

AN ORDINANCE AMENDING ORDINANCE NO. 644, PROVIDING FOR ADDITIONAL ZONES AND REGULATIONS, AND DECLARING AN EMERGENCY.

THE CITY OF SWEET HOME DOES ORDAIN:

Section 1. Section 3.010 of Ordinance No. 644 is hereby amended to read as follow, to-wit:

Section 3.010. Classification of Zones. For the purposes of this ordinance the following zones are hereby established:

<u>Zone</u>	<u>Abbreviated Designation</u>
Residential Low Density	R-1
Residential Medium Density	R-2
Residential High Density	R-3
Commercial Central	C-1
Commercial Highway	C-2
Commercial Neighborhood	C-3
Industrial	M
Planned Unit Development	PUD
Mobile Home Combining	MH
Planned Recreation Commercial	PRC
Open Land Use	OLU

Section 2. Ordinance No. 644 is hereby amended by adding Section 4.130, to-wit:

Section 4.130. Commercial Neighborhood Zone C-3. In a C-3 zone the following regulations shall apply:

- (1) Purpose. The purpose of the C-3 zone is to provide areas suitable and desirable for retail and service enterprises which are appropriate to meet the convenience shopping needs of people living within the immediate surrounding area. Areas designated for this purpose are intended to be extremely limited in size. They should be spaced at intervals of at least one-half mile from each other in order to assure their compatibility with surrounding areas and that the areas will be developed and maintained at a suitable neighborhood scale.
- (2) Uses Permitted Outright. In a C-3 zone the following uses and their accessory uses shall be permitted outright:
 - (a) A use permitted outright in an R-3 zone.
 - (b) Food store.
 - (c) Drug store.
 - (d) Variety store.
 - (e) Barber or beauty shop.
 - (f) Laundromat, clothes cleaning establishment.
 - (g) Indoor snack bar, if accessory to, and an integral part of a drug or variety store.
- (3) Conditional Uses Permitted. In a C-3 zone the following uses and their accessory uses may be permitted subject to the provisions of this section and Sections 5.010 to 5.080:

- (a) Church, non-profit religious or philanthropic institution.
 - (b) Community center.
 - (c) Governmental structure or use of land, or public utility facility. All equipment and material storage shall be within an enclosed building. No workshop areas shall be permitted.
 - (d) Office, business or professional, but not including veterinarian.
- (4) Special Standards. In a C-3 zone the following special standards shall apply:
- (a) Residential uses shall be subject to the lot size and width, yard, lot coverage and building height requirements of the R-3 zone.
 - (b) Uses other than residential shall be subject to the yard, lot coverage, building height and off-street parking requirements of the C-2 zone.
 - (c) The maximum size of any C-3 zoned area shall be two (2) acres. No commercial establishment situated within a C-3 zone shall exceed a size of 10,000 square feet, including building, storage, sales and off-street parking and loading areas.
 - (d) Areas zoned C-3 shall be located no closer than one-half ($\frac{1}{2}$) mile to each other.
 - (e) Areas zoned C-3 shall be situated on either an arterial or collector street as indicated on the Sweet Home Comprehensive Plan.
 - (f) Areas zoned C-3 shall normally be located on only one side of a street or one corner of an intersection.
 - (g) Vehicular ingress and egress points to each use of property in a C-3 zone shall be limited to one ingress point and one egress point. These points shall be a minimum of 50 feet from an intersection and shall be approved by the City Manager prior to issuing of a zoning or a building permit.
 - (h) All parking areas and service drives shall be permanently surfaced and clearly and permanently marked.
 - (i) Off-street parking areas intended for five (5) or more cars shall be provided with screening consisting of a fence, wall, hedge, or similar sight-obscuring material. The screening shall be installed within six (6) months of completion of the parking area and shall be maintained in good condition.
 - (j) No more than one (1) unlighted or lighted sign, not to exceed 25 square feet in area, shall be permitted for each commercial use in a C-3 zone. The sign shall be placed flat against the side of the building.

Section 3. Section 4.346 of Ordinance No. 644 is hereby amended to read as follows, to-wit:

Section 4.346. Mobile Homes on Individual Lots in an MH Zone. A mobile home on an individual lot in an MH zone shall comply with the following additional provisions.

- (1) If the MH zone is combined with the R-1 zone, a mobile home shall conform to the regulations applicable to a single family dwelling in the R-1 zone, except as they may be modified in this section.
- (2) If the MH zone is combined with the R-2 zone, a mobile home shall conform to the regulations applicable to a single-family dwelling in the R-2 zone, except as they may be modified in this section.
- (3) If the MH zone is combined with the R-3 zone, a mobile home shall conform to the regulations applicable to a single-family dwelling in the R-3 zone, except as they may be modified in this section.

- (4) Mobile homes proposed to be located in an MH zone shall:
- (a) Be constructed to the State of Oregon Mobile Home Standards enacted on July 1, 1972, or any future amendment thereto, or more precisely the ANSI-A119.1 Code promulgated in 1971 and adopted by the State of Oregon along with Oregon's Structural Standards for mobile homes and have the Oregon Insignia of Compliance.
 - (b) Be provided with at least two separate bedrooms.
 - (c) Be provided with a kitchen having a sink with hot and cold running water and at least one bathroom equipped with a water closet, lavatory, and bathtub or shower.
 - (d) All plumbing fixtures shall be connected to a water supply system and a sewerage disposal system that complies with Linn County and Department of Environmental Quality rules and regulations. All water and sewer lines connecting the mobile home to the public water and sewer system shall comply with the standards of the City of Sweet Home.
 - (e) The mobile home shall not be a recreational vehicle as defined in the ANSI-A119.1-71 Standards and the Mobile Home Laws of the State of Oregon.
- (5) The owner of the mobile home proposed to be located in an MH zone shall also be the owner of the parcel on which the mobile home is proposed to be located.
- (6) The wheels and tongue or hitch shall be removed from all mobile home units located in an MH zone.
- (7) The mobile homes shall be placed on and securely anchored to a foundation having permanence and strength equal to that provided by a cement or concrete block foundation. Stabilizing devices to sustain all horizontal and vertical loads shall be provided. Stabilizing devices shall be so designed and installed as to prevent drag and uplift torque due to a 15 pound per square foot wind load and be capable of transmitting these loads from the mobile home to the foundation.
- (8) Every mobile home located in an MH zone shall be completely enclosed with a continuous concrete wall or skirting which shall consist of non-decaying, non-corroding material extending at least six (6) inches into the ground or to an impervious surface.
- (9) Skirting and foundation enclosing walls shall have provisions for ventilation and access to the space under the units as follows:
- (a) The walls or skirting shall have a net ventilation area of not less than 1-1/2 square feet for each 25 linear feet of exterior wall.
 - (b) Openings shall be arranged to provide cross ventilation on opposing sides and shall be protected with corrosion resistant wire mesh of not less than 1/4 inch nor more than 1/2 inch in any dimension.
 - (c) All foundation areas shall be provided with a 16 by 24 inch access way and shall be secured against entry.

(10) No additions or accessory buildings shall be permitted on any lot where a mobile home is located in an MH zone except as follows:

- (a) One carport not to exceed 500 square feet in area.
- (b) One patio.
- (c) One storage area if attached to and made a part of a carport or patio. Such storage area is in addition to the maximum floor area but shall not increase the maximum more than 100 square feet.

(11) If the mobile home is removed from its foundation, the owner of the property shall agree, in writing, to remove the foundation and all additions to the mobile home and permanently disconnect and secure all utilities. The agreement authorizes the City to perform the work and place a lien against the property for the cost of the work in the event the owner fails to accomplish the work within 30 days from the date on which the mobile home is moved from its foundation. This condition shall not apply in the event that the mobile home is replaced on the original foundation, or on the original foundation as modified, by another approved mobile home within 30 days of the original unit's removal. The owner shall further agree to have a covenant performed against the deed of the property that all owners will not remonstrate against a municipal local improvement district.

(12) All required improvements to the property as set forth in this section shall be completed before a zoning permit for the mobile home is approved and the mobile home can be occupied.

Section 4. Ordinance No. 644 is hereby amended by adding Section 4.360, to-wit:

Section 4.360. Planned Recreation Commercial Zone PRC. In a PRC zone the following regulations shall apply:

- (1) Purpose. The purpose of the PRC zone is to provide and maintain areas which possess unique locational characteristics for recreation-related commercial development in a water-oriented setting and which are suitable and desirable for recreation businesses for tourists and recreationists in the area. A high standard of development is essential in order to maintain and enhance the appearance of the area and its unique value to the community.
- (2) Uses Permitted Outright. In a PRC zone the following uses and their accessory uses are permitted outright:
 - (a) Single-family dwelling.
 - (b) Two-family dwelling.
- (3) Conditional Uses Permitted. In a PRC zone the following uses and their accessory uses may be permitted subject to the provisions of this section and Sections 5.010 to 5.080:
 - (a) Multi-family dwelling.
 - (b) Motel, hotel or resort.
 - (c) Restaurant, which may include a cocktail lounge operated in conjunction with the restaurant.
 - (d) Souvenir or gift shop.
 - (e) Commercial amusement or recreation enterprise, but excluding uses such as automobile speedway, race track or similar large scale intensive activities which possess characteristics which may be a hazard for adjoining or nearby property, such as excessive noise or lighting.
 - (f) Vacation or travel trailer park.
 - (g) Public park or recreation area.
 - (h) Other governmental structure or use of land, or public utility facility. All equipment and material storage shall be within an

enclosed building. No workshop areas shall be permitted.

(i) Museum, art gallery or similar use.

(j) Other recreation-oriented uses or activities similar to the above.

(4) Special Standards. In a PRC zone the following special standards shall apply:

(a) Residential uses shall be subject to the lot size and width, yard, and building height requirements of the R-3 zone.

(b) Commercial establishments shall be subject to the off-street parking, yard and building height requirements of the C-2 zone.

(c) Buildings shall not occupy more than 40 per cent of the land area.

(d) For other than single-family or two-family dwellings, a minimum of 15 per cent of the land area shall be designed as open space with appropriate landscaping. To the maximum extent feasible, natural features of the land shall be preserved. All open space areas shall be maintained in good condition.

(e) Off-street parking areas intended for five (5) or more cars and serving other than single-family or two-family dwellings shall be provided with screening consisting of a fence, wall, hedge or similar sight-obscuring material. The screening shall be installed within six (6) months of completion of the parking area and shall be maintained in good condition.

(f) For other than single-family and two-family dwellings, vehicular access to and from the property shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to assure adequate circulation.

(g) A plan for development of other than a single-family or two-family dwelling on a specific piece of property shall include the following information:

1. Proposed land uses, with accurate measurements.

2. Density of buildings (number of dwelling units and bedrooms, and expected type of residence such as triplex, 4-unit apartment etc.)

3. Building types, with approximate dimensions. Plans indicating the general height, bulk and appearance of buildings.

4. Vehicular and pedestrian access, circulation and parking pattern.

5. Proposals for the development of recreation areas and open space.

6. Existing natural features such as trees, streams and topography.

7. Proposals for landscaping, fencing and screening.

8. Proposals for lighting of streets and open spaces.

9. Proposals for the location, size, height, and lighting of signs.

10. Proposals for the provision of water supply and for the disposal of sewage and solid waste.

11. Proposals for the grading of property and for the handling of surface water drainage.

12. Proposed ownership patterns and means of maintaining property.

13. Time table for property development, including expected starting dates, projection of completion time, and description of the various stages of development.

(h) In approving a specific request for the development of property in the PRC zone, the following considerations shall be emphasized:

1. The plan for development will assure the creation, maintenance or improvement of an attractive environment which will protect present and potential development from any possible blighting effects.

2. The area around the property to be developed can be planned to be in substantial harmony with the proposal.

Section 5. Ordinance No. 644 is hereby amended by adding Section 4.410, to-wit:

Section 4.410. Open Land Use Zone. OLU. In an OLU zone the following regulations shall apply:

- (1) Purpose. The purpose of the OLU zone is to protect areas which are not suitable for intensive urban development due to physical limitations such as flooding or poor drainage, but which are suitable for some activities, particularly those related to resource conservation and development or to outdoor recreation. It is not intended for areas which are well-suited for forestry or agriculture. Due to the physical conditions associated with the property, it is intended that all uses in the zone be subject to the conditional use permit procedure. Buildings are permitted in the zone, but only when their purpose and use is clearly secondary to the primary use of the property for resource, recreation, or public service use.
- (2) Uses Permitted Outright. In an OLU zone no use of property shall be permitted outright.
- (3) Conditional Uses Permitted. In an OLU zone the following uses and their accessory uses may be permitted subject to the provisions of this section and Sections 5.010 to 5.080:
 - (a) Excavation and processing of rock, sand, gravel or other earth product.
 - (b) Outdoor recreational use such as fishing access area, park, picnic area, campground, or similar facility.
 - (c) Public utility facility.
 - (d) Solid waste disposal transfer station.
 - (e) Governmental land use.
- (4) Limitations on Buildings. Use of buildings shall be limited to activities which are clearly secondary to the primary use of the property.

Section 6. Section 5.080 of Ordinance No. 644 is hereby amended by adding Sub-Section (9), to-wit:

- (9) Standards for excavation and processing of rock, sand, gravel or other earth product:
 - (a) Water Pollution. Contamination or impairment of the ground water table, streams, rivers, or tributary bodies thereto shall not be permitted as a result of the extraction or processing activities. All operations and related activities shall be subject to the applicable laws, rules and regulations of the Department of Environmental Quality.
 - (b) Air Pollution Control. Control of air, dust, odors, and other pollutants shall be subject to the laws, rules, and regulations of the Department of Environmental Quality.
 - (c) Excavation. Excavation made to a water producing depth creating lakes and ponds shall be deep enough to prevent stagnation and development of an insect breeding area or back filled with a material that will not impair the ground water quality.
 - (d) Access Roads. All access to the site shall be by a route approved by the Planning Commission upon recommendation by the City Manager.
 - (e) Control of Operation Time. Operation times shall be limited from 4:30 a.m. to 9:30 p.m., except for such activities as office operations, machinery repair, and equipment upkeep. However, in time of public or private emergency, as determined by the City Manager, the operating time limits shall be waived.

- (f) Application. An application for a conditional use permit for the excavation and processing of rock, sand, gravel or other earth product shall, in addition to other information as required by this ordinance, include the following:
- (1) An accurate plot plan showing the exterior boundaries of the property on which the operation is proposed to be located, and the location of any existing or proposed structures, roads or other improvements.
 - (2) A plan for the rehabilitation and use of the site after the resources have been removed. This plan shall be consistent with the land use planning policies of the City of Sweet Home. The plan shall be prepared at a scale of not less than one (1) inch to 400 feet, with topographic contour intervals of not less than five (5) feet.
- (g) Approval of Conditional Use Permit. In addition to the requirements of Sections 5.010 to 5.080 of this ordinance, the Planning Commission may prescribe additional restrictions or limitations when granting a conditional use permit for a proposed site. The Planning Commission may prescribe such additional conditions as it deems necessary to fulfill the purpose and intent of this ordinance after finding that such conditions are necessary for the public health, safety, or general welfare or to protect persons working or residing in the area, or to protect property or improvements in the area, or to protect the aesthetic qualities of the area, or to protect the environmental quality of the area.
- (h) Standards for Rehabilitation and Restoration of the Site.
- (1) The landowner shall be responsible for the eventual restoration of the site as described in the plan submitted with the permit application.
 - (2) Upon exhaustion or economic abandonment of the mineral resources contained at the site under permit, the landowner shall have a reasonable time to rehabilitate and restore the site in accordance with the plan submitted with the permit application. In the event the landowner does not comply with the restoration plan, the City Council shall have the power to order the City to make the required rehabilitations and restorations, and the chargeable cost of this work, if not paid by the landowner, shall become a prior lien on the property as described in the permit application.
 - (3) Except for buildings or structures which are permitted uses in the zone in which the site is located, upon exhaustion of the mineral resources contained at the site under permit, all buildings, equipment, apparatus, and appurtenances accessory to the mining operations shall be removed from the site unless an extension is granted by the Planning Commission. However, such grant of additional time shall not authorize a delay in the restoration of those portions of the property under permit and not affected by such extension.
 - (4) All excavations not to water-producing depth shall be backfilled and contoured, or a use shall be made of the property which has been shown on the restoration plan and is compatible with the final depth and slope of the excavation site. Those excavations made to water-producing depth shall be of sufficient depth to prevent occurrence of stagnation and insect breeding grounds.

- (5) Topsoil shall be replaced to the depth that occurred on the site at the time of original excavation or to a sufficient depth to allow landscaping material to be installed.
- (6) When appropriate, the Planning Commission may specify a schedule of rehabilitation for portions of the property as their use for sand and gravel resource operations is completed or terminated. The schedule shall be considered part of the rehabilitation or restoration plan.

Section 7. Section 6.010 (5) of Ordinance No. 644 is hereby amended to read as follows, to-wit:

- (5) An accessory structure shall be detached from all other buildings by at least 6 feet. Except as modified in Section 6.010 (10), accessory structures shall not exceed a height of 15 feet, and shall have a maximum floor area of 600 square feet.

Section 8. Section 6.010 of Ordinance No. 644 is hereby amended by adding Sub-Sections (9) and (10), to-wit:

- (9) Accessory structures used for agricultural purposes shall be built no closer than 25 feet from the side or rear lot line.
- (10) Accessory structures used for agricultural purposes on lots of 5 acres or more shall not exceed a height of 25 feet and may have a floor area greater than 600 square feet.

Section 9. Section 6.080 of Ordinance No. 644 is hereby amended to read as follows, to-wit:

Section 6.080. Exceptions to Lot Size Requirements. This section shall apply in the event that a lot or the aggregate of contiguous lots held in a single ownership as recorded in the office of the recorder of Linn County and located in the City of Sweet Home as of January 1, 1971, or the date of annexation of the property to the city, whichever is later, has an area or dimension which does not meet the lot size requirements of the zone in which the property is located. In this case, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone. If there is an area deficiency, residential use shall be limited to a single-family dwelling, or to the number of dwelling units consistent with the lot area per dwelling unit requirement of the zone.

Section 10. Section 7.020 of Ordinance No. 644 is hereby amended by adding Sub-Section (4), to-wit:

- (4) A pre-existing mobile home which is situated on an individual lot and which is not permitted in the zone in which it is located, may be repaired, altered or replaced. Any alteration or replacement shall meet the lot size and width, yard and lot coverage requirements for a single-family dwelling for the zone in which it is located. All repair, alteration or replacement shall meet all structural standards for mobile homes as established by the City of Sweet Home and the State of Oregon.

Section 11. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety. Therefore, an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 26 day of July, 1977.

J. Blair Smith
Mayor

ATTEST:

Robert D. Richardson
City Manager