited to the size, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign.
  - (3) Area – The area of a sign shall be the entire area within any type of perimeter or border that encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet, the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half (1/2) the total area of all sign faces. In the case of a wall mural incorporating commercial wording, the sign area includes only the portion of the mural, which contains the wording circumscribed as set forth in this definition.
  - (4) Awning – A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.
  - (5) Banner - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
  - (6) Bulletin Board Sign or Reader Board - A sign of a permanent nature, but which accommodates changeable copy.

- (7) Building Frontage – The portion of a building face most closely in alignment with any adjacent right-of-way or fronting a parking lot when so defined, as allowed in this Ordinance. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.
- (8) Business Frontage – A lineal front footage of a building or portion thereof devoted to a specific business or enterprise, and having an entrance/exit open to the general public.
- (9) Canopy Sign - Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area with the lowest portion of which is at least eight (8) feet above the underlying grade. Only the area occupied on the canopy by lettering, symbol, or logo is to be counted within the area limits of the sign.
- (10) Daily Display Sign - Daily display sign means a temporary on premises sign normally associated with business activity, which is placed out-of-doors during business hours for display and returned indoors during off-hours. Daily Display Signs may be constructed in a sandwich board (A-frame) style, mounted on a single pedestal, or other similar construction, and are intended to be unlit and easily moved.
- (11) Directory Signs - Signs that are attached to the building and are a directory of the occupants of the building. This includes signs for office buildings, church directories, multiple signs for arcades, and similar commercial buildings using standard format business signs.
- (12) Flashing Sign – An illuminated sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use permit.
- (13) Free Standing Sign – A sign not attached to a building but having its own permanent foundation and support.
- (14) Flag - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
- (15) Illegal Sign – A sign that is erected in violation of the Mt. Angel Sign Code.
- (16) Illuminated Sign – A sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or illuminated tubes as part of the sign property, or illuminated or independently located spot or floor lights.

- (17) Internally illuminated Signs – Means signs where the source of the illumination is inside the sign and light emanates through the message of the sign. Neon signs are considered internally illuminated signs.
- (18) Monument - Means a freestanding sign that is permanently affixed to the ground at its base, is supported entirely by a base structure, and is not mounted on a pole(s).
- (19) Murals - An artistic painting applied to and made integral with a wall surface. The primary purpose of a mural is not to advertise products marketed within the structure.
- (20) Off Premise Sign – A sign that draws attention to or communicates information about a business establishment (or any other enterprise) that exists at a location other than the location of establishment.
- (21) Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- (22) Projecting Sign – A sign the face of which is not parallel to the wall on which it is mounted, projecting more than twelve (12) inches from a structure.
- (23) Roof Sign – A sign erected, constructed and maintained upon the roof of a building or structure.
- (24) Sign - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
- (25) Temporary Sign – A sign that is not permanently affixed. All devices such as banners, pennants, flags, (not including flags of national, state or city governments), searchlights, sandwich boards, sidewalk signs, curb signs, balloons or other air or gas filled balloons.
- (26) Wall Sign – A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than twelve (12) inches.

### 11.3 GENERAL LIMITATIONS

The requirements established in this section of the Ordinance shall apply and govern in all zoning districts except as specified in the regulations.

- (a) Permit Required - No property owner, lessee or contractor shall construct or alter any sign unless it is in compliance with the requirements of the district in which it is located and without first obtaining a sign permit, except for those signs listed as not needing a permit within the Ordinance.
- (b) Sign Clearances - For free-standing or wall-mounted signs located directly above sidewalks or driveways, a minimum of eight (8) feet above sidewalks and fourteen (14) feet above driveways shall be allowed.
- (c) No private sign or its supporting structure shall interfere with the line of vision between a motorist and any official traffic control signs or approaching or merging traffic, or which present a traffic hazard. The determination as to such sign interference with traffic safety shall rest with the City Administrator.
- (d) No sign or sign structure shall be placed on or over private or public property without the written consent of the owner or agent thereof.
- (e) For the purpose of preventing the blanketing of one sign by another, the following provisions regulating the size of a sign and its location shall govern. Therefore, no sign shall be erected in the same horizontal plane with other signs unless spaced the following distance apart, measured center to center.
  - (1) Signs projecting from sign structures three (3) feet or less, spacing ten (10) feet;
  - (2) Signs projecting from sign structures three (3) feet to four (4) feet, spacing 20 feet;
  - (3) Signs projecting from sign structures four (4) feet to six (6) feet, spacing 25 feet;
  - (4) Signs projecting from sign structures more than six (6) feet; spacing thirty (30) feet;
  - (5) Any sign erected at a shorter distance apart than required above shall be erected above the top edge or below the bottom edge of the adjacent sign.

#### **11.4 SIGNS GENERALLY PERMITTED.**

- (a) The following signs and sign work are permitted in all districts. These signs shall not require a permit.
- (b) Signs posted or under governmental authority including legal notices, traffic, danger, no trespassing, emergency signs related to public service or safety.
- (c) Memorial signs or tablets and names of buildings and date of erection when cut into the surface or façade or the building.
- (d) Signs placed by a public utility showing the location of underground facilities.
- (e) Any sign which is visible only from the lot on which it is located.
- (f) Name plates, address plates or identification sign of occupants' occupation not exceeding two (2) square feet. Residential name plates shall not exceed two (2) square feet. Only one such sign shall be permitted upon the premises.
- (g) Real estate signs in residential areas, provided there is only one such sign per street frontage and the area of the sign not exceed six (6) square feet in area, excluding wrought-iron work and the supporting post. Real estates signs may be used up to two (2) years without a permit.
- (h) Real estate signs in commercial and industrial areas, provided that there is only one such sign per street frontage and the area of the sign not exceed thirty-six (36) square feet in area, excluding wrought-iron work and the supporting post. Real estates signs may be used up to two (2) years without a permit.
- (i) Temporary Real Estate Open House Signs - The placement of temporary open house directional signs which may be used between the hours of 8:00 a.m. and 8:00 p.m. daily. Real estate signs advertising an open house may be placed off-premises if:
  - (1) Placed on private property;
  - (2) Signs are no larger than three square feet per sign face; and
  - (3) Displayed for no longer than four consecutive days. Real estate signs are not permitted within any public right-of-way;
- (j) Real estate rental, lease or sale signs which are removed within fifteen days from the sale, lease or rental of the property.
- (k) Political signs in accordance with the following provisions.
  - (1) Area of individual signs shall not exceed eight (8) square feet.

- (2) Such signs shall not be placed within any public right-of-way.
- (3) All such signs shall be removed no later than one week after the election.
- (l) Accessory commercial signs, including open/closed signs, bank card signs and Lottery Signs, provided that such signs are erected in accordance with the location requirements of this section and the area of any such sign shall not exceed four (4) square foot. These signs will not count in the total permitted ratio of sign area for the building and/or business.
- (m) Painted wall decorations or embellishments, or decorated banners, which are not accompanied by a written message.
- (n) Painted or printed displays in windows of a temporary nature.
- (o) Strings of Lights - Strings of incandescent lights in non-residential zones where the lights do not exceed seven (7) watts per bulb, the bulbs are placed no closer than 6” apart. Strings of lights in residential zones are not regulated.
- (p) Temporary non-illuminated signs not exceeding thirty-six (36) square feet for charitable fundraising events placed by non-profit and charitable organizations. Such signs shall not be placed more than twenty-one (21) days prior to the event and must be removed within two (2) days following the event. No more than six (6) such events may be advertised in this manner per lot per year. The location of any signs to be placed in a right-of-way under the jurisdiction of the City shall be approved by the City Administrator or designee.
- (q) Signs pertaining to a specific public construction project or fundraising campaign; provided, that only one such sign may be erected at a time, the sign area may not exceed 32 square feet, and the sign may not be displayed for longer than two years or the conclusion of the project or campaign, whichever occurs first.
- (r) Window merchandise display.
- (s) Flags of the United States, the state, the city, the county, foreign nations, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction; provided, that such a flag shall not exceed 60 square feet in sign area and shall not be flown from a pole the top of which is more than 40 feet in height. Such flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and be subject to regulation as such.
- (t) Grave markers.

- (u) Incidental, non-illuminated signs identifying small specialized community service structures, such as phone booths, public transit shelters, and collection containers for used goods or recyclable materials.
- (v) Non-illuminated informational signs pertaining to motor fuel which are affixed to the surface of fuel pumps, but not including signs projecting from the sides or top of such pumps.
- (w) Special exemption – Grand opening signs.
  - (1) During a grand opening not to exceed 10 days, temporary signs may be displayed on the premises without a sign permit and regulations with respect to sign area, roof placement, sign height and type of signs are temporarily suspended.
  - (2) All other regulations provided herein and not expressly suspended by this section shall apply to grand opening signs.
  - (3) The provisions of this section may not be applied to more than one grand opening event at any business location within any 12-month period; provided, that each separate business location within a multiple-business complex shall be entitled to a grand opening event separate from a grand opening event for the complex as a whole.
  - (4) All of the foregoing exempted signs shall be subject to the other regulations contained in this Ordinance relative to the size, lighting or spacing of such sign. These exemptions shall not be construed as relieving the owner of any sign for the responsibility of its erection and maintenance, or for compliance with the provisions of this chapter, or any other law or ordinance regulating same.

## **11.5 PROHIBITED SIGNS.**

It shall be unlawful for any person to erect, display or maintain, and no permit shall be issued for the erection, display, or maintenance of any sign or advertising structure falling within any of the following descriptions:

- (a) Billboards signs.
- (b) Rotating/revolving signs.
- (c) Portable Signs, except as otherwise permitted by this Ordinance.
- (d) Flashing Signs – An illuminated sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use permit.
- (e) Roof signs.

- (f) Any illegible sign, or sign that has 25 percent or more of its surface destroyed, defaced, missing or inaccurately represents the name or nature of the current business occupying the structure.
- (g) No vehicle or trailer shall be parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purpose and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising.
- (h) No wind sign, device, or captive balloon shall be permitted except as may be provided in this Ordinance.
- (i) No unofficial sign which purports to be, is an imitation of, or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic, or which hides from view any official traffic sign or signal shall be permitted.
- (j) No sign or portion thereof shall be erected within future street rights-of-way approved by City Council unless and until an agreement is recorded stipulating that the sign will be removed or relocated upon street widening at no expense to the City.
- (k) Signs affixed to power, utility, or traffic control poles other than City-approved traffic control signs and pole identification placards.
- (l) Searchlights or beacons, except for temporary events such as grand openings, in which case a permit is required.
- (m) Illuminated vending machines when placed outside and in view from the right-of-way.
- (n) Signs which obscure designated view corridors, vistas or landscape areas, or the vision of motorists entering or leaving a street.
- (o) Remote or off-premises signs except real estate signs, political signs, community event signs, mural signs, sandwich board signs, farm produce sale signs and garage sale signs.
- (p) Signs contrary to the provisions of this Ordinance.

#### **11.6 PERMIT REQUIREMENTS.**

- (a) Sign Permit Required. A sign permit is required in each of the following instances:
  - (1) Upon the erection of any new sign except signs generally permitted signs.

- (2) To make alteration to an existing sign, including a change in the size or materials. Permits shall not be required for minor maintenance and repairs to existing signs or for changes in sign copy for conforming signs.
  - (3) To alter an existing non-conforming sign.
  - (4) Banners/Temporary Signs. One temporary sign shall be permitted for each business property provided it is not more than (16) sixteen square feet in area or one banner provided it is not more than (21) twenty one square feet in area. A permit shall be issued for a twenty (20) day period. The number of permits shall be linked together for a consecutive period (i.e., 20, 40, 60, 80, 100, 120 days). Banners/temporary signs shall be mounted on a building in accordance with this Ordinance.
  - (5) Off-premise signs advertising the sale of farm produce or nursery products provided they are not more than sixteen (16) square feet and not in the public right-of-way.
- (b) Application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his authorized agent.
  - (c) An application for a sign permit shall be made on a form furnished by the City. Only fully completed applications shall be accepted by the City.
  - (d) Owners of conforming signs existing as of the date of adoption of this sign Ordinance are not required to obtain a permit.
  - (e) The application for a sign permit shall be accompanied by the following plans and other information.
    - (1) The names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.
    - (2) The location by street address of the proposed sign structure.
    - (3) A statement of valuation of the sign.
    - (4) A drawing shall be submitted along with the sign permit application. This drawing shall be on paper capable of being folded for storage, and shall become the property of the City. The drawing shall include the following:
      - (A) An accurately colored drawing, to a scale appropriate for showing all detail of the sign, including all mounting structures and devices. The drawing shall also identify existing signs on the premises, the sign's location, structural and mechanical design and engineering data, which ensure its structural stability. If a logo exemption is being requested, a

copy of the logo (business card, letterhead, etc.) must be attached to the application.

- (B) An accurately scaled drawing of all building faces to be signed, including the scaled outlines of all existing and proposed signs, in the case of wall and projecting signs.
  - (C) An accurately scaled site plan, showing the location of building(s), street(s), and sign(s) in the case of free standing signs.
  - (D) The name of the proposed lettering style, along with detailed illustration of the proposed style.
  - (E) For signs requiring a building permit from the County Building Inspector, a completed application to Marion County is required.
- (f) Temporary Signs for New Businesses - The City Administrator or his/her designate can issue a permit for a temporary sign for new businesses for a period not to exceed seven (7) days. A permit is required for these signs.
  - (g) Sign Permit Record Required – The Planning Department shall keep a copy and record of each sign permit issued.
  - (h) Permit fee - A fee as established by resolution of the City Council shall be paid to the City of Mt. Angel upon the filing of an application. Such fees shall not be refundable.
  - (i) Interpretation - This Chapter regarding signs is part of the Mt. Angel Development Regulations, including subdivision and zoning regulations. The City Planner will give advice as to which additional chapters may apply to a specific project.
  - (j) Permit Expiration - Every permit requiring issuance of a building permit by the Building Official under the provisions of this chapter shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year.
  - (k) Permit Suspension or Revocation - The City Administrator or designee may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued on the basis of incorrect information supplied, or in violation of applicable ordinance or regulation or any of the provisions of this chapter.

## **11.7 DESIGN REVIEW REQUIREMENTS.**

All signs permitted within the Commercial General (CG) or Residential Commercial (RC) zones of the City shall conform to the following design review criteria, unless otherwise provided for in this Ordinance:

- (a) Signs must be compatible in design and color with the Bavarian Theme District, if applicable, and with the building with which they are associated.
- (b) The following styles of lettering shall be required unless other lettering is approved by the Design Review Committee: Black Chancery, Gothic (Old English), Fraktur, Frank Normal (True Type), Parchment (True Type), Textura, Valiant, Vivaldi Italic (True Type), Kunstler, Clairvaux, San Marco, Blackletter, Modern Blackletter, or Modern Chancery. (Copies of the lettering styles are available from the City Recorder.)
- (c) Signs for businesses with highway or arterial frontage may use simple block lettering for up to 40 percent of the signs wording, provided that the sign has a scrolled border or decorative frame.
- (d) Logo signs may be exempted from subsections A, B and C of this section, based on such considerations as the length of time the logo has been in effect, the existence of business locations outside of the City, the extent of recognition of the logo and its overall effect.
- (e) Directory signs (wall, projecting, and freestanding) shall incorporate consistent lettering style, and the individual signs comprising a directory sign shall be uniform or consistent in size, shape, and design.

## **11.8 PERMIT APPROVAL OR DENIAL.**

- (a) All signs requiring a permit shall be reviewed by the Design Review Board, which shall consider the design, lettering, arrangement, size, texture, materials, colors, lighting, placement, and appropriateness of the proposed sign in relation to other signs and other structures on the premises and contiguous area in keeping with the intent of this Ordinance and the Bavarian Theme District. The Design Review Board shall approve or deny the permit. Appeals from the Design Review Board are to the Planning Commission.
- (b) In the event the permit appeal is denied or modified by the Planning Commission, the applicant may appeal to the City Council by giving written notice of the appeal to the City Recorder no later than 12 days following the denial or modification of the sign permit application by the Planning Commission. The City Council shall hear the matter at its regularly scheduled meeting. The Planning Commission shall furnish to the City Council its findings and conclusions with respect to the permit. The City Council may grant or deny the permit.

- (c) Changes in an approved sign size or design shall not be made without first obtaining a new permit. Minor lettering or color changes and changes in the location of a previously approved sign may be approved by the City Administrator without obtaining a new permit.

## **11.9 RESIDENTIAL SIGN REGULATIONS**

Signs in residential districts shall conform to the following regulations:

- (a) Special Provisions.
  - (1) No sign or portion thereof shall extend beyond any property line of the premises on which such sign is located.
  - (2) Internally illuminated signs shall not be permitted.
- (b) Type of Signs Permitted.
  - (1) Neighborhood identification signs - One sign shall be permitted at each entry point to residential developments not exceeding an area of six (6) square feet per sign with lettering not over nine inches in height, located not over three feet above grade.
  - (2) Conditional Uses – Those uses defined as conditional uses in residential zones shall be permitted signage as determined by the Planning Commission as part of the conditional use permit approval, consistent with the requirements of this ordinance. Such signs shall be approved in conjunction with the issuance of such conditional use permit. Said signs shall not use plastic as part of the exterior visual effect and shall not be internally illuminated.
  - (3) Signage for all permitted uses within Residential Zones as defined and regulated by this Ordinance.

## **11.10 COMMERCIAL AND INDUSTRIAL SIGN REGULATIONS.**

Business signs in the General Commercial Zone (CG), Downtown Core Zone Overlay District (DC), Light Industrial Zone (IL) and the (with exceptions) Residential Commercial Zone (RC) shall conform to the following regulations unless regulated elsewhere in this Ordinance:

- (a) Special Provisions.
  - (1) Frontage - The number and use of signs allowed by virtue of a given business frontage shall be placed only upon such business frontage, and no building shall be credited with more than two business frontages.

- (2) Aggregate number of signs. *(Amended by Ord. 736)*
- (i) Commercial (CG). The aggregate number of signs for each business shall not exceed three signs for each business frontage (a frontage with an entrance/exit open to the general public). One temporary banner per business frontage and one sandwich board sign per business are excluded from this limit.

Note: A temporary banner is based upon the Code's definition of "Temporary Use." *(Temporary use is defined in Section 1.10 as "a use that is seasonal or directed toward a specific event or occasioned by an unforeseen event.")*

- (ii) Residential Commercial (RC), Downtown Core (DC), and Industrial (IL). The aggregate number of signs for each business shall not exceed two signs for each business frontage (a frontage with an entrance/exit open to the general public).
- (3) Aggregate area of signs - The aggregate area of all signs established by and located on a given street frontage shall not exceed an area equal to one square foot for each lineal foot of street frontage. Aggregate area shall not include nameplates, daily display signs, window signs and temporary signs.

(b) Types of Signs Permitted.

(1) Wall Signs.

- (A) Number - Two signs per building frontage shall be permitted for each business, or one sign per frontage for a group of businesses occupying a single common space or suite.
- (B) Area - Total sign area shall not be more than one square foot of sign area for one lineal foot of legal business frontage. This area shall not exceed sixty (60) square feet.
- (C) Projection - Signs may project a maximum of eighteen (18") inches from the face of the building to which they are attached, provided the lowest portion of the sign is at least eight (8) feet above grade.
- (D) Extension above roof line - Signs may not project above the roof or eave line of the building.

(2) Ground Signs.

- (A) Number - One sign, in lieu of a wall sign, shall be permitted for each lot with a street frontage in excess of fifty lineal feet. Corner lots can count one street frontage. Two or more parcels of less than fifty feet may be combined for purposes of meeting the foregoing standard.

- (B) Area - Signs shall not exceed an area of one square foot for each two lineal feet of street frontage, with a maximum area of sixty square feet per sign.
  - (C) Placement - Signs shall be placed so that no sign or portion thereof shall extend beyond any property line of the premises on which such sign is located. Signs on corner properties shall also comply with the vision clearance provisions of this Ordinance.
  - (D) Height - No ground sign shall be in excess of five feet above grade.
- (3) Marquee or Awning Signs.
- (A) Number - A maximum of two signs shall be permitted for each business frontage in lieu of wall signs.
  - (B) Area - Signs shall not exceed the permitted aggregate sign area not taken up by a wall sign.
  - (C) Projection - Signs may not project beyond the face of the marquee if suspended, or above the face of the marquee if attached to and parallel to the face of the marquee.
  - (D) Height - Signs shall have a maximum face height of nine inches if placed below the marquee.
  - (E) Clearance above grade - The lowest portion of a sign attached to a marquee shall not be less than seven feet, six inches (7'6") above grade.
  - (F) Signs painted on a marquee – Signs can be painted on the marquee in lieu of wall signs provided the signs do not exceed the permitted aggregate sign area not taken up by wall signs.
- (4) Projection Signs.
- (A) Number - One sign shall be permitted for each business or group of businesses occupying a single common space or suite in lieu of a wall sign.
  - (B) Area - Except for marquee or awning signs, a projecting sign shall not exceed an area of one square foot for each two feet of lineal business frontage that is not already utilized by a wall sign. The maximum area of any projecting sign shall be twenty-four (24) square feet.

- (C) Projection - Signs may project from the face of the building to which they are attached a maximum of two (2) feet if located eight (8) feet above grade, or three (3) feet if located ten (10) feet above grade or more.
  - (D) Height and extension above roof line - Signs shall not extend above the roofline, eave or parapet wall of the building to which they are attached, or be lower than eight feet above grade.
- (5) Identifying Signs for Shopping Centers and Industrial Parks: Where a shopping center or industrial park is planned and developed as a unit with permanent parking areas, and is advertised and identified as a shopping center or industrial park, one free-standing sign shall be permitted for each street upon which the center or park fronts, provided that no more than two (2) such signs shall be in lieu of, and not in addition to, free-standing signs permitted for separate businesses on the same lot or contiguous tract of land in a single ownership or management.

The size and height of these shopping center and industrial park signs shall not exceed the following:

Within CG and IL districts:

AREA – 150 square feet maximum

HEIGHT – 20 feet maximum to top of sign area

LOCATION – Not closer than 50 feet from any side or rear lot line of an abutting residentially zoned lot.

#### **11.11 NONCONFORMING SIGNS.**

- (a) Continuation - To ease the economic impact of this Ordinance on persons with substantial investment in signs, any sign that does not conform with a provision of the Mt. Angel Sign Code is subject to this Section. Nonconforming signs may be continued provided they are maintained in good repair, and subject to the provisions of subsection (B) of this section.
- (b) Loss of Nonconforming Status - A legal nonconforming sign shall be brought into compliance with this chapter or shall be removed if:
  - (1) The sign is damaged in excess of 50 percent of its replacement value, unless said destruction is the result of vandalism or intentional destruction or removal by someone not authorized by the sign owner; the signs must be restored to their original design within sixty (60) days of such event and a permit will be required prior to the repair work.
  - (2) The owner seeks to change the sign structure supporting, holding, or surrounding the sign, other than minor maintenance or repair;

- (3) The tenant space(s) to which the sign applies is undergoing an expansion or renovation which increases the size of the tenant space floor area or site coverage area by 30 percent or more;
  - (4) Any nonconforming sign used by a business, shopping center, or business complex must be brought into conformance prior to any expansion or change in use, which requires a Site Review or Conditional Use Permit.
  - (5) All nonconforming signs must be brought into conformance with the same provisions as are required for new signs. No building permits for new construction may be issued until this provision is complied with.
  - (6) The building to which the sign applies is demolished.
- (c) Abandoned Signs - All signs for a business shall be removed within 30 days after that business ceases to operate on a regular basis, and the entire sign structure or structures shall be removed within six (6) months of such cessation or operation unless the sign possesses and has been acknowledge for its historical significance. Illegal and abandoned signs, which are not removed or are erected in violation of this Ordinance may be removed by the City of Mt. Angel following notice to the property owner. The property owner will be assessed the cost of sign removal if the owner fails to remove the nonconforming, illegal or abandoned sign and the City exercises its authority under this provision.

## **11.12 ENFORCEMENT OF THE SIGN ORDINANCE.**

The portions of this Chapter relating to the structural characteristics and safety of signs shall be enforced by the Building Official or his/her designate; all other portions shall be enforced by the City Administrator or designate.

## **11.13 SPECIAL CATEGORY SIGNS**

The following regulations shall apply to the special categories of signs set forth below, in addition to all the other requirements of this chapter, which may be applicable:

- (a) Parking Lot Identification Signs - Parking lot identification signs may be erected without a sign permit if restricted to posting regulations regarding the use of the lot and to identifying a parking lot with its owner, operator, or name of the business providing the lot. No advertising other than the name of the business may be included. The total sign area for parking lot identification signs shall not exceed one (1) square feet for each 1,000 square feet of parking lot area and each sign face shall not exceed six (6) square feet; provided, that each lot shall be allowed at least one parking lot identification sign; and provided further, that these restrictions may be exceeded to the extent required by any applicable laws of the state. Parking lot identification signs shall not exceed a sign height of six feet.

- (b) **Community Announcement Signs.** Community announcement signs are signs erected or authorized by the City on or over public right-of-way. Such signs shall be limited to sixty (60) square feet per sign face; provided, however, that the ground clearance, vision clearance and methods of construction in suspension are approved by the City. Erection of signs over public rights-of-way shall require City Council approval and be by or under the supervision of the City, and all costs incurred by the City relating thereto shall be reimbursed to the City by the Permittee. Community announcement signs require a sign permit, are permitted in any zoning district, and are limited to a 42-day display. Signs announcing an upcoming event shall be removed within 48 hours after the event.
- (c) **Service Club Signs.** Service club signs are signs, which display the recognized shield, logo or symbol of an international service club, which has an established chapter in Mt. Angel, has regularly scheduled meetings, but does not own or lease premises within the city. Each such sign shall not exceed five (5) square feet. Service club signs require a sign permit and shall be displayed only at a single location, which has been approved by the City Administrator or designee.
- (d) **Garage or Rummage Sale Signs.** Garage or rummage sale signs are temporary signs not to exceed three square feet per sign face, which provide direction to a household sale. Up to six (6) such signs may be placed without a sign permit on the property on which the sale is held and/or in nearby public rights-of-way. Signs placed in public rights-of-way must be self-supported by a stake or similar device and may not be attached to utility poles or traffic signs. Care must be taken to assure that the placement of such signs will not create a hazard to the public by obstructing the view or passage of pedestrians, cyclists or motorists. Garage or rummage sale signs shall not be displayed for longer than three days and must be removed within 24 hours after the sale. Garage or rummage sale signs shall not be displayed more than four (4) times during any 12-month period for direction to a sale on the same premises.
- (e) **Special Purpose Sign.** A special purpose sign is a temporary sign to be displayed less than 60 consecutive days for a purpose not anticipated by this chapter, but not in conflict with it, or in a unique situation as determined by the City Administrator or designee. The total area of all special purpose signs intended to be displayed on any one premises shall be determined by the City Administrator or designee; provided, however, that the total area shall not exceed 32 square feet. All special purpose signs shall require a sign permit.
- (f) **Accessory identification and informational signs.** Such signs for a church, hospital, school, public and semipublic building, mortuary, club, professional office, clinic, multiple family dwelling, nursing home, day nursery and other similar in nature are subject to the following provisions:
  - (1) In all RS, RM, RC, and PS districts one non-revolving identification sign is permitted for each lot or contiguous tract of land in a single ownership. Such sign shall not exceed one (1) square foot in area for each three (3) linear feet of frontage of the main building on the principle street, provided no sign exceeds 32 square feet in area. In addition, one directory or bulletin board type informational

sign is permitted for each lot or contiguous tract of land in single ownership, provided such sign shall not exceed 20 square feet in area. Free standing signs are permitted, but shall not exceed eight (8) feet in height. Attached signs shall not be roof signs and shall not project above the eave line of the building.

- (2) Such signs are permitted in the CG and IL districts and such free standing non-revolving signs shall not exceed two (2) square feet in area for each three (3) linear feet of frontage of the main building on the principle street, an attached sign is permitted, but shall not exceed sixty (60) square feet in area.
  - (3) In (1) and (2) above, signs shall not be closer than five (5) feet to any street property line nor in any required yard area unless attached to the wall of the building.
- (g) Window signs advertising an establishment located on an upper floor and placed in the window of such an establishment are allowed only to businesses located exclusively above the first floor, are restricted to a total sign area of one square foot for each lineal foot of the width of the window glass, and such signs are not included in allowable sign area of the building.
- (h) Projecting signs are subject to the following additional regulations:
- (1) No larger than 12 square feet per side;
  - (2) May project no more than four feet from the building;
  - (3) Minimum clearance of eight feet must be maintained above the sidewalk and six inches from the vertical wall;
  - (4) Only one projecting sign, including symbol signs, is allowed for each main entry;
  - (5) Projecting signs may be illuminated only by indirect lighting.
- (i) Daily Display Signs.
- (1) Monument signs shall be no more than sixteen (16) square feet in sign area per side.
  - (2) Pole signs are permitted only if mounted on two poles placed at the outer most sides of the sign face.
  - (3) Sandwich board signs may be placed upon a public or private sidewalk subject to the following restrictions and requirements:
    - (A) Written permission must be obtained from the owner of the property in front of which the sign is to be placed.

- (B) Signs may be placed near markings separating parking spaces, but not within a crosswalk and not closer than 15 feet from the intersection of the extension of the curb lines (edge of curbs on the vehicular traffic side) of each intersecting street or from another daily display sign.
  - (C) Maximum sign area is ten (10) square feet per sign face; maximum sign width is 30 inches; maximum sign height is four feet; minimum sign height is 30 inches.
  - (D) The City Administrator or designee will determine and approve the location of sign. Sign must not cause a line of site problem, must not block sidewalk for ADA access and it may not interfere with parked cars.
  - (E) Signs may not be placed adjacent to tree grate or other planting.
  - (F) The sign area of each daily display sign shall not be included in the total allowable sign area calculated pursuant to this Ordinance for the premises in which the business advertised is located.
  - (G) Continuous proof of liability insurance must be provided naming the City as additional insured in amount and policy provisions as approved by the City Administrator or designee.
  - (H) Each sign must be of sound construction and designed to the satisfaction of the City Administrator or designee to withstand high winds.
  - (I) No more than one daily display sign may be erected for each business advertised.
- (4) No other pole signs, portable, sandwich board, sidewalk or other freestanding signs are allowed, unless expressly authorized herein.
- (j) **Mural Signs.** In addition to the allowable sign area, mural signs are allowed subject to prior approval of the Design Review Committee. Upon application, the Design Review Committee may authorize such mural signs upon a finding that the design and placement of the proposed sign contributes to the Bavarian Theme District, if applicable. The Design Review Committee may also authorize specific placement of such mural signs off-premises or in a manner, which exceeds the applicable size or height limits prescribed herein. The findings of the Design Review Committee shall be based upon specific standards adopted by the committee and shall be submitted in writing to the City Administrator or designee who shall attach same to the application for sign permit.

#### **11.14 CONSTRUCTION AND MAINTENANCE STANDARDS.**

- (a) Each sign shall be constructed to meet the requirements of applicable building, electrical and mechanical codes.
- (b) All signs and component parts shall be kept in good repair and maintained in a safe, neat, clean and attractive condition.
- (c) It is unlawful to erect or maintain a sign which, by reason of its size, location or placement, creates an immediate danger to the health, safety and welfare of the citizens of the city by blocking vision for either pedestrians or motorists, at public and/or private roadways, intersections, driveways, or railroad crossings.
- (d) No street banners or other signs projecting over a public right-of-way shall be permitted without the prior consent of the City Council or their designee, except as may be permitted in the Uniform Sign Code.
- (e) Materials of construction.
  - (1) Single and multi-family residential districts - All signs and their supporting member may be constructed of any material subject to the provisions of this Chapter.
  - (2) Commercial and industrial districts - All signs and their supporting members shall be constructed of non-combustible materials or fire-retardant treated wood which maintains its fire-resistive qualities when tested in accordance with the rain and weathering tests of the U.B.C. Standards No.32-37, unless otherwise provided in this Section.
  - (3) Non-treated signs - All wall, ground, marquee and projecting signs of twenty square feet or less may be constructed of non-treated wood.
  - (4) Real estate and construction signs - All signs may be constructed of compressed wood particle board or other material of similar fire resistance rating.
  - (5) Directly illuminated signs - All signs illuminated from within may be faced with plastics approved by the Uniform Building Code.
  - (6) Glass - All glass used in signs shall be shatter-resistant, or covered by a shatter-resistant material.
  - (7) Wood - Wood in contact with the ground shall be foundation-grade redwood, foundation-grade cedar, all heartwood cypress, or any species of wood, which has been pressure-treated with an approved preservative. Trim and backing strips may be constructed of wood.
- (f) Construction Methods.

- (1) All signs shall be constructed of such materials or treated in such manner that normal weathering will not harm, deface or otherwise affect the sign.
  - (2) All letters, figure and similar message elements shall be safely and securely attached to the sign structure.
  - (3) All signs shall be designed and constructed to resist the applicable wind loads set forth in the Building Code.
- (g) Maintenance - All signs shall be maintained at all times in a state of good repair, and no person shall maintain or permit to be maintained on any premises owned or controlled by him/her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated or other dilapidated or unsafe condition.

### **11.15 VARIANCES**

Applicants for a sign permit or an applicant owning or leasing a sign that does not comply with the provisions of this ordinance may seek a variance to the provisions of this ordinance by filing a sign variance application with the City of Mt. Angel.

- (a) The following regulations pertaining to signs are not subject to the variance section of this Code:
  - (1) Prohibited signs.
  - (2) Abatement of nuisance signs.
  - (3) Construction and maintenance standards.
  - (4) The size, height and number of signs as described in appropriate sections of this ordinance.
- (b) Approval of a sign variance shall become void if the work approved by such variance is not commenced and completed within six (6) months of the approval date.
- (c) All variance requests shall be reviewed by the Design Review Board, which shall approve or deny the variance application. Appeals of a Design Review Board decision regarding a variance shall be as provided in Section 11.7(B).
- (d) Variance Criteria - The variance will not be granted unless the applicant can establish that:
  - (1) Special conditions exist which are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same

zone. The City may attach such conditions to granting all or a portion of any variance necessary to achieve the purpose of this ordinance, and;

- (2) The strict interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zone under the terms of the ordinance, and;
- (3) The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences, and;
- (4) Granting the variance will meet the objectives of the ordinance and not be injurious to the neighborhood or otherwise detrimental to the public welfare, and;
- (5) The request will be the minimum variance necessary to alleviate the special hardships or practical difficulties faced by the applicant in meeting the requirements of this ordinance.

#### **11.16 ILLUMINATED SIGNS**

All electrically illuminated signs shall have electrical components, connections, and installations that conform to Underwriters' Laboratories specifications, and all, federal, state, and local regulations.

- (a) Sign Illumination - Unless otherwise prohibited by this Ordinance, signs may be illumination is in accordance with this section.
  - (1) Lighting directed toward a sign shall be hooded or shielded so that it illuminates only the face of the sign and does not shine directly onto a public right-of-way or a residential property.
  - (2) Except as herein provided, internally illuminated signs are not permitted in residential districts.
- (b) Illumination Restrictions.
  - (1) Externally Illuminated Signs. Signs may be externally illuminated and shall conform to the City's design standards for lighting as set out in this ordinance.
  - (2) Internal Illumination and Neon. Internally illuminated signs shall conform to the following:
    - (A) Individual pan-channel sign graphics and emblems. Sign graphics and emblems (e.g., fully illuminated logo shields) shall not exceed 21 inches in height.

- (B) Individual sign graphics using “halo” or “silhouette” lighting. Sign graphic height shall not be restricted on opaque sign graphics using “halo” or “silhouette” lighting where the light is reflected off the surface to which the sign graphics are mounted.
- (C) Internal illumination and neon lighting. All sign graphics which are internally illuminated, or illuminated with neon tubing, are limited to no more than 21 inches in height, except that illuminated outlines and borders may extend to the height of the sign face. Only text and graphics may be internally illuminated; the sign face must remain opaque, and be sealed at the seams to avoid light leaks. However, design allowances for illuminated sign faces may be approved by the design review board if the sign conforms to all of the following criteria:
  - (i) Illumination may be the minimum required to reveal the background color, but no brighter.
  - (ii) Color of the sign face shall be limited to the darker values, which diminish glare. Intensity shall be dull or weak.
- (c) Internally illuminated awning signs. Awning materials must be totally opaque. Only the sign graphics on an awning may be translucent.

#### **11.17 SIGN REMOVAL**

- (a) Any unlawful sign, which has not been removed within thirty (30) days after notification, may be removed by the City and the cost charged to the person violating this section. If removal costs have not been paid and the sign reclaimed within thirty (30) days of its removal by the City, the City shall be entitled to file a lien against the real estate on which the sign was located to secure repayment of such costs and expenses of removal by the City. The City may sell or otherwise dispose of the sign so removed and apply the proceeds towards costs of removal.
- (b) Signs which are found upon public streets, sidewalks, right-of-ways, or other public property, or which present an immediate and serious danger to the public because of their unsafe condition, may be immediately removed and subject to confiscation without prior notice. The City shall have the right to recover from the owner or person placing such a sign all costs of removal and disposal of such sign, in addition to other remedies within this ordinance.
- (c) Abandoned signs as defined in this section may be removed by the City and the cost of removal shall be paid by the owner of the sign and shall be a lien on the real estate from which the abandoned sign was removed subject to the same provisions as provided in subsection (1) of this section.

- (1) Abandoned Signs - Any abandoned sign and supporting structure shall be removed by the owner of the sign or owner of the premises within 60 days following the date of abandonment. Sign brackets within the Bavarian District are exempt from this requirement.
  - (2) Any owner of an abandoned sign that is otherwise in conformance with this chapter may apply to the City for a 90 day extension of the removal date, upon proof of intent of occupancy within that period.
- (d) Unsafe or Illegal Signs.
- (1) If the City Administrator or designee or Building Official shall find that any sign is unsafe or insecure, or any sign erected or established under a sign permit has been carried out in violation of said permit or this chapter, he/she shall give written notice to the permittee or owner thereof to remove or alter such sign within (7) seven days.
  - (2) The Staff Advisor or Building Official may cause any sign that is an immediate peril to persons or property, or sign erected without a permit, to be removed immediately, and said sign shall not be re-established until a valid permit has been issued. Failure to remove or alter said signs as directed shall subject the permittee or owner to the penalties prescribed in this Title.
  - (3) Any person who erects, constructs, prints, paints or otherwise makes a sign for which a sign permit or approval is required under Ordinance without first having determined a permit has been obtained for such sign, has committed an infraction, and upon conviction thereof is punishable as prescribed in the appropriate section of the Mt. Angel Municipal Code. It shall not be a defense to this section that such person erected, constructed, printed, painted or otherwise made the sign for another.
- (e) Liability - This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, building, altering, constructing, or removing any sign for damages to anyone injured or damaged either in person or property by any defect or action therein, nor shall the City, or any agent thereof, be held as assuming such liability by reason of permit or inspection authorized herein or a certificate of inspection issued by the City or any of its agents.

**LETTERING EXAMPLES**

**Black Chancery**

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z  
a b c d e f g h i j k l m n o p q r s t u v w x y z  
1 2 3 4 5 6 7 8 9 0 ! @ # \$ % ^ & \* ( ) \_ +

**Künstler**

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z  
a b c d e f g h i j k l m n o p q r s t u v w x y z  
1 2 3 4 5 6 7 8 9 0 ! @ # \$ % ^ & \* ( ) \_ +

**Clairvaux**

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z  
a b c d e f g h i j k l m n o p q r s t u v w x y z  
1 2 3 4 5 6 7 8 9 0 ! @ # \$ % ^ & \* ( ) \_ +

**San Marco**

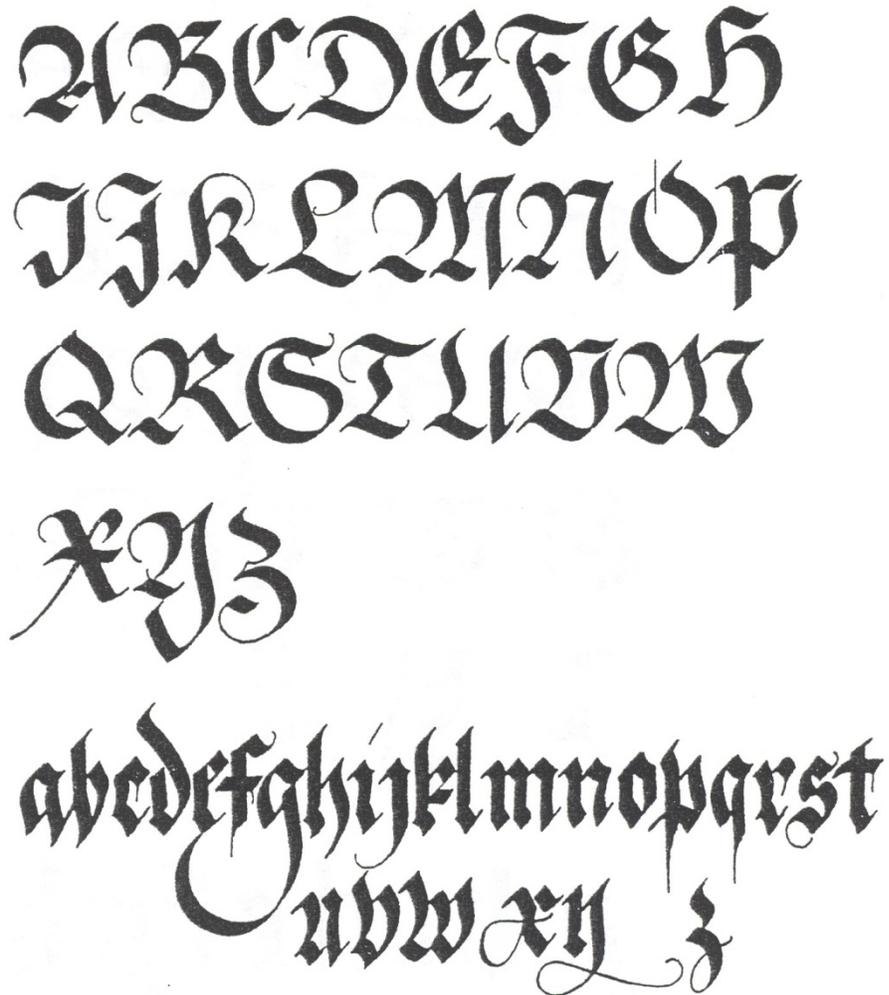
A B C D E F G H I J K L M N O P Q R S T U V W X Y Z  
a b c d e f g h i j k l m n o p q r s t u v w x y z  
1 2 3 4 5 6 7 8 9 0 ! @ # \$ % ^ & \* ( ) \_ +

B L A C K L E T T E R

A B C D E F G  
H I J K L M  
N O P Q R  
S T U V W  
X Y Z

a b c d e f g h i j k  
l m n o p q r s t u v  
w x y z

*Blackletter is considered a variation of Gothic hand, and began to develop from the Carolingian hands as early as the 10th century. It has been popular with the Germans, French, and Spanish since the 12th century. Blackletter earns its name by closing up as much of the white space as possible. This style is difficult to read, and therefore should be used sparingly in most signs. Blackletter is not a suitable lettering style for highway-oriented signs.*



*Fraktur is a purely German development of the Gothic script, and in fact became the national hand of the country. It began to decay in the 16th and 17th centuries when pen flourishes and scroll work became overdone. This hand features compressed letters and sharper angles than the original Gothic hand. It is an attractive script, but somewhat difficult to read, and therefore not particularly suitable for signs with highway locations.*

## Fraktur 2

A B C D E F G H I J K  
L M N O P Q R S T  
U V W X Y Z  
a b c d e f g h i j k l m n o p q r s t u  
v w x y z · ß

Bei diesem Alphabet sind die Formen noch mehr ausgerundet gegenüber unserer Fraktur auf Seite 20

Bei der Methode mit doppeltem Schreibzug (für mehr professionelle Aufgaben gedacht) benutzen wir den rotiring ArtPen 1.9 mm. Die zusätzlichen Verzierungen bei einzelnen Kleinbuchstaben wurden mit dem ArtPen 1.1 mm nachträglich angefügt. Beim f und s und beim ß wird die Feder während des Schreibens gedreht. Großbuchstaben und Oberlängen haben bei der Fraktur gleiche Höhe.

FRAKTUR

# Frank Normal (TrueType)

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Typeface name: Frank

File size: 68 KB

Version: 1.0 Tue Jul 27 01:33:43 1993

Copyright 1994 Bay Animation Inc. All Rights Reserved.

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abcdefghijklmnopqrstuvwxy  
ABCDEFGHIJKLMN OPQRSTUVWXYZ  
1234567890 .,:; ("\*!?' )

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12 The quick brown fox jumps over the lazy dog. 1234567890

18 The quick brown fox jumps over the lazy dog. 1234567890

24 The quick brown fox jumps over the lazy dog

36 The quick brown fox jumps ov

48 The quick brown fox j

60 The quick brown f

72 The quick brown

GOTHIC

A B C D E F G H  
I J K L M N O P  
Q R S T U V W  
X Y Z

abcdefghijklmnopqrstuvwxyz

The Gothic hand developed in the 11<sup>th</sup> century as the Carolingian hands gradually deteriorated. As refined in England during the 12<sup>th</sup> century, this basic style (of which there are many subtle variations) has come to be known as “Old English.” Coincidental with the development of the Gothic hand, book production ceased to be the exclusive prerogative of the monastery, and was increasingly handled by studios governed by guilds. Gothic hand is a simple, bold, yet stylish lettering type, with good legibility. This lettering style is effectively and attractively features on many of Leavenworth’s signs, including the city’s “welcome” sign at the east entrance of town. The basic parallelogram shapes are set at an angle of 30° to 35°. This style would be adaptable to all types of signs, in either downtown or highway locations.

MODERN BLACKLETTER

A B C D E F G H I  
J K L M N O P Q R  
S T U V W X Y Z &

1 2 3 4 5 6 7 8 9 0

a b c d e f g h i j k l m n o p q r  
s t u v w x y z

Modern Blackletter is a recent adaptation of the classic blackletter and Gothic styles. It features simplified letters, which lack the heaviness and width of the older hands. Modern Blackletter has proven popular with Leavenworth area sign makers, because of its attractiveness and legibility. It is quite suitable for both highway and pedestrian-oriented signs.

MODERN CHANCERY

A B C D E F G H  
I J K L M N O P  
Q R S T U V W  
X Y Z &

a b c d e f g h i j k l  
m n o p q r s t u v  
w x y z

1 2 3 4 5 6 7 8 9 0

Modern Chancery is a simplified adaptation of Chancery hand, which was developed as a variant of Fraktur in the 16<sup>th</sup> and 17<sup>th</sup> centuries. This modernized version is the simplest and most legible of all the lettering styles featured in this brochure. It should be reserved exclusively for highway signs which must be read from passing vehicles. Use of the lower case letters is preferred.

# Parchment (TrueType)

Typeface name: Parchment  
File size: 142 KB  
Version: Version 1.00d January 2, 1997

© PhotoLettering, Inc. 1993© 1990-1993 Type Solutions, Inc. All

abcdefghijklmnopqrstuvwxyz



1234567890.:;('P)

12 The quick brown fox jumps over the lazy dog. 1234567890

18 The quick brown fox jumps over the lazy dog. 1234567890

24 The quick brown fox jumps over the lazy dog. 1234567890

36 The quick brown fox jumps over the lazy dog. 1234567890

48 The quick brown fox jumps over the lazy dog. 1234567890

60 The quick brown fox jumps over the lazy dog. 1234567890

72 The quick brown fox jumps over the lazy dog. 1234567890

Can use for first capitals separately; cannot use for all caps.

# Textura

A B C D E F G H I J K L M  
N O P Q R S T U V W X Y Z

A Z <sup>Alternativ</sup> 1 2 3 4 5 6 7 8 9 0  
Für diese Zierstriche  
muß die Feder zum  
Haarstrich gedreht werden:

A B C D E F G H I J K L M N O P Q R S T U V W X

Sollten Buchstaben am Anfang Schwierigkeiten bereiten, dann verrate ich Ihnen einen Trick: Nehmen Sie gutes, weißes Schreibmaschinen-Durchschlagpapier, legen Sie es über die Vorlagen und schreiben Sie die Formen einfach nach, und zwar so lange, bis Sie einigermaßen sicher sind, solche Buchstaben dann auch frei zu schreiben.

TEXTURA

Die Fraktur ist eine Schriftart, die sich am Anfang des 16. Jahrhunderts aus der Textura entwickelt hat. Sie hat heute nur noch einen begrenzten Anwendungsbereich. Charakteristisch sind die gespaltenen Schäfte der Oberlängen.

a b c d e f g h i j k l m n o p q r s t u v  
w x y z

Worte in Textura und in Fraktur verlangen eine genaue Unterscheidung des Schluß-s (am Ende einer Silbe oder eines Wortes) gegenüber dem s am Anfang oder in der Mitte eines Wortes. Dafür gibt es in diesen Schriften das sog. lange f.

Valiant

A B C D E F G H I J K L

M N O P Q R S T U V

W X Y Z 1 2 3 4 5 6 7 8 9

a b c d e f g h i j k l m n o p q

r s t u v w x y z

# Vivaldi Italic (TrueType)

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Typeface name: Vivaldi

File size: 58 KB

Version: Version 1.50

URW Software, Copyright 1993 by URW

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*abcdefghijklmnopqrstuvwxyz*

*A B C D E F G H I J K L M N O P Q R R S T U V W X Y Z*

*1234567890.,;(\*!?)*

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12 *The quick brown fox jumps over the lazy dog. 1234567890*

18 *The quick brown fox jumps over the lazy dog. 1234567890*

24 *The quick brown fox jumps over the lazy dog. 1234567890*

36 *The quick brown fox jumps over the lazy*

48 *The quick brown fox jumps ov*

60 *The quick brown fox ju*

72 *The quick brown fo*

**SECTION 12**  
**FLOOD DAMAGE PREVENTION**

**12.1 STATEMENT OF PURPOSE**

**12.2 LANDS TO WHICH THIS SECTION APPLIES**

**12.3 DEVELOPMENT PERMIT**

**12.4 GENERAL STANDARDS**

**12.1 STATEMENT OF PURPOSE.**

It is the purpose of this Ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (a) To protect human life and health;
- (b) To minimize expenditure of public money and costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets, located in areas of special flood hazard;
- (f) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard;
- (g) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**12.2 LANDS TO WHICH THIS SECTION APPLIES.**

The Flood Damage Prevention Section shall apply to all areas of special flood hazards within the jurisdiction of Mt. Angel. The areas of special flood hazard identified by the Federal Insurance Administration on the Flood Insurance Rate Map dated July 19, 1999 is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Rate Map is on file with the City.

### 12.3 DEVELOPMENT PERMIT

- (a) Development Permit Required. A development permit shall be obtained prior to construction or development of a new structure, substantial improvement to any structure, the placement of a manufactured dwelling, or the initiation of other land development activities including, but not limited to, mining, dredging, filling, grading, paving, excavation or drilling operations within any area of special flood hazard established in Section 12. Agricultural practices of a recurring character are exempt from the provisions of this ordinance.
- (b) Duties and Responsibilities of the City Engineer. The City Engineer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. Duties of the City Engineer shall include, but are not limited to, review of all development permits to determine that:
  - (1) the permit requirements of this ordinance have been satisfied;
  - (2) all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required;
  - (3) the proposed development will not cause a significant negative effect on surrounding properties by changing the flow of flood waters or increasing flood elevations in the immediate vicinity.
- (c) Use of Other Base Flood Data. When base flood elevation data has not been provided, the City Engineer may obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, State, or other source, in order to administer Section 5, GENERAL STANDARDS.
- (d) Information to be Obtained and Maintained.
  - (1) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 4(c), obtain and record the actual elevation (in relation to mean sea level) of at the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
  - 2) For all new or substantially improved floodproofed structures:
    - (A) verify and record the actual elevation (in relation to mean sea level), and
    - (B) maintain the floodproofing certifications.
- (e) Alteration of Watercourses.
  - (1) Notify adjacent communities, the Division of State Lands, and the Land Conservation and Development Commission prior to any alteration or relocation

of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (f) Interpretation of FIRM boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program. (44 CFR 59-76)

#### **12.4 GENERAL STANDARDS.**

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

- (a) Anchoring.
  - (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
  - (2) All manufactured homes must likewise be securely anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (b) Construction Materials and Methods.
  - (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  - (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  - (3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be elevated above the base flood elevation, or shall be designed to prevent water from entering or accumulating within the components during conditions of flooding.
- (c) Utilities.
  - (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system; and,
  - (2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters and discharge into the flood waters.

(d) Subdivision Proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five (5) acres (whichever is less).

(e) Review of Building Permits. Where the average grade elevation cannot be determined from available information, such as the Flood Insurance Map, topographic maps, surveys of adjacent structures or road centerline elevations, the applicant shall submit a record of the average grade elevation as certified by an Oregon registered professional land surveyor. Applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(f) Residential Construction.

- (1) New and substantially improved dwellings shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by an Oregon registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - (A) A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (B) The bottom of all openings shall be no higher than one (1) foot above grade.

- (C) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (g) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
  - (1) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - (2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy as certified by an Oregon registered professional engineer;
  - (3) be certified by an Oregon registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.
  - (4) Nonresidential structures that are elevated and not floodproofed must meet the same standards for space below the lowest floor.
  - (5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).
- (h) Manufactured homes. All manufactured homes to be placed or substantially improved within Zone A shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (a)(2).
- (i) Standards for Shallow Flooding Areas (AO Zones). Shallow flooding areas appear on FIRM's as AO zones with depth designations. The base flood depths in these zones range from one (1) to three (3) feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:
  - (1) New construction and substantial improvements of residential structures within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified.)
  - (2) New construction and substantial improvements of nonresidential structures within AO zones shall either:

- (A) have the lowest floor (including basement elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two (2) feet if no depth number is specified); or
  - (B) together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (3) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

## SECTION 13

### HISTORIC PRESERVATION

- 13.1. PURPOSE**
- 13.2. INVENTORY**
- 13.3. NOTICE AND PROCEDURE**
- 13.4. ALTERATION OR DEMOLITION OF A STRUCTURE ON THE MT. ANGEL INVENTORY**
- 13.5. GUIDELINES FOR THE EXTERIOR ALTERATION OF A HISTORIC BUILDING**
- 13.6. HEARING BY THE PLANNING COMMISSION**
- 13.7. DEMOLITIONS**
- 13.8. MAINTENANCE AND REPORT OF ARCHITECTURAL FEATURES**
- 13.9. APPEALS**

#### **13.1 PURPOSE.**

The Mt. Angel City Council finds its historic heritage is among its most valued educational cultural and economic assets. It is the intent of the City Council to protect historic sites and structures in order to safeguard Mt. Angel's heritage by protecting sites and structures which reflect the City's cultural, social, economic, political and architectural history, to stabilize the improved property values, to strengthen the economy, and to promote the preservation of historic sites and structures for the education and general welfare of the City.

#### **13.2 INVENTORY.**

Before a building, structure, object, or site is added to the Mt. Angel Historic Inventory, the Planning Commission, or on appeal, the City Council, shall determine if the building , structure, object, or site merits the designation because it possesses a majority of the following characteristics:

- (a) Historical
  - (1) Have character, interest, or value as part of the development, heritage, or cultural characteristics of the community; or
  - (2) Is associated with events that have made a significant contribution to the broad patterns of history of Mt. Angel, the region, the State, or the nation; or
  - (3) Is associated with the lives of persons significant in this history of Mt. Angel, the region, the State or the nation; or

- (4) Exemplifies the cultural, political, economic, social, or historic heritage of the community; or
- (5) Is a structure generally considered to be approximately 50 years of age or older; or
- (6) Is included on the National Register of Historic Places; or
- (7) Has yielded or may be likely to yield, information important in prehistory or history.

(b) Architectural

- (1) Embodies distinctive characteristics of a type, period, or method of construction, or possesses high artistic values, or represents a significant and distinguishable entity even though components may lack individual distinction; or
- (2) Represents types or styles of construction that were once common and now are among the last examples surviving in the City, the region, or the State; or
- (3) Be the work of an architect or master builder whose individual work has influenced the development of Mt. Angel; or
- (4) Contains elements of architectural design, detail, materials, or craftsmanship which represent a significant innovation; or

(c) Geographic

- (1) Because of being part of or related to a square, park, or other distinctive area, be developed or preserved according to a plan based on a historic, cultural, or architectural motif; or
- (2) Due to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community, or city.

### **13.3 NOTICE AND PROCEDURE.**

Notice of the intent to add property to the Mt. Angel Historic Inventory shall be sent to the affected property owner. A public hearing regarding the proposed designation shall be set for the next regular Planning Commission meeting at which time written or oral testimony shall be heard from the property owner and other interested persons. After the public hearing, the Planning Commission may designate the property for inclusion on the Inventory, refuse to designate the property for inclusion on the inventory, or continue the matter for 30 days for additional consideration. If the hearing is continued, all persons appearing at the hearing, either in person or in writing, shall be notified in writing of the reschedule hearing date. Within ten days from any final hearing, the formal decision of the Planning Commission shall be reduced to writing and shall state the reasons for the decision. Notice of the decision and notice of appeal rights as set forth in the APPEALS section of this Ordinance shall be sent to the property owner.

### **13.4 ALTERATION OR DEMOLITION OF A STRUCTURE ON THE MT. ANGEL INVENTORY.**

- (a) Permits Required. A building permit is required for the exterior alteration of any structure listed on the Mt. Angel Inventory of Historic Structures. For the purpose of this Ordinance, “exterior alteration” includes any construction activity which would affect the character or integrity of a site or structure. Ordinary maintenance of a site or structure, including cleaning, painting, and minor repairs which do not require the installation or replacement of exterior building materials are exempt from exterior alteration review requirements. The construction of additions, changes in an exterior facade including the replacement of doors or windows and the replacement of other architectural features are subject to review under this Ordinance.
- (1) The building official shall review all building permit requests for material exterior alteration to an Inventoried structure. The building official shall, within five (5) working days, review the permit application for compliance with the requirement of the GUIDELINES procedures of this Ordinance.
  - (2) If the building official finds the proposed alterations to be in compliance with the GUIDELINES procedures, they shall issue a "Clearance for the Permit" which will indicate that the requirements of the Ordinance have been satisfied by the request.
  - (3) If the building official finds the proposed alterations to be in noncompliance with the requirements of the GUIDELINES procedures, they shall, within five working days, issue a "Notice of Delay" and call for a meeting of the Mt. Angel Planning Commission to review the application.
- (b) Exception To Permit Requirements. Nothing in this Ordinance prevents the construction, reconstruction, alteration, restoration, demolition, or removal of any exterior architectural feature or any property on the Inventory when the Building Official, Fire Marshall, or Fire Chief determines that such emergency action is required for the public safety due to unsafe or dangerous condition. Prior to such emergency action, the City Administrator shall be notified.
- (c) Permit Process.
- (1) Application for a permit to alter or demolish a structure listed on the Inventory shall be on such forms and in such detail as prescribed by the City Administrator.
  - (2) Upon receipt of a completed application, the City Administrator shall refer the request to all appropriate City agencies, the City Building Official, and the Chair of any city-appointed historic preservation group.
  - (3) If the site or structure is listed on the National Register of Historic Places and the owner receives tax benefits under the provisions of ORS 358.475, the City Administrator shall also refer such applications to the State Historic Preservation Office (SHPO).

- (4) If the building official determines that the proposed alteration is not in compliance with the GUIDELINES procedures, the City Administrator shall schedule a public hearing on the request at the next available meeting of the Planning Commission. Public notice and hearing procedures are those for Type II land use actions.

### **13.5 GUIDELINES FOR THE EXTERIOR ALTERATION OF A HISTORIC BUILDING.**

The Planning Commission generally shall approve an application if the change proposed is determined to be harmonious and compatible with the appearance and character of the historical building. They shall generally disapprove any application if the proposed change is found detrimental as unsightly, grotesque, or otherwise adversely affecting the stability of values of adjacent properties or adversely affecting the architectural significance, the integrity of historical appearance, and the educational and historical value of the building. In determining whether to approve an application, the Planning Commission shall also consider the economic feasibility of requiring any exterior alteration to be harmonious and compatible with the appearance and character of the historical building. The following guidelines apply to exterior alterations to historical buildings:

- (a) Retention of original construction. So far as practicable, all original exterior materials and details shall be preserved.
- (b) Height. Additional stories may be added to historic buildings provided that:
  - (1) The added height complies with requirements of the building and zoning codes.
  - (2) The added height does not exceed that which was traditional for the style of the building.
  - (3) The added height does not alter the traditional scale and proportions of the building style.
  - (4) The added height is visually compatible with the adjacent historic buildings.
- (c) Bulk. Horizontal additions may be added to historic buildings provided that:
  - (1) The bulk of the addition does not exceed that which was traditional for the building style.
  - (2) The addition maintains the traditional scale and proportions of the building style.
  - (3) The addition is visually compatible with adjacent historic buildings.
- (d) The Planning Commission's decision at the hearing for alteration of a structure shall be based on the criteria listed in said GUIDELINES procedures.

Based on the considerations in Section c. or d., the Planning Commission shall either (1) allow the alteration or demolition to occur, (2) allow the alteration or demolition to occur

subject to conditions protecting the resource, or (3) require a delay not to exceed 90 days, for the applicant or interested parties to develop and examine alternatives which protect the historic resource and present those alternatives to the Planning Commission.

Any interested party who desires to present an alternative proposal shall do so prior to the end of the period of delay, as set by the Planning Commission, the applicant, those parties listed in the Notification section, and any other person who has requested in writing, to be served with a copy of any alternative proposal. The Planning Commission shall set a further public hearing at a date not more than 30 days after the end of the period of delay. If no such alternatives are presented or if all alternatives which are presented are demonstrated to be unreasonable under the criteria of subsections c. or d. above, the Planning Commission shall approve the application; or, if the Planning Commission determines that a reasonable alternative proposal be implemented and the original application shall be denied.

- (e) Materials and Texture. The materials and textures used in the alteration or addition shall be visually comparable to the extent possible with the traditional architectural character of the historic building.
- (f) Signs, Lighting, and other Appurtenances. Signs, exterior lighting, and other appurtenances, such as walls, fences, awnings, and landscaping shall be visually comparable with the traditional architectural character of the historical building.

### **13.6 HEARING BY PLANNING COMMISSION.**

- (a) The Planning Commission shall set a public hearing on the proposed demolition or alteration to be held not less than 60 days from receipt of notification by the building official.
- (b) Notification of the hearing shall be provided to the State Historic Preservation Office (SHPO), the Marion County Historical Society, and all property owners abutting the subject property but not less than ten (10) days prior to the hearing. Notice of the hearing shall also be conspicuously posted on the subject property, and shall be advertised in a newspaper of general circulation in the community not less than ten (10) days prior to the hearing.
- (c) The Planning Commission's decision at the hearing for demolition of a structure shall address all of the following findings:
  - (1) Degree of historic significance in terms of personages or events in Mt. Angel's history;
  - (2) The degree of architectural uniqueness or representation of an important building style;
  - (3) The availability of a Federal or State program which would be available to assist in the preservation of the building;

- (4) The economic feasibility of preservation; and
  - (5) The extent to which preservation will deprive the owner of the ability to sell the property.
- (d) The Planning Commission's decision at the hearing for alteration of a structure shall be based on the criteria listed in said GUIDELINES procedures.
- (e) Based on the consideration in Section c. or d., the Planning Commission shall either (1) allow the alteration or demolition to occur, (2) allow the alteration or demolition to occur subject to conditions protecting the resource, or (3) require a delay not to exceed 90 days, for the applicant or interested parties to develop and examine alternatives which protect the historic resource and present those alternatives to the Planning Commission.

Any interested party who desires to present an alternative proposal shall do so prior to the end of the period of delay, as set by the Planning Commission, the applicant, those parties listed in the Notification section, and any other person who has requested in writing, to be served with a copy of any alternative proposal. The Planning Commission shall set a further public hearing at a date not more than 30 days after the end of the period of delay. IF no such alternatives are presented or if all alternatives which are presented are demonstrated to be unreasonable under the criteria of subsections c. or d. above, the Planning Commission determines that a reasonable alternative proposal be implemented and the original application shall be denied.

### **13.7 DEMOLITIONS.**

No permit for the demolition of a structure identified in the Inventory shall be issued by the City without the prior review by the Planning Commission. Upon receipt of an application for a permit for the demolition, removal, or relocation of an Inventoried structure, the building official shall notify the Planning Commission of such application within five (5) working days.

### **13.8 MAINTENANCE AND REPORT OF ARCHITECTURAL FEATURES.**

Nothing in this Ordinance shall be construed to prevent the ordinary maintenance, painting, or repair of any exterior architectural features which do not involve a material change in design or the outward appearance thereof, nor to prevent the construction, reconstruction, alteration, or demolition of such features which have been certified as required for public safety.

### **13.9 APPEALS.**

Actions of the Planning Commission can be appealed to the City Council. Appeal from any action by the City Council may be taken as provided by Oregon law.

## SECTION 14

### INFILL DEVELOPMENT OVERLAY ZONE

#### 14.1. PURPOSE

#### 14.2. APPLICABILITY

#### 14.3. MINIMUM INFILL DEVELOPMENT POTENTIAL REQUIREMENTS (80 PERCENT RULE)

#### 14.4. INCENTIVE LAND DIVISION STANDARDS

#### 14.5. STREET, ACCESS AND PEDESTRIAN WAY STANDARDS

#### 14.6. RESIDENTIAL DEVELOPMENT STANDARDS

#### 14.7. ADDITIONAL MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS

#### 14.1 PURPOSE

The purpose of the Infill Development Overlay Zone is to foster residential development in specific established neighborhood areas in order to achieve the following community objectives: reduction of pressure to expand the community's Urban Growth Boundary (UGB), more efficient use of existing infrastructure and services (i.e., streets, water, sewer, solid waste disposal), provision of affordable housing, and avoidance of secondary growth related to urban sprawl. Although development densities are based on the underlying land use zoning, the Infill Development Overlay Zone applies specific standards that encourage compatible development on vacant, underutilized, or partially used land.

#### 14.2 APPLICABILITY

This Ordinance shall apply to all land within the City's Infill Development Overlay Zone as shown in Exhibit A.

#### 14.3 MINIMUM INFILL DEVELOPMENT POTENTIAL REQUIREMENT (80 PERCENT RULE)

- (a) In order to be eligible for Incentive Land Division Standards (Section 14.4) and Incentive Street Design Standards (Section 14.5(a)), a proposed development must demonstrate that it will yield residential density of at least 80 percent of the maximum density allowed by the Comprehensive Plan and Map for the underlying zone.
- (b) A development proposal may satisfy the 80 Percent Rule by submitting a hypothetical future development plan that meets the density criterion in (a), and recording "no-build" easements for all areas of the property to be reserved for future construction based on that submitted plan.

- (c) The “no-build” easement shall be eliminated when development in compliance with the 80 Percent Rule occurs.
- (d) The “no-build” easement shall be prepared and recorded using a form approved by the Mt. Angel City Attorney.

#### **14.4 INCENTIVE LAND DIVISION STANDARDS**

The following standards, which are intended to allow greater flexibility in lot size requirements for development meeting the 80 Percent Rule, shall apply within the Infill Development Overlay Zone. Except as specifically provided in this Section, the standards and requirements of the underlying zoning, other Sections of this Ordinance and the Subdivision Ordinance shall apply.

- (a) Proposed land divisions meeting the 80 Percent Rule shall be eligible for review subject to the specific standards and requirements in this Section.
- (b) For land divisions (subdivision or partition) which meet the 80 Percent Rule, minimum lot size requirements may be reduced based on dedications made in conjunction with the land division action. Such dedications may be for public right-of-way or for permanent parks and open space. Reductions to lot sizes shall be permitted on a one-for-one basis, up to the total square footage of dedications. No parcel shall be reduced to less than 80 percent of the minimum parcel size established by the standards of the underlying zone through the application of this provision. Text or a table describing the allocation of right-of-way area credits among platted lots shall be recorded as part of the plat drawings.
- (c) A proposal for immediate construction at less than 80 percent of the maximum permitted density in the Comprehensive Plan and Map for the underlying zone shall be eligible for the provisions of this Section if it complies with the 80 Percent Rule provisions of Section 14.3 above. To ensure that structures will not be constructed in locations that conflict with future infill development, the “no-build” easement shall cover all portions of the subject property which must be reserved for future development in order to meet the 80 Percent Rule, including future streets and access easement areas.

#### **14.5 STREET, ACCESS, AND PEDESTRIAN WAY STANDARDS**

The following standards shall apply within the Infill Development Overlay Zone. Except as specifically provided in this Section, the standards and requirements of the underlying zoning, other Sections of this Ordinance, and the Subdivision Ordinance, shall apply:

- (a) Incentive Street Design Standards. Infill development meeting the 80 Percent Rule shall comply with the street, and private accessway standards set forth in Exhibit B, which are intended to allow greater flexibility in access width requirements for development.
- (b) Connectivity. Except at locations where connectivity is precluded by environmental or topographic constraints or by existing development patterns, streets and private accessways shall be designed to extend through the lot being served and abut adjoining property or streets, creating the opportunity to form a connected public access network. Private accessways, and access drives shall be covered by public access easements in a

form approved by the Mt. Angel City Attorney. Cul-de-sacs, with maximum length not to exceed 400 feet, may only be allowed at locations where connectivity is precluded by environmental or topographic constraints or by existing development patterns.

- (c) Street Trees and Landscaping. On arterial, collector, and standard local streets, a planter strip with street trees and landscaping is required between the street and sidewalk. On all streets and private accessways, a minimum of one (1) street tree shall be provided for each 35 feet of public or private street frontage, or fraction thereof. Street trees shall be equally spaced to the maximum extent possible. A five (5)-foot-wide street landscaping easement shall be located immediately adjacent to the public access easements for and private accessways.
- (d) Pedestrian Ways. Where a block is greater than 400 feet in length, a pedestrian way through the block, connecting with adjoining development, streets, or accesses shall be provided. Where a single-outlet access is necessary (i.e., a cul-de-sac, private accessway, or access drive that cannot make a through connection in the future due to constraints), a pedestrian way connecting the single-outlet access with adjoining development, streets, or accesses shall be provided. Pedestrian ways shall have a minimum five-foot-wide, paved, all-weather surface within a minimum ten (10)-foot-wide easement or tract.
- (e) Lighting. Pedestrian-scale lighting shall be required as part of construction of infill local streets, private accessways, access drives, and pedestrian ways extending more than 220 feet between intersections with other transportation network elements.
- (f) Curb Radii. To reduce pedestrian crossing distances and slow traffic, the curb radius for local streets and accessways shall be no greater than 20 feet and no less than 15 feet.
- (g) On-street Parking. On-street parallel parking should be provided on collector and local streets.

#### **14.6 RESIDENTIAL DEVELOPMENT STANDARDS**

The following standards which are intended to ensure that infill development is compatible with existing buildings and neighborhoods shall apply within the Infill Development Overlay Zone, superseding other provisions of this Ordinance. Except as specifically provided in this Section, the standards and requirements of the underlying zoning and other Sections of this Ordinance shall apply.

- (a) Review Process for Single-Family and Two-Family Dwellings. Single-family and two-family dwellings shall meet the standards of this Section and shall be subject to review by the Design Review Committee. Appeals of the Administrator's decision shall be to the Planning Commission.
- (b) Building Orientation. New residential buildings shall have their primary orientation towards the street and shall incorporate features such as front porches, windows, doorways, and paved walkways that connect to sidewalks (or shared accessways). Unless the curvature of the street makes it impractical, the primary residential structure shall be oriented so that the front building line is parallel to the abutting street. Where

public street frontage is not provided and lots are served by a private accessway, the fronts of residential buildings shall be oriented to the private accessway.

- (c) Garage Location. Garages shall be set back behind the front facade of the house by at least five feet. For single-family and duplex uses, three-car garages are permitted only when the garage door for the third car is set back from the front wall plane of the main garage by at least two (2) feet. A conditional use permit is required for garages accommodating more than three cars on a single-family or duplex lot.
- (d) Front Porches. New residential buildings shall have a usable covered, but not enclosed, outdoor front porch. Porch dimensions shall be a minimum of six (6) feet in depth and a minimum of eight (8) feet in length. Porches shall have a gable, hip, or shed roof, shall be supported by boxed or round columns, and shall have a perimeter railing.
- (e) Windows. Windows shall be oriented vertically, with proportions of at least 3:2. Large horizontally oriented “picture windows” are not permitted; a series of vertical windows may be used instead.
- (f) Trim and Details. Trim shall be used around the windows, doors, frieze, and corners of buildings. Details shall be used around the porch, fascia board, and window and door tops.
- (g) Roofs. Hip and gable roofs with a minimum pitch of 4/12 shall be provided where an abutting property includes a main structure with a minimum roof pitch of 4/12. In all other cases, a minimum pitch of 3/12 shall be provided. Jerkinhead and gambrel roofs can also be used. Each roof shall incorporate a hip, shed, eyebrow, or gable dormer in its roof design.
- (h) Parking Location. With the exception of driveway parking, off-street parking areas and parking lots shall not be located in the front yard.
- (i) Yards. Front and side yards that abut the street shall be visually open to the street. In these areas, fences and hedges shall be less than four (4) feet in height.
- (j) Fences/Walls. Fences and walls in front yards and corner side yards shall be no more than four (4) feet in height and shall not be solid in design. Along rear and interior yard lines, walls may be solid and may be up to six (6) feet in height, except in front and side yards that abut a street or public access easement, where wall height shall be less than four (4) feet within ten (10) feet of the street or public access easement.
- (k) Development Pattern. Except as may be permitted through the planned unit development process, no more than four identical structures in a row shall be allowed.
- (l) Front Yard Setback. The minimum front yard setback shall be 15 feet, measured from the edge of the right-of-way or public easement line to the front of the structure. The minimum setback for garages shall be 20 feet from the edge of the right-of-way or public easement line.

- (m) Dwelling Height. The maximum height permitted for a new dwelling on an existing lot, or lots created through a partition, shall be 20 feet or the average height of the dwellings on all abutting parcels in the same underlying zoning district, whichever is higher. The Planning Commission may approve a taller dwelling through a conditional use process.

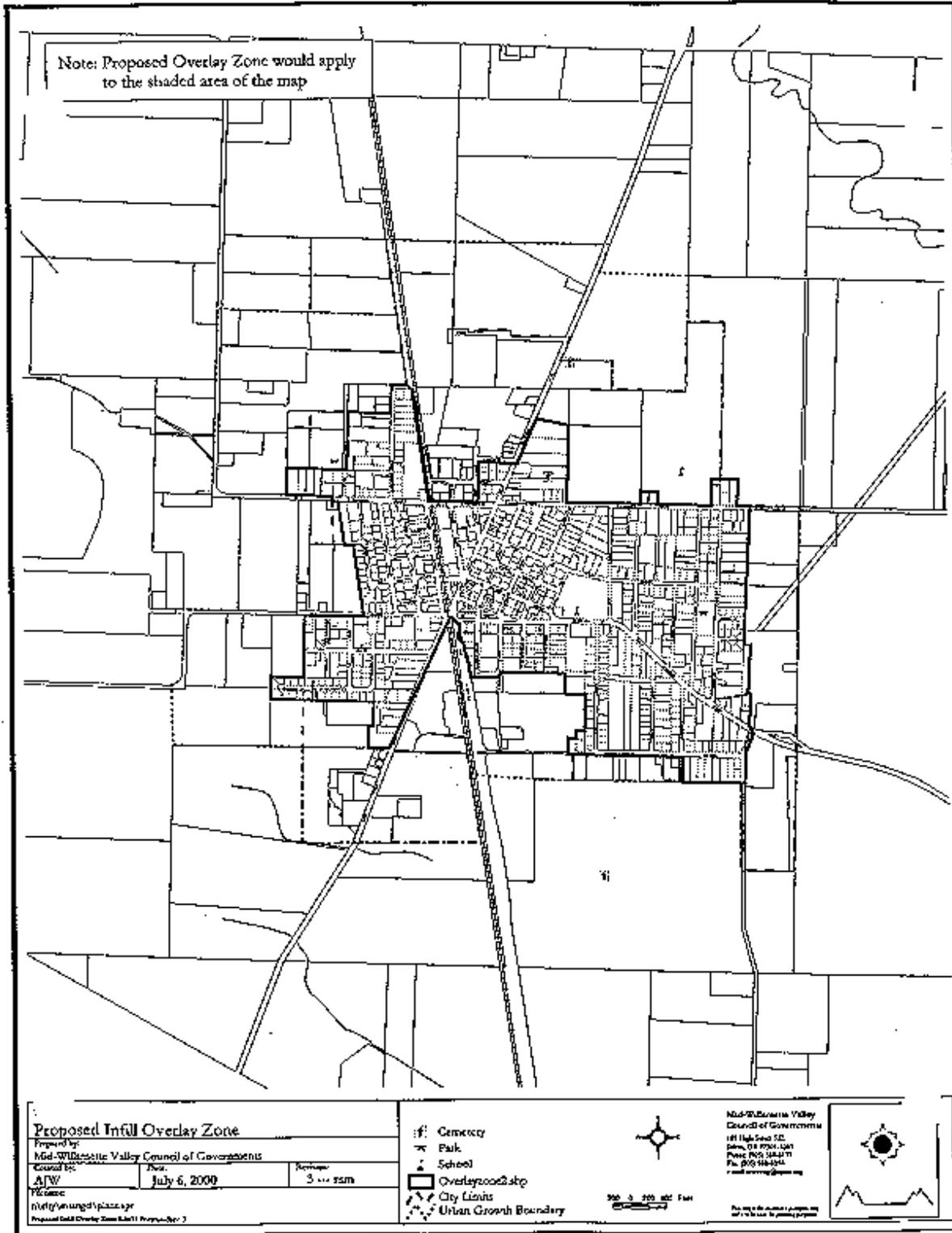
#### **14.7 ADDITIONAL MULTIFAMILY RESIDENTIAL DEVELOPMENT STANDARDS**

The following standards, which are intended to ensure that infill development is compatible with existing buildings and neighborhoods, shall apply within the Infill Development Overlay Zone, superseding other provisions of this Ordinance. Except as specifically provided in this Section, the standards and requirements of the underlying zone and other Sections of this Ordinance shall apply.

- (a) Review Process for Multifamily and Attached Dwellings. Multifamily and attached dwellings shall meet the standards of this Section, and shall be subject to review by the Design Review Board in accordance with the procedures set forth in Ordinance 617.
- (b) Scale. Buildings with walls greater than 80 feet in length shall include street facades that are varied and articulated at regular 20, 30, 40, or 50 foot intervals along the facade to provide the appearance of smaller buildings. Articulation shall be achieved through use of offsets, jog, variation of finishes, projections, entries, or other forms of distinctive changes.
- (c) Front Facades. All primary, ground-floor common entries or individual unit entries of street frontage units shall be oriented to the street, not to the building interior or to a parking lot. The front elevation of large structures must be divided into smaller areas or planes of 500 square feet or less. Projecting features such as porches, balconies, bays, dormer windows, and roof pediments are encouraged for structures facing a street.
- (d) Main Entrance. Primary structures must be oriented with their main entrance facing the primary street frontage of the site. If the site is on a corner it may have its main entrance oriented to either street or to the corner.
- (e) Unit Definition. Emphasize each dwelling unit by including a roof dormer or bay windows on the street facing elevation, or by providing a roof gable or porch that faces the street.
- (f) Roof Lines. Hipped or gabled roofs are recommended. Roof-line offsets shall be provided at intervals of 100 feet or less to create variety in the massing of structures and relieve the effect of a single, long roof. Roof line offsets shall be a minimum eight (8)-foot variation either vertically from the gutter line or horizontally.
- (g) Parking. Parking and loading areas may not be located between the primary structure and right-of-way on which the structure fronts. If there is no alley and motor vehicle access is from the street, parking must be either in a garage that is attached to the primary structure, in a detached accessory structure located at least 50 feet from the front property line, or in a parking area at the side or rear of the site.

- (h) Parking Lot Landscaping. Where more than four surface parking spaces are provided abutting a residential district or street, a minimum five (5)-foot-wide landscaped yard shall be established between the parking lot and abutting residential district or street. The landscaped yard area shall be planted with a continuous three (3)-foot-high hedge that will reach maturity within five (5) years.
- (i) Screening. All mechanical, electrical, communications, and service equipment shall be screened from public view by parapets, walls, fences, landscaping, or other suitable means.

## Exhibit A Infill Development Overlay Zone



## Exhibit B

### Street and Accessway Standards

Street Type	Pavement Width	Travel Lane	On-Street Parking	Minimum R.O.W.	Sidewalk	Park Strip	Street Trees	Average Daily Trips
<b>Standard Local Street</b>	30-34 ft <sup>1</sup>	2	2 sides	50 ft. – 55 ft. (up to 75 lots)	5 ft. min. both sides	7.5 ft. min.	yes	250-750
<b>Infill Local Street</b>	28 ft.	2	1 side	35 ft. – 40 ft. (up to 25 lots)	5 ft. min. one side	not required	yes in easements	< 250
<b>Private Accessway</b>	18 ft.	2	no	20 ft. easement (up to 4 lots)	none	none	yes in easements	< 40

<sup>1</sup> Narrow Street Option (30 foot pavement width)

The Planning Commission shall allow use of the narrow street option for local streets if all of the following conditions are met:

1. Not more the 600 feet in the block or street segment
2. Access for not more than 20 dwelling units on the block or street segment.
3. Only permitted on streets without significant through traffic, including but not limited to, cul-de-sacs.
4. No curves are present that would create sight-distance problems.
5. No other problems are present that would interfere with the proper functioning of a narrow street.

## **SECTION 15**

### **BAVARIAN THEME DISTRICT**

- 15.1. PURPOSE**
- 15.2. BAVARIAN ARCHITECTURAL THEME**
- 15.3. THE DISTRICT**
- 15.4. DESIGN REVIEW APPLICATION**
- 15.5. PLANNING COMMISSION REVIEW**
- 15.6. DESIGN REVIEW CRITERIA**
- 15.7. SUPPLEMENTAL REGULATIONS**
- 15.8. SIGNS**
- 15.9. JOINT HEARING**
- 15.10. APPEALS**
- 15.11. EXPIRATION OF APPROVAL**
- 15.12. ENFORCEMENT**

#### **15.1 PURPOSE**

The general purpose of this ordinance is to promote the economic, educational, cultural, and general welfare of the people of Mt. Angel by the provision of policies and procedures to protect the characteristics of a Bavarian Architectural Theme District, and the City of Mt. Angel in general. This ordinance will support the following City goals:

- (a) Maintain the existing business center as the dominant area of commercial activity.
- (b) To develop a business center that is easily accessible, convenient, and a pleasant place in which to shop.

It is deemed essential that the qualities relating to the design of the City maintain a harmonious outward appearance and function of structures and facilities to promote the preservation of property values for residents, and attraction to tourists; one of these qualities are the continued existence and construction of buildings in the Bavarian Theme which maintains a general harmony as to style, form, color, texture, proportion, material, and landscaping. It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation and use of improvements and landscape features of special theme character or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people.

The purpose of this ordinance is to:

- (a) Affect and accomplish the protection, enhancement, and perpetuation of such improvements and landscape features which represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
- (b) Safeguard the City's historic, aesthetic, and cultural heritage as embodied and reflected in such improvements, landscape features, and districts;
- (c) Stabilize and improve property values;
- (d) Foster civic pride in the beauty;
- (e) Protect and enhance the City's attractions to tourists and visitors, and the support and stimulus to business and industry thereby provided;
- (f) Strengthen the economy of the City; and
- (g) Promote the use of Bavarian Theme District for the education, pleasure, and welfare of the citizens of Mt. Angel.

## **15.2 BAVARIAN ARCHITECTURAL THEME**

Any and all buildings, structures, walkways or lighting in the Bavarian Architectural Theme District as described in section 15.3, including all new construction and any and all changes, alterations or exterior remodeling of existing construction, except for existing single-family residence dwelling in dais District not used for commercial purposes, shall conform in exterior design to the Bavarian Architectural Theme.

## **15.3 THE DISTRICT**

Beginning at a point where the north line of Clement Street intersects the west line of John Street in the J.W. Ebner addition to Mt. Angel, Section 3, T6S, R1W, Marion County, Oregon, thence southerly along said west line of John Street to the northeast corner of Lot 8, Block 3, of said addition; thence westerly to the northwest corner of Lot 5, Block 4, of said addition and continuing westerly to the westerly R/W line of the Southern Pacific Railroad; thence southerly along said westerly R/W line to point of intersection with the north R/W line of Marquam Street to point of intersection with the northerly prolongation of the west line of Block 3, Mt. Angel Town Plat of 1882; thence southerly to the NW corner of Block 12 of said Town Plat; thence westerly to the NE corner of Block 13 of said Town Plat; then southerly along the east line of said Block 13 and southerly prolongation to the south R/W line of West Church street; thence westerly along said S R/W line of West Church Street to an iron pipe lying N 0 degrees 22' W 92.6' from the NW corner of Lot 18, Block 1 May's Addition to Mt. Angel; thence S 0 degrees 22' E to the SW corner of said Lot 18, Block 1; thence N 89 degrees 38' E 7' more or less to a property corner; thence southerly along said property line and southerly prolongation to the south R/W line of May Street; thence westerly along said south R/W line of May Street to the NW

corner of Lot 2, Block 8 of said May's Addition; thence southerly along the west line of said Lot 2, Block 8 and southerly prolongation 170' more or less to a property line; thence S 89 degrees 57' W 170' more or less to a property corner; thence S 21 degrees 33' W along a property line 63.95' to a property corner; thence N 89 degrees 57' E along the property line and easterly prolongation to the east R/W line of Main Street (Mkt. Rd. No. 18); thence northeasterly along said east R/W line 35' more or less to the SW corner of a property line; thence N 86 degrees 33' E 317.67' to the west R/W line of the Southern Pacific Railroad; thence southeasterly along said R/W to point of intersection with the westerly prolongation of the north R/W line of Academy Street, Benedictine Addition to Mt. Angel; thence N 89 degrees 45' E along said prolongation and north R/W line 400' more or less to a property corner; thence N 5 degrees 25' W 676' to a point on the west R/W line of Cleveland Street; thence N 89 degrees 45' E 60' to the east R/W line of Cleveland Street; thence northerly along said east R/W line of Cleveland Street to the NW corner of Lot 5, Block 3, Mithias Buala's Addition to Mt. Angel; thence easterly to the NW corner of Lot 5, Block 5, of said Mithias Buala's Addition; thence northerly to the NW corner of Lot 4, Block 5, of said Mithias Buala's Addition; said point being on the south R/W line of Church Street; thence easterly along the south R/W line of Church Street to point of intersection with the northeasterly R/W line of College Street; thence northerly and westerly along the northerly R/W line of College Street to the SW corner of Lot 1, Block 9, Palmer's 2<sup>nd</sup> Addition to Mt. Angel; thence northerly to the SW corner of Lot 1, Block 10, of said Palmer's 2<sup>nd</sup> Addition; thence westerly to the SW corner of Lot 1, Block 5, of said Palmer's 2<sup>nd</sup> Addition said point being on the east R/W line of Garfield Street; thence northerly along the east R/W line of Garfield Street and it's northerly prolongation to point of intersection with the north R/W line of Marquam Street; thence westerly along the north R/W line of Marquam Street to the SW corner of St. Mary's (aka Mt. Angel) cemetery; thence northerly 165' to the NW corner of said cemetery; thence northeasterly 155' more or less to the SE corner of the J. & A.B. Cronk property; thence northeasterly 45' to the NE corner of said Cronk property; thence N 20 degrees 45' E 105' more or less to a north property line of the T.I. & A.D. Wachter property; thence easterly along said north property line 390' more or less to the NE corner of said Wachter property; thence N 0 degrees 14' E 470' more or less to a property corner; thence N 79 degrees 15' W along a property line and its prolongation to point of intersection with the west R/W line of Main Street; thence southerly along said west R/W line of Main Street to point of intersection with the north R/W line of Clement Street; thence westerly to point of beginning.

#### **15.4 DESIGN REVIEW APPLICATION**

An Exterior Design Review issued by the City Recorder after approval by the Design Review Board shall be required before any of the following actions are permitted: *[Sec. 4 amended by Ord. 617, 8.7.95]*

- (a) Material change in the exterior appearance of existing buildings or structures by additions, alterations, reconstruction, or maintenance including exterior color change to a different color.
- (b) New construction of a building or structure.
- (c) Change in existing walls and fences.

- (d) Placement of an exterior sign. (see section 15.8)

## **15.5 PLANNING COMMISSION REVIEW**

- (a) No building, structure, walkway, or lighting shall be constructed, changed, altered, or remodeled in said District without first obtaining an Exterior Design Review, and when applicable, a building permit. All applications for Exterior Design Review in said District shall first be submitted to and approved by the Design Review Board for compliance with this ordinance for the Bavarian Architectural Theme. All applications for Design Review shall be accompanied by a complete set of plans and blueprints clearly designing the construction, changes, alterations, or remodeling and stating the proposed location, dimensions, all colors accurately portrayed, and types of construction and design. The plans and blueprints shall be drawn to scale and shall clearly define the roofing materials and siding materials to be used and also the finish, paint, or other procedure to be used or applied on all exterior walls and trims and shall state a contemplated date of commencement and completion of such construction, change, alteration, or remodeling, and shall become property of the City upon submission of the application.
- (b) In determining whether the proposed construction, change, alteration, or remodeling conforms in exterior design to the Bavarian Architectural Theme, the Design Review Board shall consider the compatibility of the proposed exterior design with the existing structures and designs in the District and may in addition consult Bavarian design examples such as contained in the following publications:
  - (1) “Bavern in Bildren.” Illustrations of Bavaria. Munchen, L. Muller (1971)
  - (2) “Bavaria; a panorama in color.” Introduction by Johann Lacher, 41 color pictures by leading German photographers. Frankfurt an main, Umschau Verlag (1963).
  - (3) “Oberbayern, Zwischen Zugspitze un watzmann: e. Bilbd. Von Otto Siegner.” Munchen-Pullach; Simon, (1975)
  - (4) Bayern = Bavaria = La Baviere: e. Bilbd. Von Otto Siegner.” Munchen-Pullach: Simon , (1975)
  - (5) “Oberbayern. Upper Bavaria.” Einfuhrun von Sigfrid Hoffman, Munchen, Brukmann (c1970)
- (c) Copies of the above publications and similar related reference works shall be kept on hand by the City Recorder for review by applicants and by members of the Planning Commission. *[Sec. 5 amended by Ord. 617, 8/7/95]*

## 15.6 DESIGN REVIEW CRITERIA

The Design Review Board, in granting or denying approval of a design in accordance with this ordinance, should consider, among other criteria, the following. This list is intended to serve as a guide for prospective developers of representative Bavarian design features which have proven effective on commercial buildings. The list is not intended to be exhaustive and the applicant and Design Review Board may address design features not included among the criteria set forth below:

- (a) Inclusion of shutters with windows;
- (b) Inclusion of window grids to give the look of paned windows;
- (c) Use of stucco rather than stucco board on large exposed wall. Where stucco board is approved, cover joints with battens;
- (d) Decorative, protective end caps or scroll-sawed ends on exposed roof overhang support beams;
- (e) Balconies or shutters and window flower boxes where second floor windows are included;
- (f) Architectural balconies not intended for actual use, to have an apparent means of access, i.e., a door or false door, or large window;
- (g) Use of glazed rather than artificial (painted) windows;
- (h) Roof overhangs for all pitched roofs;
- (i) Compatibility in materials and consistency in style throughout all elevations on buildings;
- (j) Require rain gutters, down spouts for all eaves, no drainage permitted onto sidewalks, connection to storm sewer where available;
- (k) Limiting the service windows opening onto sidewalks or public right-of-way. Require at least eight-foot setback for service windows to outdoor, privately owned staging area;
- (l) Avoid partial pitched roofs where visible to the street, to prevent a “false front” look;
- (m) Battens over six inches in width should have a thickness of one and one-half inches or more so as to minimize the chances of “cupping” and warping;
- (n) Use of flower boxes on balconies;
- (o) General location for signing to be indicated on the design review drawings, with evidence that flowers and other features will not interfere;

- (p) Inclusion of decorative scroll work on fascia board and other trim;
- (q) Inclusion of murals or art work on exterior walls or around windows and doors.

*[Sec. 6 amended by Ord. 617, 8/7/95]*

### **15.7 SUPPLEMENTAL REGULATIONS**

The Design Review Board may require utility boxes, meters, garbage receptacles, and dumpsters and outside fuel containers located upon or used in conjunction with any building or structure in the District and outside vending machines, newspaper dispensers, and public telephone booths located in said District to comply with the Bavarian Architectural Theme of the maximum extent practical and feasible.

The terms, provisions, and requirements of this ordinance shall be in addition to and not in lieu of the requirements set forth in any other ordinance, state statute, or regulation governing the construction, building, zoning, or similar regulations applicable to the District. *[Sec. 7 amended by Ord. 617, 8/7/95]*

### **15.8 SIGNS**

All signs shall conform to the sign provisions of the Development Regulations.

### **15.9 JOINT HEARING**

Where a proposal requires a Conditional Use Permit or Variance to zoning, in addition to an exterior Design Review, the Planning Commission may, with the applicant's consent, conduct the Exterior Design Review as an element of the Conditional Use Permit or Variance Hearing.

### **15.10 APPEALS**

Appeals from the Design Review Board are to the Planning Commission. In the event the Planning Commission denies or conditions appeal for Exterior Design Review for its failure to comply with this ordinance or to conform to the Bavarian Architectural theme, the applicant may within ten (10) days of the written notification of final action, file with the City Recorder a Notice of Appeal of the action taken by the Planning Commission. Upon receipt of the notice, the City Recorder shall put the matter of the appeal on the agenda of the next regular City Council meeting occurring ten (10) or more days following receipt of the notice. For use at the appeal hearing, copies of all minutes, findings, recommendations, or other written memoranda pertaining to the application for which the appeal is taken shall be provided by the Planning Commission secretary. The City Council, at the time of hearing the appeal, may grant or deny the relief requested by the appellant or may modify the decision of the Planning Commission. *[Sec. 10 amended by Ord. 617, 8/7/95]*

### **15.11 EXPIRATION OF APPROVAL**

Design Review Board approval is valid for one year from date of approval unless a time extension is granted. Time extensions must be requested by the applicant prior to the expiration of the approval; a maximum of one (1) year extension shall be granted by the City Administrator. *[Sec. 11 amended by Ord. 617, 8/7/95]*

### **15.12 ENFORCEMENT**

Noncompliance with a final Exterior Design Review, as approved by the design Review Board, shall be a Zoning Ordinance Violation. *[Sec. 12 amended by Ord. 617, 8/7/95]*

## **SECTION 16**

### **DESIGN REVIEW BOARD**

#### **16.1. PURPOSE**

#### **16.2. MEMBERSHIP**

#### **16.3. OFFICERS**

#### **16.4. REVIEW AUTHORITY**

#### **16.5. PROCEDURES**

#### **16.6. APPEALS**

#### **16.1 PURPOSE**

A Design Review Board is hereby created and established to promote the general public welfare and to assist the Planning Commission in enhancing, protecting and preserving the aesthetic appeal and beauty of the City.

#### **16.2 MEMBERSHIP**

The Design Review Board shall be composed of one (1) member appointed by the City Council, one (1) member appointed by the Planning Commission from its membership, and the City Administrator. These members shall hold office at the pleasure of the Council.

#### **16.3 OFFICERS**

The members of the Design Review Board shall elect from their own members a Chairman. The Board may adopt and amend rules of procedure consistent with the provision of this ordinance.

#### **16.4 REVIEW AUTHORITY**

The Design Review Board shall review:

- (a) All Bavarian Theme District applications per Section 15.
- (b) All Sign Permits under Section 18 of the Zoning Ordinance.
- (c) The Design Review Board shall review and approve all permit applications for the building or location of structures subject to Section 1.10(b)(manufactured home) and Section 6.1(f) of the Zoning Ordinance for conformance to those applicable Section requirements.
- (d) May review other design issues referred to the Board by the Planning Commission.

## **16.5 PROCEDURES**

Upon receipt of an application requiring review by the Design Review Board the City Recorder shall:

- (a) Within 72 hours notify the Board of the receipt of application and either provide copies to all Board members or indicate where copies are available for viewing by the Board members.
- (b) Each Board member shall within 72 hours notify the City Recorder of either approval of the design as submitted or request a full Board meeting on the application.
- (c) A Board meeting shall be scheduled in accordance with applicable law and the adopted rules of procedure of the Board.

## **16.6 APPEALS**

An appeal by an aggrieved party must be filed with the Recorder within ten (10) days of the date of mailing of the Notice of Decision of the Design Review Board to the Planning Commission. The appeal must be filed in writing and state wherein the board failed to conform to provisions of the applicable ordinances.

*[Ordinance 617 - passed by the Council and approved by the Mayor August 7, 1995.]*  
*[Amended by Ordinance 736 adopted March 4, 2013.]*

## **SECTION 17**

### **SITE DESIGN REVIEW**

#### **17.1 PURPOSE**

#### **17.2 APPLICABILITY**

#### **17.3 APPROVAL PROCESS**

#### **17.4 SUBMITTAL REQUIREMENTS**

#### **17.5 CRITERIA FOR APPROVAL**

#### **17.6 PERIOD OF VALIDITY**

#### **17.1 PURPOSE**

The purpose of the site design review provisions is to establish a process and standards for the review of development proposals in order to conserve and enhance the appearance of the City and to promote functional, safe, and innovative site design. Attention will be paid to the proposal's scale, layout and design, its compatibility with the surrounding environment, and the character of the surrounding neighborhood or area. The intent is to ensure that there is general compatibility between adjoining uses, that vehicular access and circulation is safe, and that areas of public use are made aesthetically attractive and safe.

#### **17.2 APPLICABILITY**

Site design review shall be required for all new developments and modifications of existing developments except:

- (a) single-family detached dwellings;
- (b) a duplex;
- (c) an accessory structure;
- (d) a modification of an exterior surface of an existing structure that is less than 25 percent of the total exterior surface of the existing structure;
- (e) a modification of the square footage of an existing building or structure that is less than 25 percent of the total square footage of the existing building or structure; and
- (f) regular maintenance and repair.

No development or building permit shall be issued until the application is reviewed and approved consistent with the provisions of this Section.

### **17.3 APPROVAL PROCESS**

- (a) Residential development design review applications shall be processed as a ministerial action as set forth in Section 2.1(a) for Type I actions.
- (b) Commercial and industrial development design review applications shall be heard in accordance with the public hearing process set forth in Section 2.1(b) for Type II actions.

### **17.4 SUBMITTAL REQUIREMENTS**

An application for site design review shall be submitted on forms provided by the City along with the applicable review fee. The application shall include the name of the property owner and, where the applicant is not the property owner, permission from the property owner to apply for site design review. In addition, the applicant shall submit the following documents to the City:

- (a) Vicinity Map. A vicinity map showing the location of the property in relation to adjacent properties, roads, utility access and other information pertinent to the site design review.
- (b) Site Plan. A site plan shall be submitted that will conform with and include the following:
  - (1) The location and dimensions (including setbacks where applicable) of:
    - (A) Existing and proposed streets and other public ways and easements on adjacent property and on the site;
    - (B) Existing and proposed structures, improvements, and utility facilities on the site;
    - (C) Existing and proposed landscape areas;
    - (D) The entrances and exits to the site;
    - (E) The parking and circulation areas;
    - (F) Loading and service areas for waste disposal, loading, and delivery;
    - (G) Pedestrian and bicycle circulation areas;
    - (H) Bicycle parking;

- (I) On-site outdoor recreation and common areas;
  - (J) Sign locations; and
  - (K) Supplemental information as required by the City Administrator or City Planner.
- (2) The site plan shall be drawn at a scale in order of preference depending on the scope of the project of one (1) inch = 30 feet to one (1) inch = 100 feet and shall include the date and an arrow indicating north.
  - (3) The site plan shall be sufficient to determine the relationship between the applicant's property and proposed development and adjacent property and development.
- (c) Landscape Plan. A landscape plan shall be submitted that will include the following:
- (1) Location, size, and species of existing and proposed plant materials;
  - (2) Location, size and species of trees existing and proposed consistent with the Street Tree Ordinance under Chapter 2-4 of the Mount Angel Municipal Code.
  - (3) Location and height of fences or other buffering or screening materials;
  - (4) Location and design of proposed irrigation system;
  - (5) Location of terraces, decks, patios, shelters and play areas;
  - (6) Planting schedule;
  - (7) Building and pavement outlines;
  - (8) Location and type of erosion controls used if necessary; and
  - (9) Supplemental information as required by the City Administrator or City Planner.
- (d) Grading Plan. A grading plan shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. The grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.
- (e) Traffic Impact Analysis. Depending on the nature and scope of the proposed development, the City Administrator or City Planner may require a traffic impact analysis report, prepared by a registered transportation engineer, including the following:

- (1) The total estimated vehicular, pedestrian, bicycle and other transit service trips to be generated from the proposed development;
- (2) The impact of the total estimated vehicular, pedestrian, bicycle and other transit service trips on the existing street, sidewalk, bicycle and other transit systems within the City; and
- (3) The estimated level of improvement necessary to mitigate the total impact from the proposed development as identified in (2).

## **17.5 CRITERIA FOR APPROVAL**

### **(a) Residential development**

Staff shall review the site design review application and documents provided under Section 17.4 for compliance with the following criteria:

- (1) The site design shall be consistent with the dimensional standards and all other standards provided within the applicable zone;
- (2) Landscaping shall be provided on at least 15 percent of the total lot area;
- (3) For new developments, electric, telephone, and other utility service shall be located underground; and
- (4) The site design shall comply with all other applicable requirements of the Mount Angel Development Code and the Public Works Design Standards.

### **(b) Commercial and industrial development**

The Planning Commission shall review the site design review application and documents provided under Section 17.4 for compliance with the following criteria:

- (1) The site design shall be consistent with the dimensional standards and all other standards provided within the applicable zone;
- (2) Based on anticipated vehicular and pedestrian traffic generation, the site design shall provide adequate right-of-way and improvements to streets, pedestrian ways, bikeways, transitways and other ways in order to promote safety, reduce congestion, conserve energy and resources, and encourage transit use, bicycling and walking;
- (3) Public and private facilities and services shall be provided in order to adequately serve the residents or establishments to be accommodated;

- (4) Areas, structures, and facilities for storage, machinery and equipment, refuse services, loading and parking, and similar accessory use areas and structures shall be designed, located, buffered or screened to minimize adverse impact on the site and neighboring properties;
- (5) Landscaping shall be provided on at least 15 percent of the total lot area;
- (6) For new developments, electric, telephone, and other utility service shall be located underground; and
- (7) The site design shall comply with all other applicable requirements of the Mount Angel Development Code and the Public Works Design Standards.

#### **17.6 PERIOD OF VALIDITY**

An approved site design review permit shall lapse and become void unless substantial improvements related to such use are commenced within one (1) year of the date that the approval is granted. The applicant may request an extension of the approval for a period not to exceed six months. Requests for extension of approval shall be submitted, in writing, at least thirty (30) days prior to the expiration date of the approval period.

## **SECTION 18**

### **WIRELESS COMMUNICATION FACILITIES**

#### **18.1 PERMITTED USES**

#### **18.2 CONDITIONAL USES**

#### **18.3 CONDITIONAL USE PERMIT SUBMITTAL REQUIREMENTS**

#### **18.4 COLLOCATION**

#### **18.5 CRITERIA FOR APPROVAL**

#### **18.6 DEVELOPMENT STANDARDS**

#### **18.7 ABANDONED FACILITIES**

#### **18.1 PERMITTED USES**

- (a) Towers and ancillary wireless communication facilities, used for non-commercial purposes only, are permitted outright at the following locations:
  - (1) Any property owned by the City of Mt. Angel;
  - (2) Any property owned by the Mt. Angel Fire District; and
  - (3) Any property within an electric utility substation.
- (b) Except as provided in subsection 18.2(d), collocated wireless communication facilities are permitted outright in the Commercial General (CG), Light Industrial (IL), and Public and Semi-Public Use (PS) zones.
- (c) Satellite dishes not exceeding one (1) meter in diameter shall be permitted in any zone.
- (d) Satellite dishes not exceeding two (2) meters in diameter shall be permitted outright in the Commercial General (CG), Light Industrial (IL), and Public and Semi-Public Use (PS) zones.

#### **18.2 CONDITIONAL USES**

- (a) Towers and ancillary wireless communication facilities shall be permitted in all zones, except residential zones, upon the granting of a conditional use permit, and provided that the facilities are not located within 350 feet of any residential zones.
- (b) Satellite dishes greater than one (1) meter in diameter shall only be permitted in a residential zone upon the granting of a conditional use permit.

- (c) Satellite dishes greater than two (2) meters in diameter shall only be permitted in the Commercial General (CG), Light Industrial (IL), and Public and Semi-Public Use (PS) zones upon the granting of a conditional use permit.
- (d) Collocation facilities where the existing support structure height will be increased by 20 feet or more.

### **18.3 CONDITIONAL USE PERMIT SUBMITTAL REQUIREMENTS**

As part of the conditional use permit application materials, the applicant for a wireless communication facility shall submit the following information:

- (a) A visual study containing, at a minimum, a vicinity map depicting where, within a half-mile radius, any portion of the proposed tower could be visible, and a graphic simulation showing the appearance of the proposed tower and accessory structures from two (2) separate points within the impacted vicinity, accompanied by an assessment of potential mitigation. Such points shall be mutually agreed upon by the City Administrator or the Administrator's designee and the applicant.
- (b) Documentation of the steps that will be taken to minimize the visual impact of the proposed facility.
- (c) A landscape plan, drawn to scale, that is consistent with the need for screening at the site. Existing vegetation that is to be removed must be clearly indicated and provisions for mitigation included where appropriate.
- (d) A feasibility study for the collocation of telecommunications facilities as an alternative to new structures. The feasibility study shall include:
  - (1) An inventory, including the location, height and design of existing wireless communication facilities within one-half mile of the proposed location of the new facility.
  - (2) Documentation of the efforts that have been made to collocate on existing or previously approved towers. Each applicant shall make a good faith effort to contact the owner(s) of all existing or approved towers and shall provide a list of all owners contacted in the area, including the date, form of contact (personal communication, telephone, letter, etc.), and the result of the contact.
  - (3) Documentation as to why collocation on existing or proposed towers or location on existing tall structure within one-half mile of the proposed site is not practical or feasible. Collocation shall not be precluded simply because a reasonable fee or shared use is charged or because reasonable costs necessary to adopt the existing or proposed uses to a shared tower. The Planning Commission may consider expert testimony to determine whether the fees and costs are reasonable.

Collocation costs that exceed new tower development costs are presumed to be unreasonable.

- (e) A report from a licensed professional engineer documenting the following:
  - (1) A description of the proposed tower height and design, including technical engineering, and other pertinent factors governing selection of the proposed design. A cross-section of the proposed tower structure shall be included. If the proposed tower is intended to accommodate future collocation, the engineer shall document that the design is sufficient for that purpose. If the proposed tower is not intended to allow for future collocation, the engineer shall provide an explanation as to why it is not so intended.
  - (2) The total anticipated capacity of the tower in terms of the number and types of antennae that can be accommodated. The engineer shall also describe any limitations on the ability of the tower to accommodate collocation. The engineer shall describe the technical options available to overcome those limitations and reasons why the technical options considered were not used.
  - (3) Documentation that the proposed tower will have sufficient structural integrity for the proposed uses at the proposed location, in conformance with the safety requirements of the State Structural Specialty Code, latest adopted edition at the time of application.
- (f) A description of the mitigation methods that will be employed to avoid ice hazards, including increased setbacks, and/or de-icing equipment.
- (g) Documentation demonstrating compliance with non-ionizing electromagnetic radiation emissions standards as set forth by the Federal Communications Commission.
- (h) Evidence that the proposed tower will comply with all applicable requirements of the Federal Aviation Administration, the Oregon Department of Aviation, and the Federal Communications Commission.
- (i) A description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.

#### **18.4 CONDITIONAL USE PERMIT REVIEW**

- (a) Conditional use permit applications for wireless communication facilities shall be reviewed as provided by Section 5 of the Mt. Angel Development Regulations.
- (b) A conditional use permit issued for any wireless communications facility shall be valid for a period not to exceed five (5) years. The applicant shall keep timely records of the use and maintenance of the site during the life of the permit.

- (c) A conditional use permit may be renewed by the applicant for additional five-year increments for a total of 25 years. At the end of 25 years, the use may be re-authorized under a new conditional use permit.
- (d) The sole review criteria for renewal of a wireless communications facility conditional use shall be whether the facility and the applicant shall have fully complied with all conditions and requirements of the original installation.
- (e) During the conditional use permit renewal process, the bond for removal of the facility, if abandoned, shall also be reviewed. If necessary, the bond shall be increased to account for increases in the cost of removal.

## **18.5 COLLOCATION**

- (a) Sharing of tower facilities by more than one (1) service provider shall be strongly encouraged. The design of all towers must be such as to accommodate multiple co-locators to serve the reasonably anticipated users of wireless communication facilities.
- (b) To encourage shared use of towers, no conditional use permit shall be required for the addition of an antennae to an existing tower, except as required by subsection (c) below, nor shall a conditional use permit be required for accompanying accessory uses.
- (c) The height of an existing support structure may be increased for the purpose of accommodating collocation without requiring a discretionary review process by the City, provided that there is no change to the type of tower and tower height is increased by the minimum amount necessary to accommodate the collocated facilities. Height increases of 20 feet or more for accommodating collocation shall require the approval of a conditional use permit.

## **18.6 DEVELOPMENT STANDARDS**

All new wireless communication facilities shall comply with the following standards:

- (a) Tower Height.
  - (1) Freestanding wireless communication facilities shall be exempted from the height limitations of the zone in which they are located. This exemption notwithstanding, the height and mass of the transmission tower shall be the minimum necessary for its intended use, as demonstrated in a report prepared by a licensed professional engineer.
  - (2) A wireless communication facility that is attached to an alternative tower structure may not exceed the height of the alternative tower structure, unless findings are made by the Planning Commission that such an increase will have a minimal impact on the appearance of the structure.

- (3) A wireless communication facility that is attached to an existing structure other than an alternative tower structure in the Commercial General (CG), Light Industrial (IL), or Public and Semi-Public Use (PS) zones may not exceed the height of the existing structure by more than twenty (20) feet.
- (b) Paint and finish.
  - (1) Towers, antennae and associated equipment either shall maintain a galvanized steel finish or be painted a non-reflective, neutral color. Attached communication facilities shall be painted to be identical to or compatible with the existing structure.
  - (2) Towers more than 200 feet in height shall be painted in accordance with the Oregon Department of Aviation and Federal Aviation Administration rules.
  - (3) All ancillary facilities shall be colored or surfaced to blend the facilities with the surrounding natural and built environment.
- (c) Unenclosed storage of materials is prohibited.
- (d) Other building facilities, including offices, vehicle storage areas or other similar uses not necessary for transmission or relay functions are prohibited, unless otherwise permitted in the zone and subject to approval of any required land use applications.
- (e) Site size.
  - (1) The site on which a transmission tower is located shall be of a sufficient shape and size to provide adequate setbacks as specified below. Towers may be located on sites containing other principal uses in the same buildable area as long as all of the other general requirements of this ordinance are met.
  - (2) Wherever possible, tower sites shall be large enough and structurally sufficient to allow for additional collocated and ancillary facilities, unless the Planning Commission finds that the tower will not accommodate future collocation. This standard shall not apply to antennae attached to existing structures or towers located on rooftops.
- (f) Separation and setbacks.
  - (1) Freestanding wireless communication facilities shall be set back from any other property line by a distance equal to or greater than the tower height, unless this requirement is specifically waived by the Planning Director or the Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.

- (2) Freestanding wireless communication facilities located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of 20 percent of the tower height or 25 feet, whichever is greater, unless this requirement is specifically waived by the Planning Commission for purposes of mitigating visual impacts or improving compatibility with other uses on the property.
  - (3) A guyed tower located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the entire breakpoint or 25 feet, whichever is greater, unless this requirement is specifically waived by the Planning Commission for purposes of mitigating visual impacts or improving compatibility with other uses on the property.
  - (4) Towers and antennae mounted on rooftops or alternative tower structures shall be exempt from these minimum separation requirements. However, wireless communication facilities and related equipment may be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties.
- (g) Lighting. No lighting shall be permitted on transmission towers except that required by the Oregon Department of Aviation or the Federal Aviation Administration.
  - (h) Signs. All signs are prohibited on wireless communication facilities, except for one non-illuminated sign, not to exceed two (2) square feet, which shall be provided at the main entrance to the facility stating owner's name and address, and a contact name and phone number for emergency purposes.
  - (i) Security. Wireless communication facilities shall be enclosed by decay-resistant security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device. Fencing shall be compatible with other nearby fencing. Such requirements may be waived for attached wireless communication facilities.
  - (k) Landscaping. Landscaping shall be placed around the outside perimeter of the security fencing and shall consist of a fast growing vegetation that can be expected to reach a minimum height of six feet and form a continuous hedge within two years of planting. Drought tolerant landscaping materials shall be required. Trees and shrubs near guy wires shall be of a kind that would not exceed 20 feet in height and would not affect the stability of the guys should they be uprooted. Landscaping shall be compatible with other nearby landscaping.
  - (l) Conflict with planned right-of-way. No wireless communication facility shall be located within a planned or existing public right-of-way, unless it is specifically designed for the purpose in a way that will not impede pedestrian or vehicular traffic.
  - (m) Pre-existing towers/non-conforming use. In order to encourage the collocation of antennae on existing towers, all wireless communication facilities operative prior to

adoption of this ordinance shall be allowed to continue in use without being considered non-conforming uses.

- (n) Any existing facilities at the time of annexation or rezoning must be phased out (amortized) over a period of five (5) years from the date of annexation or rezoning.

#### **18.7 ABANDONED FACILITIES.**

- (a) As part of the conditional use permit application process, the property owner or applicant shall be required to post a bond for the cost of removal of the facility. The bond shall guarantee to the City that the financial backing is available for eventual removal of the facility should it be abandoned. The bond shall be reviewed at five-year intervals, during the conditional use permit renewal process, to ensure that the bonded amount can adequately fund removal of the facility, if necessary.
- (b) If a wireless communication facility is not used for a period of one year, the conditional use permit shall automatically expire at the end of the one-year period. The facility shall be dismantled within 90 days of the expiration of the conditional use permit.
- (c) Upon written application prior to the expiration of the one-year period, the City Administrator may grant a one-year extension for reuse of the facility. Additional extensions may be granted by the City Administrator subject to any conditions required to bring the project into compliance with current law(s) and make it compatible with surrounding development.
- (d) The applicant for a new wireless communication facility shall provide an affidavit, signed by the property owner, indicating that the owner has read, and understands subsections (a) through (c) above.

## **SECTION 19**

### **ANNEXATION PROCEDURES**

#### **19.1 PURPOSE**

#### **19.2 PROCEDURES**

#### **19.3 CRITERIA FOR APPROVAL**

#### **19.4 ANNEXATION ELECTION**

#### **19.5 COSTS OF ELECTION**

#### **19.6 ZONING OF ANNEXED TERRITORY**

#### **19.7 ANNEXATION NOTIFICATIONS**

#### **19.1 PURPOSE**

The purpose of this Section is to provide for adequate review of all annexation requests, to establish a system for determining the cost and appropriateness of proposed annexations, to provide for public participation in the annexation process, and to set forth the procedures and criteria for annexing real property to the City of Mt. Angel.

#### **19.2 PROCEDURES**

- (a) Annexations shall be processed as a Type III action under the Mt. Angel Development Regulations, except that the City Council shall have exclusive jurisdiction over annexations, and in accordance with the requirements of Oregon Revised Statutes (ORS) 222.111 through 222.183.
- (b) Annexation requests shall be coordinated with affected public and private agencies/departments, including, but not limited to the City public works department, fire district, Marion County Assessor, Marion County Planning Division, school district, and private utility companies (gas, power, telephone, cable television), and, where appropriate, various state agencies. Coordination shall be made by referral of annexation request to these bodies sufficiently in advance of final City action to allow for reviews and recommendations to be incorporated into the City records.
- (c) The application fee for annexation shall be set by resolution of the City Council. Applications for annexation shall be filed with the City Recorder.
- (d) Applications for annexation shall be made on forms provided by the City Recorder and include the following material:
  - (1) Written consent to the annexation signed by the requisite number of affected property owners and resident electors,

- (2) Documentation of ownership.
- (3) Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.
- (4) Vicinity map and map of the area to be annexed including adjacent City territory.
- (5) Annexation fees, as set by City Council resolution.
- (6) A statement demonstrating the availability of water, sewer, drainage, transportation, public safety, park and school facilities and services needed to serve the proposed development at the maximum density/development levels.
- (7) If the annexation application includes a request for a comprehensive plan map or zoned district amendment, provide a site plan indicating proposed zoning, conceptualized design and circulation pattern, and any changes that impact public utilities, significant vegetation or other natural features

### **19.3 CRITERIA FOR APPROVAL**

The applicant shall demonstrate that a proposed annexation complies with the provisions of the Mt. Angel Comprehensive Plan to receive approval of the City Council. However, inasmuch as the decision to annex property consists of a quasi-judicial element and a legislative decision based upon the best judgment of the City Council, the City Council may deny an annexation based upon its legislative perception of the request even though the annexation meets all requirements. A legislative decision to deny an annexation shall be specifically stated in the record and noted as a separate legislative act apart from the quasi-judicial decision.

The subject site shall be located within the Urban Growth Boundary of the City of Mt. Angel and contiguous to the existing City limits.

Criteria. The City Council shall determine whether the proposed annexation meets the following criteria:

- (a) The proposed land use designations are consistent with the Comprehensive Plan and applicable Statewide Planning Goals;
- (b) The annexation results in a boundary in which services can be provided in an orderly, efficient, and timely manner;
- (c) The uses and density that will be allowed can be served through the orderly, efficient and timely extension of key urban facilities and services; and
- (d) The public interest is furthered by the referral of the annexation to the voters.

## 19.4 ANNEXATION ELECTION

Annexation requests approved by the City Council, except those approved due to failing septic systems, health hazards or other annexations mandated by State law, shall be submitted to a vote of the City's electors in accordance with the requirements of the Section 19, Annexation Procedures, and ORS Chapter 222. An annexation approved by the City Council shall not be final until and unless the annexation is approved by the City electors.

- (a) The City Council shall, by resolution, adopt a ballot title for an election on the annexation. The City Elections Officer shall publish notice of receipt of the ballot title in the next available edition of a newspaper of general distribution in the City, together with a statement that an elector may file a petition for review of the ballot title not later than the seventh business day after the title is approved by the Council and filed with the City Elections Officer. After the ballot title becomes final, the City Elections Officer shall file the ballot title with the Marion County Elections Officer together with proof of such publication.
- (b) The election on the annexation shall be held on the next available specified state election day during general election years (even-numbered) and special election years (odd-numbered). Annexation elections are scheduled only for the months of May and November. Applications for annexation shall be filed with the City Recorder before 5:00 p.m. on the second Thursday of November for a ballot election in May and before 5:00 p.m. on the second Thursday of May for a ballot election in November.
- (c) The City shall cause the property under consideration for annexation to be posted by the owner with a minimum of one sign per street frontage with the sign not greater than six (6) square feet in size. The sign shall provide notice of the annexation election, a map of the subject property, and unbiased information regarding the annexation, drafted by the City Recorder. The sign shall be removed by applicant within 10 days following the election.
- (d) Pursuant to ORS 222.130 (1), the statement of chief purpose and the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed, which shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words. The ballot title shall be prepared in accordance with state law in the same manner as ballot titles for initiative measures.
- (e) If the annexation is approved by a majority of the City electors, the City Council shall, by ordinance, declare the territory annexed to the City. The second reading of the ordinance (making the annexation official) occurs only after the full cost of the annexation is paid to the City Recorder.

## **19.5 COSTS OF ELECTION**

The applicant shall pay for publication of notice, posting of notice, and all costs associated with the election, including City staff time in preparing the notices and ballot title. If there is more than one annexation, the costs shall be pro-rated among the applicants. The applicant shall, within 30 days of approval of the annexation by the City Council, deposit with the City Recorder such sum as the City Recorder deems sufficient to cover such costs and upon a failure to do so, the application shall be deemed withdrawn without further action by the City.

If the annexation is approved by the voters, the applicant shall pay the balance of the associated costs before the City Council processes an ordinance to formally approve the annexation.

## **19.6 ZONING OF ANNEXED TERRITORY**

- (a) Upon annexation to the City, property shall automatically be given the city Comprehensive Plan Map and Zoning Designation that is the equivalent to the existing Comprehensive Plan Map Designation, as set forth in Table 19-1 below, unless the applicant submits an application for a new Comprehensive Plan and Zoning Designation concurrent with an application for annexation.
- (b) Acceptance of the equivalent Comprehensive Plan Designation and Zone District shall be binding for a minimum of five (5) years, unless the landowner can show that substantial changes in the social, economic, and demographic patterns of the nearby vicinity have so altered since the date of the annexation that the current designations are no longer in the public interest, and that such changes could not have been anticipated prior to the time the annexation was referred to the voters. The justification shall be analyzed under a comprehensive plan map amendment, if applicable, and a zone change application.
- (c) The annexation removes the Marion county zoning district from the subject property.
- (d) A request for a new Comprehensive Plan and Zoning Designation shall be initiated and processed according to the requirements for a Zone Change and Plan Amendment as identified in Chapter 3 of the Mt. Angel Development Regulations. Final approval of the Comprehensive Plan and Zoning Designation is contingent upon final approval of the annexation. Such contingent approval shall not be subject to a vote of the City electors.
- (e) Addition of annexed areas to official map. Upon an annexation of territory to the City of Mt. Angel becoming final and effective, the City Recorder shall add the property to the official zoning map, along with the zoning and comprehensive plan designations.

**Table 19-1: Equivalent City Comprehensive Plan Map and Zoning Designations**

Mt. Angel Comprehensive Plan Map Designation	Equivalent Mt. Angel Zone District
Low Density Residential	Residential Single Family (RS)
High Density Residential	Residential Multi-Family (RM) Zone
Commercial	Residential Commercial (RC) Zone
Commercial	Commercial General (CG) Zone
Industrial	Light Industrial (IL) Zone
Public and Semi-Public	Public and Semi-Public (P) Zone

**19.7 ANNEXATION NOTIFICATION**

- (a) Notice of the final adoption of the annexation ordinance shall be provided to the property owners, resident elector(s), anyone who participated in the hearing, and anyone who requested notice of the decision.
- (b) The City shall report all changes in the boundaries of the City to the County Clerk, Marion County Assessor, Marion County Planning Division, and the State of Oregon as required by Oregon Revised Statutes.