

ORDINANCE BILL NO. 1 FOR 1997

ORDINANCE NO. 1101

AN ORDINANCE AMENDING SWEET HOME MUNICIPAL CODE CHAPTER 17.08 PERTAINING TO GENERAL PROVISIONS OF THE ZONING ORDINANCE; AMENDING CHAPTER 17.17.24 PERTAINING TO R-1 RESIDENTIAL LOW-DENSITY ZONE; CHAPTER 17.28 PERTAINING TO R-2 RESIDENTIAL HIGH DENSITY ZONE; CHAPTER 17.33 PERTAINING TO C-1 COMMERCIAL CENTRAL ZONE; CHAPTER 17.36 PERTAINING TO C-2 COMMERCIAL HIGHWAY ZONE; CHAPTER 17.44 PERTAINING TO M INDUSTRIAL ZONE; AND, CHAPTER 17.80 PERTAINING TO CONDITIONAL USES.

Now therefore, the City of Sweet Home does ordain as follows:

Section 1. Sweet Home Municipal Code 17.08 shall be amended to read as follows:

Chapter 17.08

General Provisions

Sections:

- 17.08.010 Compliance with title provisions.
- 17.08.020 Interpretation.
- 17.08.030 General provisions regarding accessory uses.
- 17.08.040 Clear-vision areas
- 17.08.050 Exceptions to lot size requirements.
- 17.08.060 Exceptions to yard requirements.
- 17.08.070 Exception to building height limitations.
- 17.08.080 Projections from buildings.
- 17.08.090 Off-street parking requirements.
- 17.08.100 Accesses and Driveways

17.08.010 Compliance with title provisions.

A. A lot may be used and a structure or part of a structure may be constructed, altered, occupied or used only as this ordinance permits.

B. No lot area, yard, off-street parking area or other open space existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimum required for it by this title.

C. Every lot shall abut a street, other than an alley, for a width of at least twenty-five feet.

17.08.020 Interpretation. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

17.08.030 General provisions regarding accessory uses. An accessory use shall comply with all requirements for a principal use, except where specifically modified by this section. Accessory uses shall not be used for human habitation except as specified elsewhere in this title . Accessory uses shall comply with the following limitations:

A. Fences, hedges, and walls.

1. May be located within required yards, but shall not exceed three and one-half feet in height in any required yard which abuts a street other than an alley, and shall not exceed two and one-half feet in height in a vision clearance area, except that open chain link fences which permit visibility and do not exceed 4 feet in height may be allowed.

2. Elsewhere, fences, hedges and walls shall not exceed six feet in height in residential zones and eight feet in height in commercial or industrial zones.

3. The fence shall display good workmanship, be of a uniform pattern, construction and design, use materials that are used by the fence-building industry for fencing purposes in the way they are used in the fence industry.

4. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become or remain in condition of disrepair or neglect including noticeable leaning, missing sections or broken support.

B. No sales shall be made from a greenhouse or hothouse maintained accessory to a dwelling in a residential zone unless it has been approved as a home occupation under the Home Occupation provisions of this title.

C. A guest house may be maintained accessory to a dwelling; provided, there are no cooking facilities in the guest house.

D. An accessory structure shall be detached from all other buildings by at least six feet. Except as modified in subsection I of this section, accessory structures shall not exceed a height of fifteen feet, and shall have a maximum floor area of eight hundred sixty-four square feet.

E. An accessory structure shall meet minimum set backs, except that a garage shall be located a minimum of twenty feet from the front and street side property lines in a residential zone, and must be included in the lot coverage allowed.

F. Accessory structures shall be maintained in a condition of reasonable repair and shall not be allowed to become or remain in condition of disrepair or neglect, including noticeable leaning and missing sections.

G. Boats, trailers, pickup campers, motorized dwellings and similar recreation equipment may be stored, but not used for human habitation, on a lot as an accessory use to a dwelling; provided that:

1. Parking or storage in a front or street side yard shall be permitted only on a driveway located at least three feet from any property line,

2. If the equipment is not kept on a front or street side driveway, parking or storage shall be at least three feet from an interior side or rear lot line or in an enclosed garage or accessory structure.

H. Accessory structures used for agricultural purposes shall be built no closer than twenty-five feet from the side or rear lot line.

I. Mobile/manufactured homes, recreational vehicles, box cars, or other equipment commonly used for transporting goods, may not be used as an accessory structure.

17.08.040 Clear-vision areas. In all zones except the C-1 zone, a clear-vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

A. A clear-vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two sides. Where the lot lines have rounded corners, the lot lines shall be extended in a straight line to a point of intersection and so measured.

B. All fences, hedges, plantings, walls, structures, or temporary or permanent obstructions within a clear-vision area shall not exceed two and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except as follows,

1. Trees may be located in this area; provided they meet the clearance standards set in SHMC 12.16.080.

2. Open chain link fences which permit visibility shall be allowed in a clear vision area, but shall not exceed four feet in height.

C. The following measurements shall establish a clear-vision area:

1. In a residential, C-2 or M zone, the minimum distance shall be twenty feet, except as follows:

a) At intersections including an alley, the minimum distance shall be ten feet;

b) When the angle of intersection between streets, other than an alley, is less than thirty degrees, the minimum distance shall be twenty-five feet.

17.08.050 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 the county and located in the city 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 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.

17.08.060 Exceptions to yard requirements. The following exceptions to the yard requirements are authorized for a lot in any zone:

A. If there are buildings on both abutting lots which are within one hundred feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yard of the abutting lots;

B. If there is a building on one abutting lot which is within one hundred feet of the lot, and this building has a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the front yard of the abutting lot and the required front yard depth;

C. Garage and carport setbacks shall not be reduced below twenty feet.

17.08.070 Exception to building height limitations.

Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flag poles and similar objects not used for human occupancy are not subject to the building height limitations of this title.

17.08.080 Projections from buildings.

Architectural features such as cornices, eaves, canopies, sun shades, gutters, chimneys and flues shall not project more than thirty inches into a required yard.

17.08.090 Off-street parking requirements.

For each new structure or use, each structure or use increased in area and each change in the use of an existing structure there shall be provided and maintained off-street parking areas in conformance with the provisions of this section.

A. Parking Lots.

1. Design and Improvement Requirements:

a. All parking lots and driveway approaches shall be hard surfaced and permanently marked.

b. All parking lots shall be designed or graded so as not to drain storm water over the sidewalk or onto any abutting public or private property.

c. Parking lots shall be designed so that no backing movements or other maneuvering within a street other than an alley shall be required.

d. Parking spaces along the outer boundaries of a parking lot shall be contained by a curb or bumper placed to prevent a motor vehicle from extending over adjacent property or a street right-of-way.

e. All parking lots must be designed in accordance with city standards for stalls and aisles as set forth in the following table:

Parking Angle (Degree)	Stall Width	Stall to Curb	Aisle Width	Curb Length
0	8'0"	8.0	12.0	22.0
45	9'6"	20.1	13.0	13.4
60	9'6"	21.2	18.0	11.0
90	9'6"	19.0	24.0	9.5

f. For two-way circulation the minimum aisle width shall be 20 feet. Adequate ingress, egress and turnaround space shall be provided.

g. No portion of a parking lot shall be located in a required landscaped yard.

h. Service drives to parking lots shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic ingress and egress, and maximum safety of pedestrian and vehicular traffic in the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the anticipated traffic.

i. Where a parking lot or loading area abuts a public right-of-way there shall be provided a minimum five foot wide landscaped buffer located on the lot.

2. Location Standards.

a. Parking lots for dwellings shall be located on the same lot as the dwellings.

b. Parking lots for all other uses shall be located not further than five hundred feet from the building or use they are required to serve.

c. In residential zones, parking lots shall not be located in a required front or street side yard.

d. Parking lots with access to arterial or collector streets shall be designed to connect with existing or future parking lots on adjacent sites thereby eliminating the necessity of utilizing the arterial or collector street for cross movements.

B. Required off-street parking spaces shall be available for the parking of operable motor vehicles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

C. The provision and maintenance of off-street parking spaces are continuing obligations of the property owner. No building, zoning or other permit shall be issued until plans are presented that show parking space. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking space required by this title.

D. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking requirements, it is unlawful and a violation of this title to begin or maintain such altered use until the required increase in off-street parking is provided.

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

F. Owners of two or more uses, structures or parcels of land may agree to use the same parking spaces jointly when the shared parking meets the required number of spaces for the combined uses. A joint use agreement pertaining to the cooperative use of the parking spaces must be submitted to the city manager for approval.

G. A plan, drawn to scale, indicating how the off-street parking requirements are to be fulfilled, shall accompany a request for a building permit.

H. Space requirements for off-street parking shall be as listed in this section. Fractional space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of the building, but shall exclude any space within a building used for off-street parking or loading.

<u>Use</u>	<u>Space Requirement</u>
1. Single-, two- and multifamily dwelling	Two spaces per dwelling unit
2. Mobile home park	Two spaces per dwelling unit
3. Hotel or motel	Three spaces per two guest accommodations
4. Welfare or correctional, institution, convalescent hospital, nursing home, retirement home, home for the aged	One space per two beds for residents, patients or inmates
5. Hospital	Three spaces per two beds
6. Place of public assembly including church, auditorium, gymnasium, community center, theater, club, lodge hall or fraternal organization	One spaced per four seats or eight feet of bench length in the main auditorium, or if seating is not fixed to the floor, one space per 60 square feet of floor area

7. Library, museum, art gallery	One space per 300 square feet of floor area
8. Preschool nursery, day nursery, kindergarten	Two spaces per teacher
9. Elementary, junior high school	Two spaces per classroom and special instruction area, or the requirement for a place of public assembly, whichever is greater
10. Senior high school	Eight spaces per classroom and special instruction area or the requirement for a place of public assembly, whichever is greater
11. Bowling alley	Six spaces per alley
12. Dance hall, skating rink, pool hall or similar indoor commercial amusement enterprise	One space per 100 square feet of floor area
13. Retail store, except as provided in subsection 14 of this section	One space per 200 square feet of floor area
14. Retail store exclusively handling bulky merchandise such as automobiles and furniture	One space per 600 square feet of floor area
15. Service or repair establishment	One space per 600 square feet of floor area
16. Bank or office (except medical or dental)	One space per 300 square feet of floor area
17. Medical or dental office, clinic	One space per 250 square feet of floor area
18. Eating or drinking establishment	One space per 100 square feet of floor area
19. Mortuary	One space per four seats or eight feet of bench length in chapels
20. Manufacturing, fabricating, processing, assembling, packing, storage, or wholesaling establishment; freight depot; truck terminal	One space per two employees working on the premises during the largest shift at peak season

21. Unspecified uses

Any use not specifically listed in this section shall have a parking requirement determined by the city manager, based on the parking space requirement for comparable uses listed in this section. The decision of the city manager may be appealed to the planning commission, using procedures as spelled out in this ordinance.

J. All areas located within the C-1 zone are exempt from the off-street parking requirements of this section, but where parking is provided, it shall meet all other requirements of this section.

17.08.100 Accesses and Driveways. Access ways onto a public right-of-way shall be subject to issuance of a public works permit and review by the city planner. In addition the following specific requirements shall apply to all access ways, approaches, curbcuts, and driveways:

A. Approaches. Additions to, or new construction of, a garage or accessory structure, or an addition to the main structure in excess of 120 square feet, shall provide the basis for requiring the following:

1. An access approach to a City street, state highway, alley, or other public right-of-way shall be hard surfaced and constructed in accordance with city design standards.

2. An access approach shall extend twenty feet onto the property, measured from the right-of-way or property line, whichever is closest to a structure on the property.

3. In addition to the above, if the street is hard surfaced the approach will extend to the existing hard surface roadway edge or curb whichever applies.

4. An access approach to streets which are not yet improved or hard surfaced, requires that the property owner enter into an agreement with the City, prior to issuance of a public works permit, to hard surface the approach when the street is hard surfaced or improved.

B. Construction Specifications. A driveway and sidewalk used as a part of an access way shall be designed and constructed in accordance with the plans and specifications on file in the office of the city engineer. Such designs, plans and specifications are by reference incorporated into and made a part of this code.

C. Driveway Width and Placement.

1. If only one driveway is desired, the maximum width of the driveway at the edge of the roadway or curblin is as follows:

a. 20 feet for property with less than 50 feet of frontage.

b. 25 feet for property with between 50 and 75 feet of frontage.

c. 30 feet for property with more than seventy-five feet of frontage.

2. If more than one driveway is desired for property with 50 to 100 feet of frontage, the maximum width for each driveway is 20 feet and no more than two driveways may be permitted.

3. There shall be a minimum separation of 22 feet between all driveways except for single and two-family dwellings.

4. For frontage in excess of 100 feet, each additional 100 feet or fraction thereof shall be considered as separate frontage.

5. One-way driveway approaches, except for those used in conjunction with a single-family dwelling, shall be clearly marked or signed as approved by the city engineer and shall not be less than 10 feet in width. Two-way driveways shall not be less than 20 feet in width.

D. Distance from Intersection. All driveways shall be located the maximum distance which is practical from a street intersection and in no instance shall the distance from an intersection be closer than the following measured from the nearest curb return radius, which is the nearest beginning point of the arc of a curb:

1. Local Street	20 feet
2. Collector Street	30 feet
3. Arterial Street	40 feet

Where streets of different functional classification intersect, the distance required shall be that of the higher classification.

E. Number of Accesses Permitted. Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe circulation and carrying capacity of the street.

F. Double Frontage Properties. Properties which have frontage on more than one street may be restricted to access on the streets of a lower classification through site plan review or other review procedures.

G. Joint Access Encouraged. Common access ways at a property line shall be encouraged, and in some instances may be required, in order to reduce the number of access points to street. Construction of common access ways shall be preceded by the recording of joint access and maintenance easements.

H. Maximum Slope. Access and approach grades shall not exceed 10% slope except as otherwise approved by the city engineer.

I. Access to State Highways. Access to designated state highways shall be subject to the provisions of this Chapter in addition to requirements of the Highway Division, Oregon Department of Transportation. Where regulations of the city and state may conflict, the more restrictive requirement shall apply.

Section 2. Sweet Home Municipal Code 17.24.030 shall be amended to add the following:

P. Temporary Dwelling Unit for Medical Hardship Purposes.

Section 3. Sweet Home Municipal Code 17.24.050 shall be amended to add the following:

F. Regardless of the side and rear yard requirements of the zone, an accessory structure in a residential zone may be built to within five feet of side or rear lot line; provided, the structure is more than seventy feet from the street abutting the front yard and twenty feet from the street abutting the street side yard.

Section 4. Sweet Home Municipal Code 17.28.030 shall be amended to add the following:

F. Temporary Dwelling Unit for Medical Hardship Purposes.

Section 5. Sweet Home Municipal Code 17.28.050 shall be amended to add the following:

F. Regardless of the side and rear yard requirements of the zone, an accessory structure in a residential zone may be built to within five feet of side or rear lot line; provided, the structure is more than seventy feet from the street abutting the front yard and twenty feet from the street abutting the street side yard.

Section 6. Sweet Home Municipal Code 17.32.040 shall be amended to read as follows:

Except as provided in Chapter 17.80 in a C-1 zone yards shall be as follows:

- A. A front yard abutting a residential zone shall be a minimum of twenty feet;
- B. A street side yard abutting a residential zone shall be a minimum of fifteen feet;
- C. A side or rear yard abutting a residential zone shall be a minimum of ten feet;
- D. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.

E. Setbacks for automobile service stations. Freestanding gasoline pumps and pump islands may occupy a required front or street side yard; provided, they are a minimum of fifteen feet from the property line separating the yard from the street.

Section 7. Sweet Home Municipal Code 17.32 shall be amended to add the following:

17.32.070 Use of residential structures in commercial zones. In C-1 zone, preexisting residential structures may be occupied by uses permitted in the zone; provided, the structure meets minimum building and safety standards as outlined in the building code; and provided, further, that the city manager approves a development plan for vehicular access and parking, signing and exterior lighting.

Section 8. Sweet Home Municipal Code 17.32 shall be amended to add the following:

17.32.090 Exterior lighting. Exterior lighting shall be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.

Section 9. Sweet Home Municipal Code 17.36.030 shall be amended to add the following:

G. A single-family dwelling occupied by the owner, manager, night watchman or caretaker of the commercial establishment may be permitted accessory to the commercial use.

Section 10. Sweet Home Municipal Code 17.36.050 shall be amended to add the following:

E. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.

F. Setbacks for automobile service stations. Freestanding gasoline pumps and pump islands may occupy a required front or street side yard; provided, they are a minimum of fifteen feet from the property line separating the yard from the street.

Section 11. Sweet Home Municipal Code 17.36 shall be amended to add the following;

17.36.090 Exterior lighting. Exterior lighting shall be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.

Section 12. Sweet Home Municipal Code 17.36 shall be amended to add the following:

17.32.100 Use of residential structures in commercial zones. Preexisting residential structures may be occupied by uses permitted in the zone; provided, the structure meets minimum building and safety standards as outlined in the building code; and provided, further, that the city manager approves a development plan for vehicular access and parking, signing and exterior lighting.

Section 13. Sweet Home Municipal Code 17.44.030 shall be amended to add the following:

K. A single-family dwelling occupied by the owner, manager, night watchman or caretaker of the industrial establishment may be permitted accessory to the industrial use.

Section 14. Sweet Home Municipal Code 17.44.050 shall be amended to add the following:

E. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.

Section 15. Sweet Home Municipal Code 17.44 shall be amended to add the following;

17.44.090 Exterior lighting. Exterior lighting shall be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.

Section 16. Sweet Home Municipal Code 17.80.080 shall be amended to add the following:

K. Temporary Dwelling Unit for Medical Hardship Purposes.
1. Purpose. Dwelling units may be allowed as an accessory use to a permitted residence in order to alleviate a medical hardship. A bona fide medical hardship shall be substantiated by a statement from the attending physician that the dwelling unit is necessary to provide adequate and immediate health care for a relative who needs close attention and who would otherwise be required to receive needed attention from a hospital or care facility. Tenancy of the dwelling unit shall be confined to a member or members of the property owner's immediate family or a person (and immediate family) who is directly responsible for care of the owner or members of the owner's immediate family.

2. Conditions of Approval. Every temporary dwelling unit shall comply with the following standards:

a. The placement of the temporary dwelling unit on the property is valid only for the owner(s) of the property. The dwelling unit shall be removed when the need for the dwelling unit to relieve a family hardship no longer exists, or upon sale, transfer or disposal in any manner of the property;

b. As part of the application and prior to the approval of the use, a proposed utility plan shall be submitted for approval to the city engineer. The plan shall show all proposed utility services. As part of the plan approval, the city utility connection fees shall be detailed and will become due at the time of the final inspection of the dwelling unit;

c. Improvements to the property to accommodate the placement and occupancy of a temporary medical hardship dwelling unit shall not constitute a vested right for a second permanent residence;

d. The placement of a temporary manufactured dwelling shall comply with the provisions of Section 17.56.060 (manufactured homes on individual lots in a MH zone) of this title; and all other city ordinances, and the foundation shall only have to meet the minimum standards as require by applicable Oregon law.

e. A deed covenant recognizing the provisions of this section shall be signed by the property owner(s) and recorded;

f. The application for permit shall be submitted for renewal annually in January of each year, unless the initial application was approved later than August, in which case annual renewal will commence on the second January following approval. Applications for renewal shall be accompanied by a statement from their attending physician stating the continuation of the medical hardship. An application fee will be due upon filing and each year at the time of renewal of the hardship approval to help defray staff costs for monitoring compliance to the provisions of this title;

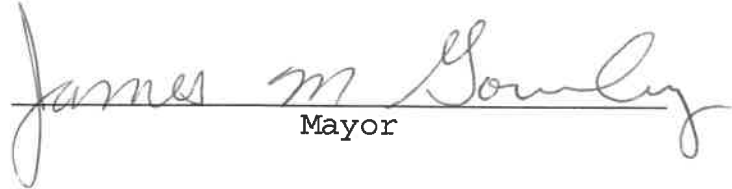
g. There is no minimum building size for dwelling units placed under this title.

h. The maximum size of a dwelling unit authorized under the provisions of this title shall be one thousand square feet of enclosed living space;

i. The applicant shall provide to the city a copy of the dwelling unit title or deed.

3. Expiration. Authorization to place a temporary hardship dwelling unit shall be revoked if any of the above listed conditions are violated or if the authorization was obtained fraudulently.

Passed by the City Council and approved by the Mayor of Sweet Home this 25th day of February, 1997.



Mayor

ATTEST:



City Manager - Ex Officio City Recorder
Pro Tem