

ORDINANCE BILL NO. 7 FOR 2003

ORDINANCE NO. 1153

AN ORDINANCE AMENDING SWEET HOME MUNICIPAL CODE CHAPTER 17.04 PERTAINING TO TITLE, PURPOSE, AND DEFINITIONS, REPEALING SWEET HOME MUNICIPAL CODE CHAPTER 17.56, AND DECLARING A NEED FOR EXPEDIENCY.

WHEREAS, the City of Sweet Home declares a need for expediency for the purposes of protecting the health, safety and welfare of Sweet Home residents.

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

Section 1. Sweet Home Municipal Code Chapter 17.04 shall be amended to read as follows:

Chapter 17.04

TITLE, PURPOSE AND DEFINITIONS

Sections:

17.04.010 Title.

17.04.020 Purpose.

17.04.030 Definitions.

17.04.010 Title. Chapter 17 of the Municipal Code shall be known as the "Zoning Ordinance" of the City of Sweet Home.

17.04.020 Purpose. The purpose of the Zoning Ordinance is to promote local health, safety, welfare, and economy and to assist in carrying out the general policies of the Sweet Home Comprehensive Plan. The Zoning Ordinance assists in implementing the statewide planning goals and guidelines.

17.04.030 Definitions. As used in this ordinance, the following words and phrases shall mean:

Abut. Adjoining with a common boundary line or contiguous to each other.

Access. The place, way or means by which pedestrians, bicycles, and motor vehicles enter and leave property.

Accessory Dwelling. A complete separate residential unit, including facilities for cooking and sanitation, provided either as a separate structure on the same lot or as part of a primary single-family dwelling.

Accessory Structure or Use. A structure or use incidental, appropriate and subordinate to the

main use of a property and located on the same lot as the main use.

Adjacent. Near or close.

Alley. A public way which affords only a secondary means of access to property.

Alter. Any change, addition or modification in the construction of a building or structure.

Amusement or Recreation Services. Establishments engaged in providing entertainment for a fee and including such activities as dance halls; studios; theatrical productions; bands, orchestras, and other musical entertainment; commercial facilities such as arenas, rings, rinks, and racetracks; public golf courses; coin operated devices; amusement parks; membership sports and health clubs; swimming pools; and expositions.

Approach or Driveway Approach. That portion of land which accesses onto a public or private street.

Apartment. A dwelling unit in a multiple-family building.

Automobile Wrecking Yard. An area used for the dismantling or disassembling of motor vehicles, machinery or trailers, or the storage or sale of dismantled, obsolete or wrecked motor vehicles, machinery or trailers or their parts, or the storage of motor vehicles unable to be moved under the power of the vehicle.

Bankfull Stage. The elevation at which water overflows the natural banks of the stream.

Base Flood. Inundation during periods of higher than normal stream flow, high winds, or combinations thereof, that has a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100 year flood."

Bed and Breakfast Establishment. A single family dwelling or part thereof, where lodging with meals are provided, for compensation, to transient guests for less than 15 days at a time. Such an establishment shall be occupied by the proprietor and contain not more than five guest rooms.

Bioengineering. A method of erosion control and landscape restoration using live plants, such as willows.

Boarding or Rooming House. A dwelling or part thereof, other than a hotel or motel, where lodging with or without meals are provided, for compensation, for three or more persons on a daily basis.

Building. A structure built or assembled for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building Coverage. The maximum percent of a lot that may be covered with all buildings on the lot and based on the ground floor area.

Building Envelope. The land area, outside of all required setbacks, which is available for construction of a primary structure on a particular property.

Building Line. A line parallel to the front lot line and passing through the most forward point or plane of a building.

Building, Primary. A building within which is conducted the principal use permitted on the lot, as provided in this ordinance.

Building Official. The Building Official of the City of Sweet Home, Oregon.

City. The City of Sweet Home, Oregon.

City Council. The City Council of the City of Sweet Home, Oregon.

City Manager. The City Manager of the City of Sweet Home or designee.

Club. A facility owned or operated for a social, educational or recreational purpose, to which membership is required for participation and which is neither operated primarily for profit nor to render a service which is customarily carried on by a business.

Community Center or Building. A facility owned and operated by a government agency or a nonprofit community organization which is open to any resident of the city or surrounding area; provided, that the primary purpose of the facility is for recreation, social welfare, community improvement or public assembly.

Community Development Director. The Community Development Director for the City of Sweet Home, Oregon.

Comprehensive Plan. The duly adopted Sweet Home Comprehensive Plan.

Condominium. A type of residential development utilizing zero lot lines, individual ownerships of units and common ownership of open space and other facilities, and which are regulated, in part by ORS Chapter 100.

Day Nursery. Any institution, establishment or place, including nursery schools or private kindergartens, in which are commonly received at one time three or more children not of common parentage, under the age of six years for a period or periods not exceeding 12 hours for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

Delineation. An analysis of a resource by a qualified professional that determines its boundary according to an approved methodology.

Density. The number of residential dwelling units per acre of land or the amount of land area expressed in square feet of land assignable to each dwelling unit in a residential development, not including areas dedicated for streets, or public facilities.

Dwelling, Multifamily. A building or portion thereof designed for occupancy by three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-Family. A detached building or manufactured home designed for and occupied by not more than one family and containing one dwelling unit, excluding tents, teepees, travel trailers, and other similar uses.

Dwelling, Single-Family Attached. Two or more dwelling units with common end walls.

Dwelling, Two-Family (Duplex). A detached building designed for and occupied by not more than two families and containing two dwelling units.

Dwelling Unit. One or more rooms in a building designed for eating, sleeping, cooking and sanitation, as required by Building Code, for not more than one family.

Excavation. The removal of organic or inorganic material (e.g. soil, sand, sediment, muck) by human action.

Family. An individual or two or more persons related by blood, marriage, legal adoption or legal guardianship living together as one housekeeping unit, using one kitchen and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.

Fence, Sight Obscuring. A continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.

Fill. The deposition of organic or inorganic material (e.g. soil, sand, sediment, muck, debris) by human action.

Floodplain. The area adjoining a stream, tidal estuary or shoreline that is subject to inundation by a base flood.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood.

Floodway Fringe. The area of the floodplain lying outside of the floodway.

Floor Area. The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts.

Grade – Ground Level. The average elevation of the finished ground level at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground level.

Hard Surface. An area surfaced with asphalt, concrete, paving blocks, or an equivalent substance approved by the city engineer but shall not include gravel.

Height of Building. The vertical distance from the grade to the highest point of coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

High Groundwater. The near surface groundwater which can present a problem to land development and engineering construction.

Home Occupation. A lawful occupation carried on by a resident of a dwelling, where the occupation is secondary to the main use of the property as a residence.

Hotel. A building in which lodging is provided to guests for compensation and in which no provisions are made for cooking in the lodging rooms.

Impervious Surface. Any material (e.g. rooftops, asphalt, concrete) which reduces or prevents absorption of water into soil.

Improved Street or Streets Improved. A hard surfaced roadway with curb and gutter.

Intermittent Runoff. The officially designated natural or manmade, open drainage channel or course necessary to convey stormwater runoff.

Junk Yard. An area where any person is engaged in breaking up, dismantling, sorting, storing, distributing, buying, selling, packing, or bailing any scrap, waste material, junk or used equipment or machinery of any nature.

Lawn. Any grass or similar materials usually maintained as a ground cover of less than 6 inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

Lot. A parcel of land used or capable of being used under the regulations of this ordinance, lawfully created as such in accordance with the subdivision laws or ordinances

Lot Area. The computed area contained within the lot lines, said area to be exclusive of street or alley right-of-ways.

Lot, Corner. A lot abutting on two or more streets, other than an alley, at their intersection.

Lot Coverage. That percentage of the total lot area covered by structures as herein defined.

Lot Depth. The horizontal distance between the front and the rear lot lines.

Lot, Interior. A lot or parcel of land other than a corner lot.

Lot Line. The property line bounding a lot.

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

Lot Line, Rear. The lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular or other shaped lots, a line 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 not a front or rear lot line.

Lot, Through. An interior lot having a frontage on two streets.

Lot Width. The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

Manufactured Dwelling. Means:

1. Residential Trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962
2. Mobile Home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
3. Manufactured Home means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Manufactured Home Park. Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot 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.

Mass Movement. The slow or rapid, natural or artificially induced movement of rock, soil, or fill downslope in response to gravity. The major geologic types of mass movement include earthflow, slump, rockslide, rockfall and mudflow.

Mitigation. Compensating for impacts to a Significant Natural Resource or its buffer including: restoration, creation, or enhancement. Some examples of mitigation actions are construction of new wetlands to replace an existing wetland that has been filled, replanting trees, removal of nuisance plants, and restoring streamside vegetation where it is disturbed.

Mobile Home Park. See manufactured home park.

Motel. A building or group of building lots in which lodging is provided to guests for compensation, with lodging units having separate entrances directly exterior and which may or may not have cooking facilities in the lodging units.

Native Vegetation. Plants identified as naturally occurring and historically found within the City of Sweet Home.

Natural Resource. An area of any locally inventoried wetland, pond, stream, channel, river, lake or habitat area.

Natural Resource Enhancement. A modification of a natural resource to improve its quality.

Natural Resource Overlay. A designation given to all Significant Wetlands and Riparian Corridors delineated on the Significant Natural Resources Map.

Nonconforming Structure or Lot. A lawful existing structure or lot at the time this ordinance or any amendment thereto becomes effective which does not conform to the dimensional or similar standards of the zone in which it is located.

Nonconforming Use. A lawful existing use at the time this ordinance or any amendment thereto becomes effective which does not conform to the use requirements of the zone in which it is located.

Nursing Home. Any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for two or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage.

Open Storage. To put aside or accumulate property, for use when needed or later sale or disposal, in an area that is exposed to the public view from a public street (not alley).

Owner. An owner of record of real property as shown on the tax rolls of Linn County, or a person purchasing a piece of property under contract.

Parking Lot. An area of a lot, except for one and two family dwellings, used for parking vehicles.

Parking Space. An off-street enclosed or unenclosed surfaced area of not less than 20 feet by eight feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, and connected with a street by a surfaced driveway which affords ingress and egress for automobiles.

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

Planning Commission. The Planning Commission of the City of Sweet Home, Oregon.

Ponding. The local accumulation of rainwater on the surface of the ground or to rising groundwater which actually has surfaced.

Professional Office. An office occupied by medical professionals, accountants, attorneys, architects, professional engineers or surveyors or persons engaged in similar occupations.

Qualified Natural Resource Professional. An individual who has proven expertise and vocational experience in a given natural resource field. A qualified professional conducting a wetland delineation must have the delineation approved by the Oregon Division of State Lands.

Recreational Facility. A recreation facility under private ownership and operated by a profit or nonprofit organization, open to bona fide members, and providing one or more type of recreation activity.

Recreational Vehicle. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle and includes travel trailer, camping trailer, truck camper or motor home.

Recreational Retail. An establishment engaged in selling goods or merchandise when associated with a recreational development, marina and docks, and other similar uses.

Recreation Park. Any area for picnicking or overnight camping by the general public or any segment of the public.

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 to fifteen 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.

Resort. A facility for transient guests where the primary attraction is generally recreational features or activities.

Review Authority. The City of Sweet Home.



**Riparian Boundary.** An imaginary line that is a certain distance upland from the top of the bank and encompasses everything within the area between the wetland and the upper edge of the riparian area. The City of Sweet Home has adopted the safe harbor setback methodology for this identification.

**Riparian Corridor.** A Goal 5 resource that includes the water areas, fish habitat, riparian areas, and wetlands within the riparian corridor boundary. For purposes of this ordinance, riparian areas are identified on the Significant Natural Resource Overlay Zone Maps, as adopted in the Comprehensive Plan.

**Service Station, Automobile.** A place or station designed and used primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhauling.

**Setback.** The minimum allowable horizontal distance from a given point or line of reference, such as a property line, to the nearest vertical wall or other element of a building or structure.

**Shopping Center.** A retail store or combination of stores, usually including a grocery store, which provide goods for sale to the general public.

**Shrubs.** For the purpose of the Natural Resource Zone, a woody vegetation usually greater than 3 feet, but less than 20 feet tall, including multi-stemmed shrubs and small trees and saplings.

**Significant Natural Resource.** Significant Wetlands and Riparian Corridors within the City of Sweet Home's Urban Growth Boundary and designated on the Significant Natural Resources Map.

**Significant Wetlands.** A wetlands mapped on the City of Sweet Home *Local Wetlands Inventory* which meets the primary criteria of the Oregon Division of State Lands Administrative Rules for Identifying Significant Wetlands (July, 1996).

**Sign.** An identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business. Each display surface of a sign other than two surfaces parallel and back-to-back on the same structure shall be considered a sign.

**Sign, Advertising.** A sign which directs attention to or identifies a business, product, activity or service which is not necessarily conducted, sold or offered upon the premises where such sign is located.

**Sign, Business.** A sign which directs attention to or identifies a business, product, activity or service which is conducted, sold or offered upon the premises where such sign is located.

Site Plan. A plan prepared to scale, showing accurately and with complete dimensions, all of the uses proposed for a specific parcel of land.

State and Federal Natural Resource Agencies. The Oregon Division of State Lands, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Department of Agriculture Natural Resources Conservation Service, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency

Stream. A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

Structure. A building or other major improvement that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances.

Substantial Improvements. 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:

- (a) Before the improvement or repair is started, or
  - (b) 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.

The term does not, however, include either:

- (c) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (d) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Streambank Erosion. The loss of land by stream action.

Street. A public right-of-way for pedestrian and/or vehicular traffic.

Structural Alteration. Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or structural change in the roof or in the exterior walls.

Structure. Something constructed or built and having a fixed base on, or fixed connection to the ground or another structure.

Trees. For the purpose of the Natural Resource Zone, a woody plant 5 inches or greater in diameter at breast height and 20 feet or taller.

Top of Bank. A distinct break in slope between the stream bottom and the surrounding terrain,

which corresponds with the bankfull stage, which is the two year high water mark, of the stream.

Trailer House. A vehicle or similar portable device originally designed or presently constructed to permit temporary or permanent human occupancy for living and sleeping purposes, and including mobile homes and recreation vehicles having permanent kitchen and bath facilities.

Travel Trailer. A portable vehicular unit mounted on wheels designed to be drawn by a motorized vehicle and designed and constructed primarily for temporary human occupancy for travel, recreational and vacation uses.

Use. The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

Variance. A grant of relief from the requirements of SHMC Title 17, which permits activity in a manner that would otherwise be prohibited by Title 17.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. For purposes of this ordinance, riparian areas are identified on the Significant Natural Resource Overlay Zone Maps, as adopted in the Comprehensive Plan.

Wetland Boundary. The edges of a wetland as delineated by a qualified professional.

Yard. An open space on a lot which is unobstructed from the ground upward, except as otherwise provided in Title 17.

Yard, Front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley shall be considered a front yard.

Yard, Front - Inset. A yard on a flag lot, or similarly configured lot, paralleling the street and at the rear of another lot.

Yard, Rear. A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building.

Yard, Side. A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a main building.

Yard, Street Side. A yard adjacent to a street between the front yard and rear lot line measured horizontally at right angles from the side lot line to the nearest point of a building.

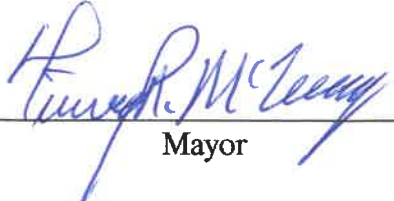
Zero Lot Line Subdivision or Partition. A type of residential subdivision or partition utilizing zero lot lines between dwelling units and providing for individual ownership of each lot.

Section 2. Repeal: Sweet Home Municipal Code Chapter 17.56, Mobile Home Combining Zone, is hereby repealed.

Section 3. Expediency: It is in the best interest and benefit of the City that this ordinance becomes effective immediately, as set forth in the City of Sweet Home Charter, Section 29.

Therefore, this ordinance shall be in full force and effect after the passage by the Council and approval by the Mayor.

PASSED by the City Council and approved by the Mayor this 23rd day of September, 2003.

  
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Mayor

ATTEST:

  
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City Manager - Ex Officio City Recorder