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ARTICLE 2 – ZONING REGULATIONS

Chapters:

- 2.1 Establishment of Zoning Districts
- 2.2 Zoning District Regulations
- 2.3 Special Use Standards
- 2.4 Overlay Zones

User's Guide: Article 2 has been reorganized for this edition of the Model Code. The regulations are grouped by topic and optional provisions are identified more clearly. General requirements that most cities are likely to use have been consolidated in fewer pages.

- Chapter 2.2 contains provisions for allowed uses, lot dimensions, setbacks, and other lot development standards.
- Chapter 2.3 contains special use regulations.
- Chapter 2.4 is a placeholder for overlay zones, or combining zones, such as those for flood hazard areas, natural features, airports, and other areas of special concern.

The model code does not contain provisions specifically for airports; natural, scenic, and historic resources (Goal 5); adult-oriented businesses; or natural hazards (Goal 7). Sample ordinances for airports are available from the Oregon Department of Aviation, and the Oregon Department of Land Conservation and Development maintains a library with sample ordinances for uses regulated under Goal 5 and Goal 7. Much of this information is available online.

2.1 – Establishment of Zoning Districts | Purpose and Classification of Zoning Districts

Chapter 2.1 – Establishment of Zoning Districts

Sections:

- 2.1.010 Purpose
- 2.1.020 Classification of Zoning Districts
- 2.1.030 Determination of Zoning District Boundaries

User's Guide: The following should be adapted for consistency with local policies. Review your Comprehensive Plan and determine whether any plan updates or amendments are needed before adopting new zoning districts.

2.1.010 Purpose and Classification of Zoning Districts

Chapter 2.1 establishes zoning districts, consistent with the City of [name] Comprehensive Plan. Every unit of land (parcel, lot, tract, and right-of-way) within the City of [name] is designated with a zoning district or “zone,” and may also be designated with one or more overlay zones. The use of land is limited to the uses allowed by the applicable zone(s).

2.1.020 Classification of Zoning Districts

Zoning designations are as depicted on the City of [name] Zoning Map. The [City Official] maintains official copies of the Zoning Map and Comprehensive Plan. Where a conflict between documents arises, the Comprehensive Plan shall govern.

User's Guide: Allowed uses and density standards must be based on a city's comprehensive plan. Cities should make sure their codes allow needed housing, as defined by state statute, as state laws are very explicit about what local codes must allow. See ORS 197.303 through 197.307. Cities should also be careful not to over-zone for commercial uses on the outskirts of town, as this can undercut the economic vitality of downtowns, main streets, and other walkable centers. See also, related comments under Chapter 3.5 Parking and Loading.

A. Residential Districts (RL, [RM / RH], [RC]). Residential zoning districts are intended to accommodate a mix of residential uses at planned densities, consistent with the housing needs of the city; promote the orderly development and improvement of neighborhoods; facilitate compatibility between dissimilar land uses; allow residences in proximity, and with direct connections, to schools, parks, and community services; and to ensure efficient use of land and public facilities. The following summarizes the purpose of each residential district. See also, Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

1. The Residential Low Density (RL) district permits residential uses at densities between [#] and [#] dwelling units per [gross / net] acre. Permitted residential uses consist primarily of detached single-family housing [duplex housing subject to special use standards], and community service uses such as churches, schools, and parks.
2. The Residential [Medium / High] Density ([RM / RH]) district permits residential uses at densities between [#] and [#] dwelling units per [gross / net] acre. Permitted residential uses consist of detached (e.g., single-family and duplex) housing and attached (e.g., townhouse and multifamily) housing. The [RM / RH] district also allows, subject to special use standards, parks, schools, places of worship, and certain community service uses.

2.1 – Establishment of Zoning Districts | Classification of Zoning Districts

3. *The Residential-Commercial (RC) district permits residential uses similar to those permitted in the [RM / RH] district. The RC district also allows, subject to special use standards, some commercial and employment uses.*

B. Commercial Districts ([D / MS,] GC). Commercial zoning districts accommodate a mix of commercial services, retail, and civic uses, with *[existing residences permitted to continue, and]* new residential uses permitted in the upper stories of some buildings. Two commercial zoning districts, one for *[Downtown/Main Street]* and one for General Commercial areas, provide for the full range of commercial land uses within the city. The zoning district regulations are intended to promote the orderly development and improvement of walkable commercial areas; facilitate compatibility between dissimilar land uses; provide employment opportunities in proximity, and with direct connections, to housing; and to ensure efficient use of land and public facilities. The two commercial districts allow many of the same uses, except that different development and design standards apply to specific types of development based on the physical context *[, desired urban form,]* and pedestrian-orientation of each district *[or subarea]*. See Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

C. Industrial Districts ([LI / ME], GI). Industrial zoning districts accommodate a mix of intensive and less intensive uses engaged in manufacturing, processing, warehousing, distribution, and similar activities. Two industrial zoning districts, one for *[Light Industry / Mixed-Employment]* and one for General Industry, provide for the full range of planned industrial land uses within the city. Both districts are intended to provide for efficient use of land and public services, provide a high quality environment for business, offer a range of parcel sizes and locations for industrial site selection, avoid encroachment by incompatible uses, provide transportation options for employees and customers, and facilitate compatibility between dissimilar uses. The General Industry district additionally provides suitable locations for intensive industrial uses, such as those with processing, manufacturing, assembly, packaging, distribution, or other activities. See Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

User's Guide: The Public Facilities and Parks and Open Space districts are optional because not every city will need them. Public uses generally can fit into other zones. Though some public agencies prefer special zoning, particularly for larger holdings where residential or commercial zoning is not appropriate. The benefit of using subsection D is that it can streamline the permit process for projects serving the public interest. A potential disadvantage is where the public agency-owner wants to sell the property and its value is less than it would be with residential or commercial zoning. An alternative approach is to create a PF "overlay" zone that accomplishes the same purpose, and where an overlay is applied, a property would retain its base zoning.

[D. Public Facilities and Parks and Open Space Districts (PF, P-OS). See also, Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

1. *The Public Facilities (PF) district provides a zoning option for public and semi-public uses, including, but not limited to, schools, government offices, fire stations, police stations, libraries, public works yards, reservoirs, and other public facilities [, consistent with adopted public facility master plans].*
2. *The Parks and Open Space (P-OS) district provides for the use, protection, preservation, conservation, and enhancement of parks, natural areas, and similar areas in a manner that meets community needs for a wide range of passive or active recreational uses (, consistent with adopted park or open space master plans).]*

2.1 – Establishment of Zoning Districts | Determination of Zoning District Boundaries

2.1.030 Determination of Zoning District Boundaries

User's Guide: Section 2.1.030 should be reviewed against your city's current zoning map. If the map contains parcels split by zoning, or the city routinely encounters problems in determining zoning boundaries, the following text may need to be adjusted.

Where due to the scale, lack of scale, lack of detail, or illegibility of the Zoning Map, or due to any other reason, there is uncertainty, contradiction, or conflict as to the intended location of a zoning district boundary, the [Planning Official] or, upon referral, the [Planning Commission / City Council], shall determine the boundary as follows:

- A. Right-of-way.** Boundaries that approximately follow the centerlines of a street, highway, alley, bridge, [railroad,] or other right-of-way shall be construed to follow such centerlines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a zoning district boundary, the vacated lands within the former right-of-way shall be allocated proportionately to the abutting zoning districts.
- B. Parcel, lot, tract.** Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries.
- C. Jurisdiction boundary.** Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary.
- D. Natural feature.** Boundaries indicated as approximately following a river, stream, topographic contour, or similar feature not corresponding to any feature listed in subsection A-C, above, shall be construed as following such feature.

2.2 – Zoning District Regulations | Purpose

Chapter 2.2 – Zoning District Regulations

Sections:

- 2.2.010 Purpose
- 2.2.020 Applicability
- 2.2.030 Allowed Uses
- 2.2.040 Lot and Development Standards
- 2.2.050 Setback Yards Exceptions
- 2.2.060 Residential Density Standards
- 2.2.070 Lot Coverage
- 2.2.080 Height Measurement, Exceptions, and Transition

User's Guide: This chapter is intended to provide a framework for designating allowed uses by zoning district. It is designed for cities with not more than 10 base zoning districts. The model provides a placeholder for additional zones, or overlay zones, under Chapter 2.4. Where a city requires more than 10 base zones or has adopted regulations for special planning areas (e.g., specific plan district or form-based code), the model can be modified to accommodate the additional zones.

Chapter 2.2 is meant to help cities comply with ORS 197.295-197.314 (Needed Housing) by providing clear and objective standards for housing. The model also addresses ORS 197.475-197.490, Manufactured Housing; ORS 197.660-197.670, Residential Homes and Facilities; and OAR 660-12-060, Transportation Planning Rule (TPR). In particular, the standards for downtowns and main street districts, including those provisions identified as optional, are consistent with TPR amendments for Multi-Modal Mixed Use Areas that went into effect January 1, 2012.

2.2.010 Purpose

Chapter 2.2 regulates allowed land uses (“uses”) and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development. The regulations of this chapter are intended to implement the City of [name] Comprehensive Plan and the purposes of this Code, per Section 1.2.020.

2.2.020 Applicability

All real property in the City of [name] is subject to the zoning regulations of Chapter 2.2. Certain types of land uses are also subject to the Special Use regulations in Chapter 2.3. In addition, some properties are subject to both the general (“base zone”) regulations of Chapter 2.2 and the Overlay Zone regulations of Chapter 2.4. Property owners, realtors, project proponents, and others are advised to verify the regulations that apply to a particular property before beginning a new project, purchasing real estate, or marketing a property for sale.

2.2.030 Allowed Uses

User's Guide: Three types of land use designations are provided: “P” means the use is permitted; “S” means the use is permitted with Special Use Standards (Chapter 2.3); “CU” means the use is allowed, subject to approval of a Conditional Use Permit (Chapter 4.4); and “N” means the use is not allowed. Uses that are not listed and that the city determines are not similar to an allowed use are prohibited. The designation of allowed uses in Table 2.2.110 should be tailored to local conditions. First, consider whether any existing land uses would become non-conforming before changing your code. (Chapter 1.4 addresses non-conforming uses.) The Model Code text should be adjusted, as needed, to minimize the number of non-conforming uses created.

- A. Uses Allowed in Base Zones.** Allowed uses include those that are permitted, those that are permitted subject to special use standards, and those that are allowed subject to approval of a conditional use permit, as identified by Table 2.2.030. Allowed uses fall into four general categories: Residential, Public and Institutional, Commercial, and Other. Where Table 2.2.030 does not list a specific use, and Article 5 Definitions does not identify the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of Section 1.5.020 Code Interpretations. Uses not listed in Table 2.2.030 and not found to be similar to an allowed use are prohibited.
- B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as “Permitted (P)” are allowed provided they conform to Section 2.2.040 Lot and Development Standards. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to the Chapter 2.3 Special Use Standards and Section 2.2.040 Lot and Development Standards. Uses listed as “Not Allowed (S)” are prohibited. Uses not listed but similar to those allowed may be permitted pursuant to Section 1.5.010.
- C. Conditional Uses.** Uses listed as “Conditional Use Permit Required (CU)” are allowed subject to the requirements of Chapter 4.4 Conditional Use Permits.
- D. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of Chapter 2.2, additional standards may apply to uses within overlay zones. In addition, an overlay zone may allow exceptions to some standards of the underlying zone. See Chapter 2.4.
- E. Master Planned Developments.** Uses that are not otherwise allowed by the underlying zone may be permitted through the Master Planned Development procedure under Chapter 4.5.
- F. Accessory Uses.** Uses identified as “Permitted (P)” are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the Use Categories in Article 5 Definitions.
- G. Mixed-Use.** Uses allowed individually are also allowed in combination with one another, in the same structure, or on the same site, provided all applicable development standards and building code requirements are met.
- H. Outdoor Uses and Unenclosed Activities.** Notwithstanding the provisions of Table 2.2.030, any use,

2.2 – Zoning District Regulations | Allowed Uses

except for an allowed accessory use, that occurs primarily outside (i.e., not within a permitted building) requires a Conditional Use Permit under Chapter 4.4. *[Examples of outdoor uses and unenclosed activities that may or may not be considered accessory uses, depending on their location and size relative to other uses on the same property, include, but are not limited to, automotive services, vehicle and equipment repair, fueling, drive-in restaurants, drive-up windows and similar drive-through facilities, automatic teller machines, kiosks, outdoor assembly and theaters, outdoor markets, and similar uses.]*

- I. **Temporary Uses.** Temporary uses occur *[only once in a calendar year and]* for not longer than *[(#) days], [consecutively / cumulatively,]* in any calendar year. Uses may be permitted on a temporary basis, subject to review and approval under Chapter 4.3 Site Design Review.
- J. **Disclaimer.** Property owners are responsible for verifying whether a specific use is allowed on a particular site. *[Submittal of a Zoning Checklist for review and approval by the City (Planning Official) (is / may be) required in order to determine whether a use is allowed on a given site, and whether further land use review is required.]*

User’s Guide: Land uses vary in scale and intensity from city to city. Therefore, concerns about land use impacts are not the same in all communities. While some small Oregon cities already have many of the uses listed, the market potential for some uses may be limited in other cities. The following table should be tailored to fit your community based on the comprehensive plan, which considers housing needs, economic opportunities, and local priorities. In general, the table is intended to encourage a wide range of housing choices while allowing flexibility for mixing compatible land uses. The optional Residential-Commercial (RC) zone, for example, is specifically designed to promote mixed-use, while serving as a transition between residential neighborhoods and more intensive commercial or employment areas. The model code also encourages small-scale retail operations in conjunction with allowed industrial uses, and light manufacturing or “artisanal uses” in conjunction with allowed commercial uses.

As you carry forward the regulations contained in your existing code and add new uses to Table 2.2.030, consider following the steps below:

- Where the current ordinance clearly describes a use as Permitted (P) or Permitted Conditionally (CU), carry those forward into the table, or make sure to discuss proposed policy changes with the planning commission and public.
 - Where the current ordinance is silent on whether a use is allowed but it clearly designates a similar use as Permitted or Permitted Conditionally, consider applying the same designation in the new code.
 - Where the current ordinance identifies a use as Permitted (P) but it prescribes specific standards for that use (e.g., hours of operation for home occupations, etc.), designate the use as a “Special Use (S),” and reference Chapter 2.3 Special Uses. Alternatively, if the standards are brief, consider including them into Table 2.2.030.
 - Where the current ordinance is unclear with respect to allowed uses, flag those uses for discussion with the planning commission. Remember not all uses in the model code will be appropriate to include in your city code.
-

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District											
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use][[X]	Special Use Standards
	<u>RL</u>	<u>[RM/RH]</u>	<u>[RC]</u>	<u>[D/MS]</u>	<u>GC</u>	<u>[LI/ME]</u>	<u>GI</u>	<u>[PF]</u>	<u>[P-OS]</u>	[x]	
A. Residential Uses¹											
Single-Family Dwelling, Non-Attached	P	P	[P]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.090
Single-Family Dwelling, Attached (Townhome)	[S/N]	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec. 2.3.090; Sec 2.3.210
[Accessory Dwelling]	[S]	[S]	[S]	[S]	[N]	[N]	[N]	[N]	[N]		[Sec 2.3.170]
[Boarding or Rooming House]	[N]	[CU]	[CU]	[CU]	[N]	[N]	[N]	[N]	[N]		
[Cottage Housing Cluster]	[N]	[S]	[S]	[N]	[N]	[N]	[N]	[N]	[N]		[Sec 2.3.190]
Duplex Dwelling	S	P	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.060
Manufactured Home	S	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.090; Sec 2.3.130
Manufactured Home Park	N	[S/N]	[S/N]	N	N	N	N	[N]	[N]		Sec 2.3.140
Multifamily Dwelling	N	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.080; 2.3.090
Family Daycare	S	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.100
Residential Care Home	S	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec. 2.3.090; Sec 2.3.110
Residential Care Facility	N	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec. 2.3.090; Sec 2.3.110
Home Occupation	S	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.120
[Micro-Generation; wind, solar, or geothermal energy (household use)]	[S]	[S]	[S]	[S]	[S]	[S]	[S]	[S]	[S]		[Sec 2.3.200]
[Vacation Rental Dwellings]	[S]	[N]	[N]	[S/N]	[N]	[N]	[N]	[N]	[N]		[Sec 2.3.220]

User's Guide: The above residential uses represent the range of “needed housing” that cities are generally required to zone land for under Statewide Planning Goal 10 (Housing). Care Homes or Facilities are subject to ORS 197.665 and 197.670, and the federal Fair Housing Amendments Act of 1988 (42 U.S.C. § 3615). The model code provides clear and objective standards for housing, per state law, and allows residential uses in commercial districts, per OAR 660-012-060.

¹ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District											
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use][[X]	Special Use Standards
	RL	[RM/RH]	[RC]	[D/MS]	GC	[LI/ME]	GI	[PF]	[P-OS]	[x]	
B. Public and Institutional Uses²											
[Airport, Public Use]	[N]	[N]	[N]	[N]	[N]	[S/N]	[N]	[S/N]	[N]		[per Airport Overlay Zone]
Automobile Parking, Public Off-street Parking	N	N	[P/CU]	CU	CU	CU	CU	[P]	[N]		
Cemetery, including Crematorium	[N/CU]	N	[N]	N	N	N	N	[CU]	[CU]		
Child Daycare Center	N	N	[P/CU]	CU	CU	CU	N	[CU]	[N]		
Club Lodge, Fraternal Organization	N	N	[P/CU]	CU	CU	N	N	[CU]	[N]		
Community Service; includes Governmental Offices	N	N	[P/CU]	P	P	CU	N	[P]	[CU]		
[Community Garden]	[P/CU]	[P/CU]	[P/CU]	[P/CU]	[N/CU]	N	N	[P]	[P]		
Clinic, Outpatient Only	N	N	[P/CU]	P	P	CU	N	[P]	[N]		
Emergency Services; includes Police, Fire, Ambulance	[N/CU]	[N/CU]	[CU]	CU	CU	CU	CU	[P]	[N]		
Hospital, including Acute Care Center	N	N	[N/CU]	[N/CU]	CU	CU	N	[CU]	[N]		
Mortuary	N	N	[N/CU]	[N/CU]	[N/CU]	[N/CU]	N	[CU]	[N/CU]		
Non-Profit Member Organization Offices	N	N	CU	CU	CU	CU	N	[CU]	[N]		
Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses	[S/CU]	[S/CU]	[S/CU]	[S/CU]	[S/CU]	[S/CU]	[S/CU]	[S/CU]	[P]		[Sec 2.3.210]
[Prison]	[N]	[N]	[N]	[N]	[N]	[CU/N]	[N]	[CU/N]	[N]		

User's Guide: Because parks and open spaces can generate noise and lighting concerns, some communities require conditional use permit approval for parks and some open space uses. Another alternative is to allow uses subject to special standards. For example, neighborhood parks (e.g., tot lots or informal play fields) and natural areas that are limited to daytime use typically do not raise compatibility concerns and therefore can be permitted with standards.

² **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District											
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		[X]	Special Use Standards
	RL	[RM/RH]	[RC]	[D/MS]	GC	[LI/ME]	GI	[PF]	[P-OS]	[x]	
B. Public and Institutional Uses³ (continued)											
Public Works Utilities Storage Yards; includes Vehicle and Equipment Storage, Maintenance, and Repair	N	N	N	N	[CU/N]	[CU/N]	P	[P]	[CU]		
[Railroad Facilities]	[N]	[N]	[N]	[N]	[N]	[N]	[P]	[CU]	[N]		
Religious Institutions and Houses of Worship	CU	CU	CU	CU	CU	N	N	[N]	[N]		
School, Preschool-Kindergarten	CU	CU	CU	CU	CU	N	N	[CU]	[N]		
School, Secondary	CU	CU	CU	CU	CU	N	N	[CU]	[N]		
[School, College or Vocational]	N	N	CU	CU	CU	CU	N	[CU]	[N]		
Solid Waste Disposal or Recycling, except as accessory to permitted use	N	N	N	N	N	N	N	[CU]	[N]		
Transportation Facilities; includes construction, operation, and maintenance of facilities located within right-of-way controlled by a public agency, consistent with [Transportation System Plan / Comprehensive Plan].	The state Transportation Planning Rule (OAR 660, Division 12) requires that local codes permit transportation facilities. This is a placeholder.										
Utility Structures and Facilities, City Planned Projects; i.e., utilities identified by an adopted City master plan or development review approval	P	P	P	P	P	P	P	[P]	[P]		
Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval	[N/CU]	[N/CU]	[N/CU]	[N/CU]	[N/CU]	[N/CU]	[N/CU]	[CU]	[N/CU]		
[Wireless Communication Facilities]	[CU/N]	[CU/N]	[CU/N]	[CU/N]	[CU/N]	[P/CU]	[P/CU]	[P/CU]	[CU/N]		

³ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District											
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		[X]	Special Use Standards
	RL	[RM/RH]	[RC]	[D/MS]	GC	[LI/ME]	GI	[PF]	[P-OS]	[x]	
C. Commercial Uses⁴											
Amusement, Entertainment, and Commercial Recreation; includes theaters, bowling alleys, miniature golf, concert venues, arcades, similar uses	N	N	CU	[P/ CU]	[P/ CU]	N	N	[CU]	[N]		
Artisanal and Light Manufacture Uses in Commercial zones – includes craftsman studios; and uses providing instruction and/or retail sales related to painting, sculpting, photography, picture framing, knitting, sewing, literature, theater, music, specialty foods or catering, or similar uses	-	-	S	S	S	-	-	-	-		Sec 2.3.040
Automobile Parking, Commercial Parking	N	N	CU	CU	CU	CU	CU	[N]	[N]		
Automotive Repair and Service, includes fueling station, car wash, tire sales and repair or replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	[N/C U+S]	[N/ CU +S]	S	CU	[P/ CU]	[N]	[N]		Sec 2.3.050
Automotive Sales and Rental; includes motorcycles, boats, recreational vehicles, and trucks	N	N	N	[N/ CU +S]	S	N	N	[N]	[N]		
[Bed and Breakfast Inn]	[N/ CU+S]	[N/ CU+S]	[C +S]	[N/ CU+S]	[N/ CU+S]	[N]	[N]	[N]	[N]		[Sec 2.3.180]
Commercial Retail Sales and Services	N	N	CU	P	P	N	N	[N]	[N]		
Commercial Retail Sales and Services, in Conjunction with a Permitted Industrial Use, and limited to [x] square feet gross leasable area	N	N	N	N	N	CU	N	[N]	[N]		

User’s Guide: The above provisions limiting automobile sales and service uses in downtowns and main street districts are consistent with the Multi-Modal Mixed Use provisions under OAR 660-012-060. See also, the drive-through service and general industrial use regulations in other parts of this table. The provision for “artisanal uses” is intended to encourage cottage industries that combine light manufacturing and retail uses in commercial zones.

⁴ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District											
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		[X]	Special Use Standards
	<u>RL</u>	<u>[RM/RH]</u>	<u>[RC]</u>	<u>[D/MS]</u>	<u>GC</u>	<u>[LI/ME]</u>	<u>GI</u>	<u>[PF]</u>	<u>[P-OS]</u>	[x]	
C. Commercial Uses (continued)⁵											
<i>[Data Center or Server Farm]</i>											
These uses can be mistaken for Office uses, though they typically employ few people and have large electrical demands.	N	N	[P/ CU]	[P/ CU]	P	P	P	[N]	[N]		
Customer Call Center	N	N	[P/ CU]	P	P	P	N	[N]	[N]		
Drive-Through Service	N	N	[CU+S]	[N/CU+S]	S	S	S	[S]	[S]		Sec 2.3.050
<i>[Golf Course or driving range, with pro shop, clubhouse, or restaurant]</i>	[N]	[N]	[N]	[N]	[CU]	[N]	[N]	[CU]	[N]		
<i>[Golf Course without pro shop, clubhouse, or restaurant]</i>	[N]	[N]	[N]	[N]	[CU]	[N]	[N]	[CU]	[CU]		
Hotels, Motels, and Similar Overnight Accommodations	N	N	[P/CU]	P	P	N	N	[N]	[N]		
Kennel (See also, “Veterinary Clinic”)	N	N	N	[CU/N]	CU	CU	N	[CU]	[N]		
Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment	N	N	[N/CU]	[N/ CU]	CU	P	P	[N]	[N]		
Medical Clinic, Outpatient	N	N	[CU/P]	[CU/ P]	P	[CU/ P]	N	[CU/P]	[N]		
Offices	N	N	[CU/P]	P	P	P	[CU/ P]	[CU/P]	[N/ CU]		
<i>[Recreational Vehicle Park]</i>	N	N	[N/CU]	N	[N/ CU]	N	N	[N/CU]	[N/ CU]		
Self-Service Storage, Commercial	N	N	[N/CU]	[N/ CU]	[CU/ P]	P	P	[N]	[N]		
Veterinary Clinic	N	N	[N/CU]	[CU]	P	P	[CU]	[N/CU]	[N]		

⁵ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District												
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		[Other Zones]		Special Use Standards
	RL	[RM or RH]	[RC]	[D or MS]	GC	[LI or ME]	GI	[PF]	[P-OS]	[x]	[y]	
D. Industrial and Employment Uses⁶												
[Airport]	[This use is subject to the Airport Overlay Zone, where applicable.]											
Artisanal and Light Manufacture Uses in Industrial and Public Facility zones	-	-	-	-	-	P	P	[S/N]	[N]			Sec 2.3.040
Auction Yard	N	N	N	N	CU	CU	P	[CU/N]	[CU/N]			
Beverage and Bottling Facility, except as allowed for Commercial Uses	N	N	N	N	CU	CU	P	[N]	[N]			
Bulk Storage of Flammable Liquids or Gases; Petroleum Products Storage and Distribution; Wood or Biomass Fuel Dealers	N	N	N	N	N	N	CU	[N]	[N]			
Cement, Glass, Clay, and Stone Products Manufacture[; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N	N	N	N	CU	[N]	[N]			
Chemical, Fertilizer, Insecticide, Paint Product Manufacture, or Similar Uses	N	N	N	N	N	N	CU	[N]	[N]			
Concrete or Asphalt Batch Plants	N	N	N	N	N	N	CU	[N]	[N]			
Dairy Products Manufacture, e.g., Butter, Milk, Cheese, Ice Cream[; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N	N	N	N	CU	[N]	[N]			
[Data Center or Server Farm]	N	N	[N/CU]	[CU/P]	P	P	[CU/P]	[N]	[N]			
Dwelling for a caretaker or watchman	N	N	N	N	N	[CU/P]	CU	[N]	[N]			
User's Guide: Industrial and employment uses vary in scale and intensity from city to city. Therefore concerns about land use impacts are not the same in all communities. The above list of uses should be tailored to fit your community based on local planning priorities and economic factors. Zoning for airports and for uses within airport approaches must conform to the state Airport Planning Rule (OAR 660-013). See Oregon Aviation Department Land Use Compatibility Guidelines and Model Ordinance.												

⁶ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District												
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		[Other Zones]		Special Use Standards
	RL	[RM or RH]	[RC]	[D or MS]	GC	[LI or ME]	GI	[PF]	[P-OS]	[x]	[y]	
D. Indus. and Mixed Employment Uses⁷ (cont')												
Finished Textile and Leather Products Manufacture[; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N	N	N	CU	[CU/P]	[N]	[N]			
Food Processing, including Canning, Freezing, Drying and Similar Food Processing and Preserving[; except as allowed for Artisanal and Light Manufacture Uses.] Rendering Plants are prohibited.	N	N	N	N	N	CU	[CU/P]	[N]	[N]			
Freight Terminals, including Loading Docks, Storage, Warehousing, Wholesale Distribution, Cold Storage; except Self-service Storage or Mini-storage Warehouses	N	N	N	N	N	CU	[CU/P]	[N]	[N]			
Machine Shop, and Sales, Service and Repair of Machinery[; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N	N	N	CU	[CU/P]	[N]	[N]			
Metal Plating	N	N	N	N	N	CU	[CU/P]	[N]	[N]			
Metal Manufacture, Welding [; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N	N	N	CU	[CU/P]	[N]	[N]			
Newspaper, Periodical, Publishing and Printing; except Artisanal and Light Manufacture Uses	N	N	[CU/N]	[P/CU]	P	P	[CU/P]	[N]	[N]			
Special Trade Contracting Facilities, such as Floor Laying, Masonry, Stone, Plumbing, Electrical, Metal Work, Roofing, Heating and Air Conditioning, Cabinet making, and Carpentry	N	N	N	N	N	CU	[CU/P]	[N]	[N]			
Wood Products Manufacture, such as Sawmills, Paper and Allied Products, and Secondary Wood Products; except Artisanal and Light Manufacture Uses	N	N	N	N	N	CU	[CU/P]	[N]	[N]			
Wrecking, Demolition, Junk Yards, Recycling Centers	N	N	N	N	N	N	CU	[N]	[N]			

User's Guide: Industrial and employment uses vary in scale and intensity from city to city. Therefore concerns about land use impacts are not the same in all communities. The above list of uses should be tailored to fit your community based on local planning priorities and economic factors.

⁷ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Lot and Development Standards

2.2.040 Lot and Development Standards

- A. Development Standards.** Section 2.2.040 provides the general lot and development standards for each of the City’s base zoning districts. The standards of Section 2.2.040 are organized into two tables: Table 2.2.040.D applies to Residential [*and Residential-Commercial*] zones, and Table 2.2.040.E applies to non-residential zones.
- B. Design Standards.** City standards for Access, Circulation, Site and Building Design, Parking, Landscaping, Fences and Screening, and Public Improvements, among others, are located in Article 3. Notwithstanding the provisions of Table 2.2.040 and Article 3, different standards may apply in specific locations, such as at street intersections, [*within overlay zones,*] adjacent to natural features, and other areas as may be regulated by this Code or subject to state or federal requirements. [*For requirements applicable to the City’s overlay zones, please refer to Chapter 2.4.*]
- C. Disclaimer.** Property owners are responsible for verifying whether a proposed development meets the applicable standards of this Code. [*Submittal of a Zoning Checklist for review and approval by the City (Planning Official) (is / may be) required in order to determine whether use is allowed on a given site, and whether further land use review is required.*]

User’s Guide: The minimum lot sizes and other dimensions contained in 2.2.040 are based on contemporary zoning standards and development practices in small- and medium-sized Oregon communities. The standards should be reviewed and adjusted to fit the context of the community. The standards are also more flexible than conventional zoning, so that minor adjustments in lot size, for example through the “lot size averaging,” “sloping site,” and “lot coverage bonus” provisions, can be made without requiring variances or planned unit approval. This section is also designed to promote efficient land use and pedestrian-oriented design, for example, through the required “build-to line” in multifamily and residential-commercial projects. Table 2.2.040 does not recommend specific residential densities; cities should base minimum and maximum density standards on the locally adopted comprehensive plan, including an assessment of housing needs and urban growth management policies.

2.2 –Zoning District Regulations | Lot and Development Standards

D. Lot and Development Standards for Residential Districts. The development standards in Table 2.2.040.D apply to all [new] development [as of (effective date)] in Residential zones.

Table 2.2.040.D – Lot and Development Standards for Residential zones (Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)				
Standard	RL Zone	[RM / RH] Zone	RC Zone	[Reserve]
Residential Density , per Section 2.2.060 (Dwelling Units per [gross / net] acre) – Minimum and Maximum	[Per Comp Plan]	[Per Comp Plan]	[Per Comp Plan]	
Minimum Lot Area* (square feet)				
Single-Family, not attached				
Corner Lot	[6,000-7,000 sf]	[5,000-6,000 sf]	[5,000-6,000 sf]	
Not a Corner Lot	[5,000-6,000 sf]	[4,000-5,000 sf]	[4,000-5,000 sf]	
Single-Family, common-wall dwellings:				
Corner Lot	[4,000-5,000 sf]	[4,000-5,000 sf]	[4,000-5,000 sf]	
Not a Corner Lot	[4,000-5,000 sf]	[2,500-3,000 sf]	[2,500-3,000 sf]	
Single-Family, with accessory dwelling	[6,000-6,500 sf]	[5,000-6,000 sf]	[5,000-5,500 sf]	
Duplex	[6,000-9,000 sf]	[5,000-7,000 sf]	[5,000-6,000 sf]	
Multiple-Family or Cottage Cluster	[6,000-9,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	[6,000-9,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	[6,000-9,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	
Non-Residential Uses	[Same as single- family, not attached]	[Same as single- family, not attached]	[Same as single- family, not attached]	
[Increased Lot Size for Sloping Site (15% or greater)]	[1.5 times] minimum lot size]	[1.5 times] minimum lot size]	[1.5 times] minimum lot size]	
<p>User’s Guide: Minimum lot size should be based on a city’s planned residential densities, per the land use designations and housing needs in the comprehensive plan. An alternative to increasing lot size standards for sloping sites is to allow clustering of smaller lots in exchange for open space conservation on the most sensitive hillsides. See also, recommendations for “Lot Size Averaging” below.</p>				
<p>[*Lot size may be reduced in new subdivisions through Lot Size Averaging, per Section 4.3.050, or through approval of a Master Planned Development under Chapter 4.8, provided the density standards of this section are met.] Minimum lot sizes do not apply to open space tracts and similar properties where development is restricted.</p>				

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.D – Lot and Development Standards for Residential zones

(Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)

Standard	RL Zone	[RM / RH] Zone	RC Zone	[Reserve]
Minimum Lot Width				
Single-Family, Not Attached: Corner Lot Interior Lot	[50-60] ft [40-50] ft	[50-60] ft [40-50] ft	[50-60] ft [40-50] ft	
Single-Family, Attached or Common Wall: Corner Lot Interior Lot	[40-50] ft [40-50] ft	[40-50] ft [25-30] ft	[40-50] ft [25-30] ft	
Duplex Multiple-Family (3 or more dwelling units on a lot, where allowed)	[60-80] ft [80-100] ft	[60-80] ft [80-100] ft	[60-80] ft [80-100] ft	
Non-Residential Uses	[50-60] ft	[50-60] ft	[50-60] ft	
Minimum Lot Depth [Street frontage width may be less than minimum lot width where Flag Lots are allowed, per Chapter 4.3.050.]	[1.5 times min. width or 100 feet, whichever is less]	[1.5 times min. width or 100 feet, whichever is less]	[1.5 times min. width or 100 feet, whichever is less]	
Building or Structure Height. See also, Sections 2.2.040 Setback Yard Exceptions, [2.2.080 Building Height Transition], 3.3.020 Clear Vision, and 3.4.050 Fences and Walls.				
<u>Level Site (slope less than 15%),</u> maximum height	[28-30 ft]	[30-35 ft]	[30-35 ft]	
<u>Sloping Site (15% or greater),</u> maximum height	[level site +3-5 ft]	[level site +3-5 ft]	[level site +3-5 ft]	
<u>Building Height Transition Required</u> Abutting RL District (Sec 2.2.080)	No	Yes	Yes	

User’s Guide: The building height standards for sloping lots are intended to provide regulatory relief for daylight basements. Adjustment for a sloping site may not be necessary if the city measures building height from “grade plane,” as defined by International Building Code. Grade plane provides for height adjustment on sloping lots by using an average finished grade as the basis for measuring height.

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.D – Lot and Development Standards for Residential zones

(Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)

Standard	RL Zone	[RM / RH] Zone	RC Zone	[Reserve]
<p><u>Fences and Non-Building Walls</u> Max. Height. – Front Yard Max. Height. – Interior Side Max. Height – Rear Yard Max. Height – Street-Side; or Reverse Frontage Lot (rear)</p> <p>(See also, Section 3.4.040.)</p>	4 ft [6-7 ft] [6-7 ft] [4 ft, or 6 ft]; with [4-5 ft] landscape buffer	4 ft [6-7 ft] [6-7 ft] [4 ft, or 6 ft]; with [4-5 ft] landscape buffer	4 ft [6-7 ft] [6-7 ft] [4 ft, or 6 ft]; with [4-5 ft] landscape buffer	
<p>Lot Coverage <i>[(two options)]</i>:</p> <p>1) Maximum Lot Coverage (foundation plane area as % of site area)</p> <p>Single-Family, Not Attached Single-Family, Attached/Common Wall Duplex Multifamily or Cottage Cluster Mixed-Use/Live Work/Commercial Civic/Institutional/Open Space</p>	[40%] [60%] [60%] [60%] Not applicable [60%]	[50%] [70%] [60%] [60%] [70%] [60%]	[50%] [70%] [60%] [60%] [70%] [60%]	
<p><i>[(2) Coverage Bonus]</i></p> <p>This bonus is an incentive for low-impact development, to reduce impacts associated with surface water runoff.</p>	<p><i>[The Planning Official / Planning Commission, subject to review through a Type II / III procedure, may approve an increase to the lot coverage standards, above, pursuant to Section 2.2.070.]</i></p>			
<p>Minimum Landscape Area (% lot area), Landscape area may include plant areas and some non-plant areas as allowed under Section 3.4.030.</p>	[10%]	[10%]	[7-10%]	
<p>Minimum Setbacks (feet). See also, Sections 2.2.040 Setback Yard Exceptions, [2.2.080 Building Height Transition], 3.3.020 Clear Vision, and 3.4.050 Fences and Walls.</p>				
<p>Front and Street-Side Setback Yards</p> <p><u>Standard Setback</u> <u>Garage or Carport Opening</u> <u>Porch or Similar Open Structure</u> (e.g., balcony, portico, patio, wall) where structure is less than 50% enclosed</p> <p>Exception (0 ft for wheelchair ramp)</p>	15 ft 20 ft 10 ft	15 ft 20 ft 10 ft	15 ft 20 ft 10 ft	

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.D – Lot and Development Standards for Residential zones

(Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)

Standard	RL Zone	[RM / RH] Zone	RC Zone	[Reserve]
Interior Side Setback Yards				
<u>Structure >24' height (total of 2 interior sides, with no setback yard less than 3 ft)</u>	[10-15] ft	10 ft	10 ft	
<u>Structure 12'-24' height (total of 2 interior sides, with no setback yard less than 3 ft)</u>	10 ft	10 ft	10 ft	
<u>Structure <12' height (total of 2 interior sides, with no setback yard less than 3 ft)</u>	[6-10] ft	10 ft	10 ft	
<u>Garage or Carport Opening, except alley</u>	20 ft	20 ft	20 ft	
<i>Exceptions:</i>				
<u>Alley</u>	5 ft	5 ft	5 ft	
<u>Porch or Similar Open Structure</u> (e.g., balcony, wheelchair ramp, portico, patio, wall) where structure is less than 50% enclosed	5 ft	5 ft	5 ft	
<u>Common Walls or Zero Lot Line Developments</u>	0 ft one side; [5-10] ft other side	0 ft one side; [5-10] ft other side	0 ft one side; [5-10] ft other side	

Note: Always avoid utility easements when building near property lines.

User's Guide: The city may require fire suppression sprinkler systems for some structures where, due to the structure's height, sprinkler systems are necessary.

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.D – Lot and Development Standards for Residential zones

(Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)

Standard	RL Zone	[RM / RH] Zone	RC Zone	[Reserve]
<p>Rear Setback Yard</p> <p><u>Structure >24' height</u> <u>Structure 12'-24' height</u> <u>Structure <12' height</u></p> <p><i>Garage or Carport Opening, except alley</i></p> <p><i>Exceptions:</i> <u>Alley</u> <u>Porch or Similar Open Structure</u> (e.g., balcony, portico, patio wall) where structure is <50% enclosed</p> <p><u>Common Walls or Zero Lot Line</u></p>	<p>[10-15] ft 10 ft [5-10] ft</p> <p>20 ft</p> <p>5 ft 5 ft</p> <p>0 ft</p>	<p>10 ft 10 ft 10 ft</p> <p>20 ft</p> <p>5 ft 5 ft</p> <p>0 ft</p>	<p>10 ft 10 ft 10 ft</p> <p>20 ft</p> <p>5 ft 5 ft</p> <p>0 ft</p>	[Reserve]
<p>Build-To Line (feet): <u>Applies to New Buildings Only, except does not apply to detached single-family dwellings:</u></p> <p>1) At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except that where a greater setback is required for a Planned Street Improvement, the build-to line increases proportionately.</p> <p>2) The City may also approve exceptions to the build-to line through Site Design Review where pedestrian amenities are provided between a primary building entrance and the street right-of-way. (See also, Section 3.2.060 Civic Space and Pedestrian Amenities.)</p>	Not Applicable	[15-20 ft; may be increased when pedestrian amenities are provided between a primary building entrance and street]	[15-20 ft; may be increased when pedestrian amenities are provided between a primary building entrance and street]	—
<p>Special Setback for Planned Street Improvements: New structures or structure additions on lots abutting an existing public street that does not meet the minimum standards of Section 3.6.020 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way, plus the minimum required yard setback. Building permits shall not be issued for new structures or additions that do not meet this standard.</p>				

2.2 –Zoning District Regulations | Lot and Development Standards

E. Lot and Development Standards for Non-Residential Districts. The development standards in Table 2.2.040.E apply to all [new] development [as of (effective date)] in the City’s Non-Residential zones, as follows.

Table 2.2.040.E – Lot and Development Standards for Non-Residential zones (Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)				
Standard	[D / MS] Zone	GC and [LI / ME] Zones	GI Zone	PF and OS Zones
Minimum Lot Area* (square feet) *Development must conform to lot width, depth, yard setback, and coverage standards.	None	[None, or # acres, per Economic Opportunities Analysis]		None
Minimum Lot Width and Depth	None	[None, or # acres, per Economic Opportunities Analysis]		None
Building and Structure Height*				
<u>Standard (slope less than 15%), maximum height</u>	[35-60 ft]	[35-50 ft]	[35-50 ft]	[35-50 ft]
<u>[Sloping Site (15% or greater), maximum height]</u>	[standard +5 ft]	[standard +5 ft]	[standard +5 ft]	[standard +5 ft]
<u>[Height Bonus for Residential Use in Upper Building Story]</u>	[10-15 ft]	[10 ft in GC and ME / None]	None	None
<u>[Building Height Transition required adjacent to RL District, per Section 2.2.080.]</u>	[Yes/No]	[Yes/No]	[Yes/No]	[Yes/No]
<u>*[Height Increase The City may increase the standard height, above, for specific projects with approval of a Conditional Use Permit (CUP), per Chapter 4.4.]</u>	[Yes/No]	[Yes/No]	[Yes/No]	[Yes/No]

User’s Guide: The city may require fire suppression sprinkler systems for some structures where, due to the structure’s height, sprinkler systems are necessary.

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.E – Lot and Development Standards for Non-Residential zones

(Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)

Standard	[D / MS] Zone	GC and [LI / ME] Zones	GI Zone	PF and OS Zones
<p><u>Fences and Non-Building Walls</u> Maximum Height – Front Yard Maximum Height – Interior Side Maximum Height – Rear Yard Maximum Height – Street-Side or Reverse Frontage Lot (rear)</p> <p>(See also, Section 3.4.040.)</p>	<p>4 ft 6 ft 6 ft 4 ft, or 6 ft with 5 ft landscape buffer</p>	<p>4 ft, except City-required screens 6 ft, except City-required screens 6 ft, except City-required screens 4 ft, or [6 ft] with 5 ft landscape buffer</p>		
<p>Lot Coverage <i>[(two options)]</i>:</p> <p>I. Maximum Lot Coverage (foundation plane area as % of site area)</p>	90%	80%		
<p><i>[2. Coverage Bonus]</i></p>	<p><i>[The Planning Official / Planning Commission, subject to review through a Type II / III procedure, may approve an increase to the lot coverage standards, above, pursuant to Section 2.2.070.]</i></p>			
<p>Minimum Landscape Area (% site area), includes required parking lot landscaping and any required screening. This standard does not apply to individual, detached single-family dwellings. <i>[Landscape area may include street trees and civic space improvements in some zones, per Sections 3.2.050 and 3.4.030.]</i></p>	[5-10%]	[10-15%]	[5-10%]	

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.E – Lot and Development Standards for Non-Residential zones

(Except as provided by 2.2.040-2.2.080, or as modified under Chapter 4.5 Master Planned Developments and Chapter 4.7 Adjustments and Variances)

Standard	[C-D/M]	GC	[Reserve]
<p>Minimum Setback Yards (feet): (See also, Section 2.2.080, RL Height Step-Down.)</p> <p><u>Front, Street-Side, Interior Side, and Rear</u> property lines, except garage or carport, or as required by other code provisions</p> <p><u>Garage or Carport Entry</u>, setback from street</p> <p><u>Alley</u></p> <p><u>Adjacent to RL District</u></p>	<p>0 ft</p> <p>20 ft</p> <p>3 ft</p> <p>10 ft, and per Section 2.2.170</p>	<p>0 ft</p> <p>20 ft</p> <p>3 ft</p> <p>10 ft, and per Section 2.2.170</p>	<p>—</p> <p>—</p> <p>—</p> <p>—</p>
<p>Build-To Line (feet): <u>New Buildings Only:</u> At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a Planned Street Improvement, then the build-to line increases proportionately. The build-to line may also be increased through Site Design Review when pedestrian amenities are provided between a primary building entrance and the street right-of-way. (See also, Section 2.3.190.)</p>	<p><i>[0 ft; may be increased when pedestrian amenities are provided between a primary building entrance and street]</i></p>	<p><i>[60 ft; may be increased when a shopping street connects the primary building entrance(s) to the street, per Section 2.3.170]</i></p>	<p>—</p>
<p>Special Setback for Planned Street Improvements: New structures or structure additions on lots abutting an existing public street that does not meet the minimum standards of Section 3.6.020 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way, plus the minimum required yard setback. Building permits shall not be issued for new structures or additions that do not meet this standard.</p>			
<p><u>Note:</u> Always check for utility easements prior to construction.</p>			

2.2.050 Setback Yards Exceptions

User's Guide: The following supplements the dimensional standards in the above tables. The flag lot standards are optional because not all cities allow flag lots. Flag lots should be discouraged where local street connections are to be made. See also, Chapter 4.3 Land Divisions and Property Line Adjustments.

A. Encroachments

1. Except as otherwise restricted by applicable building codes, building elements such as eaves, chimneys, bay windows, overhangs, heating, cooling and ventilation systems, and similar incidental structures, may extend into the required setback yards by no more than [18-36] inches, provided that a setback of not less than 36 inches is maintained, all applicable building codes are met, and the clear vision standards in Section 3.3.030 are met.
2. Porches, decks, patios, and similar features not exceeding [30] inches in height may encroach into setbacks, provided a minimum setback of not less than 36 inches is maintained and all applicable building codes are met.
3. Fences may be placed within setback yards, subject to the standards of Section 2.2.040 and 3.4.040.

B. Reverse Frontage Lots

Buildings on reverse-frontage lots (through lots) are required to meet the build-to line standard on only one street. Reverse frontage lots are subject to the fence height and setback requirements of Section 2.2.040 and the design standards (e.g., materials and landscape buffer requirements) of Section 3.4.040.

[C. Flag Lots

The (City decision-making body) shall designate the front yard of a flag lot to ensure compatibility with adjacent land uses, based on existing development patterns and location of adjacent driveways, utilities, and natural features, as either:

1. *front yard parallel to the street providing automobile access; or*
2. *front yard parallel to the flagpole from which driveway access is received.*

The City shall review proposals for flag lots pursuant to the standards in Section 4.3.050 and may impose reasonable conditions to ensure development is compatible with adjacent uses.]

2.2 –Zoning District Regulations | Lot Coverage

2.2.060 Residential Density Standards

To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the Comprehensive Plan, all new *[developments / subdivisions]* in the Residential Districts shall conform to the minimum and maximum densities prescribed in Table 2.2.040, except as provided below in subsections 1-3:

User’s Guide: The following section is used in conjunction with Table 2.2.040. Your city should include minimum and maximum density standards in the table based on your comprehensive plan. Minimum density standards should apply to RM zones, at a minimum, and preferably in all residential and residential-commercial zones. Each city will need to determine how it calculates density. The following example is based on “gross density.”

If the gross (total) site area is five acres, and the minimum allowable density is six dwelling units per acre, then the maximum is 30 units. The equivalent average lot size for single-family dwellings is determined by subtracting street right-of-way, water quality facilities and other non-buildable areas from the five-acre site, then dividing the remaining (net) area by the number of units. Assuming 25 percent of the total site area for streets, open space, and other non-buildable areas, “average lot size” is calculated as follows: $(217,800 \text{ square feet} \times 0.75) / 30 \text{ units} = 5,445 \text{ square feet}$. If the minimum density were four dwelling units per acre, the same five-acre site would yield a minimum of 20 units with an average lot size of 8,168 square feet.

This is only an example. The minimum density standard also applies to attached housing, including multiple family developments. Actual lot sizes will vary based on the proposed building type and the lot area standards in Section 2.2.030. The number of planned dwellings also varies depending on whether the comprehensive plan is based on net or gross density. Where a plan specifies four units per gross acre, the equivalent net density might be greater than five units per net acre.

- A.** Residential care homes and facilities, senior housing, including assisted living, accessory dwellings, and subdivisions where the average slope exceeds *[15 percent]* are exempt from the minimum density standard.
- B.** The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex lots used to comply with the density standard shall be so designated on the final subdivision plat.
- C.** Partitions and construction of single-family homes on lots exceeding *[20,000-40,000 square feet]* shall be located and constructed so that future division of such lots can occur and planned public facilities can be extended based on the minimum lot size and other applicable City standards.
- D.** Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density standard.
- [E.** *Areas reserved for flag lot access (flag poles) [are / are not] counted for the purpose of calculating density.]*

2.2 –Zoning District Regulations | Residential Density Standards

2.2.070 Lot Coverage

User's Guide: The following supplements the lot coverage standards in Table 2.2.040. Subsection B is necessary if your city allows the lot coverage bonus in Table 2.2.040.

A. Lot Coverage Calculation. The maximum allowable lot coverage, as provided in Table 2.2.040.D, is calculated as the percentage of a lot or parcel covered by buildings and structures (as defined by the foundation plan area) at 36 inches or greater above the finished grade. It does *not* include paved surface-level developments such as driveways, parking pads, and patios that do not meet the minimum elevation of 36 inches above grade.

[B. Lot Coverage Bonus. *The Planning Official / Planning Commission, subject to review through a Type II / III procedure, may approve increases to the lot coverage standards in Table 2.2.040.D, as follows:*

1. *Lot coverage may increase by up to one-half square foot for every one square foot of proposed automobile parking area to be contained in a parking structure, either above or below leasable ground floor space (e.g., residential, commercial, or civic use), not to exceed a 20 percent increase in allowable coverage.*
2. *Lot coverage may increase by up to one-half a square foot for every one square foot of proposed parking area paving that uses a City-approved porous or permeable paving material (i.e., allowing stormwater infiltration).*
3. *Lot coverage may increase by up to one-half a square foot for every one square foot of City-approved water quality treatment area (e.g., vegetative swale or bio-filtration) to be provided on the subject site.*
4. *In approving increases in lot coverage under subsections 1-3 of this section, the City may require additional landscape buffering or screening, above that which is required by other provisions of this code, and may impose reasonable conditions of approval to ensure the ongoing maintenance of parking areas and surface water management facilities.*
5. *Notwithstanding the lot coverage increases authorized by this section, all other development standards of this chapter, and other applicable provisions of this Code, must be met.]*

2.2 –Zoning District Regulations | Lot Coverage

2.2.080 Height Measurement, Exceptions, and Transition

User's Guide: The following supplements the building height standards in Table 2.2.040.

- A. Building Height Measurement.** Building height is measured pursuant to the building code.
- B. Exception from Maximum Building Height Standards.** *[Except as required pursuant to FAA regulations,] [C/c]himneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.*
- [C. Building Height Transition.** *To provide for compatible scale and height relationships between new multi-story buildings and existing single-story dwellings [in the RL district], new buildings and vertical additions to existing buildings shall maintain a building height transition to adjacent single-story building(s), as follows:*
1. *This standard applies to new and vertically expanded buildings and structures (in any zone) within [20-40] feet (as measured horizontally) of an existing single-story building with a height of [20] feet or less [in the RL zone]; and*
 2. *The building height transition standard is met where the new or vertically expanded building or structure meets the following criteria:*
 - a. *The existing single-story dwelling is located within [20-40] feet of, and on the same side of the street as, the proposed structure.*
 - b. *The height of the proposed structure is not more than [120] percent of the height of the subject single-story dwelling.*
 - c. *Where the proposed structure is to be located between two existing single-story dwellings, the height of the proposed structure shall not exceed [120] percent of the average maximum height of both adjacent dwellings. For example, where the two adjacent dwellings have an average maximum height of 24 feet, the new or vertically expanded structure shall not exceed 28.8 feet in height.]*
2. **Exception:** *The building height transition standard does not apply when the approval body finds that the subject single-story buildings located within [20-40] of the subject site are redevelopable. “Redevelopable,” for the purposes of this section, means a lot either has an assessed market value that exceeds the assessed market value of all improvements on the lot, based on the most recent data from the [name] County Assessor’s Office; or the front yard of the subject lot is large enough that it could be subdivided based on the minimum lot size standards of the applicable zone.]*
- [D. Fence Height Increase.** *Where Table 2.2.040 provides for a height increase, the proposal shall be subject to City review and approval pursuant to Chapter 4.4.*

Chapter 2.3 – Special Use Standards

User’s Guide: The following provisions correspond to the special uses identified in Chapter 2.2, as noted in Table 2.2.030.

Sections:

- 2.3.010 Purpose
- 2.3.020 Applicability
- 2.3.030 Review Process
- 2.3.040 Artisanal and Light Manufacture Uses
- 2.3.050 Drive-Through Service
- 2.3.060 Duplex Dwellings
- 2.3.070 Townhomes, Attached Single-Family Dwellings
- 2.3.080 Multifamily Development
- 2.3.090 Dwellings in Commercial *[and Mixed Employment]* Zones
- 2.3.100 Family Daycare
- 2.3.110 Residential Care Homes and Residential Care Facilities
- 2.3.120 Home Occupations
- 2.3.130 Manufactured Homes
- 2.3.140 Mobile Home and Manufactured Home Parks
- 2.3.150 Mobile Homes and Recreational Vehicles Used as Dwellings
- 2.3.160 Temporary Uses
- [2.3.170 Accessory Dwellings]*
- [2.3.180 Bed and Breakfast Inn]*
- [2.3.190 Cottage Housing Cluster]*
- [2.3.200 Micro-Generation Facilities]*
- [2.3.210 Parks and Open Spaces]*
- [2.3.220 Vacation Rental Dwelling]*
- [2.3.230 Wireless Communication Facilities]*

2.3.010 Purpose

Special uses included in Chapter 2.3 are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zoning district.

2.3.020 Applicability

All uses designated as Special (“S”) Uses in Table 2.2.020, and uses the City determines to be similar to such uses, are subject to the standards of Chapter 2.3. The standards of this chapter supplement the other requirements of this Code. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

2.3 –Special Use Standards | Artisanal and Light Manufacture Uses; Drive-Through Services

2.3.030 Review Process

The City uses the procedures for Site Design Review, under Chapter 4.2, in reviewing proposed uses for compliance with the requirements of Chapter 2.3.

2.3.040 Artisanal and Light Manufacture Uses

User's Guide: The following provisions are intended to encourage mixed-use employment, where light manufacturing and retail uses can be located on the same property.

- A. Purpose.** The following provisions are intended to encourage mixed-use development, including cottage industries and business incubators, by integrating small-scale manufacturing with commercial uses. For the purposes of this section, artisanal uses are those that blend manufacturing and retail uses such as brewpubs, winery tasting rooms, artist studios, cabinet makers, and similar uses, on the same site.
- B. Applicability.** The following standards apply where manufacturing uses are allowed in commercial zones and where retail uses are allowed in industrial zones. The standards are applied through Site Design Review or Conditional Use Permit review, as applicable.
- C. Standards.**
1. Where a manufacturing use is allowed in a commercial zone, it shall be permitted only in conjunction with a primary commercial use *[and shall not exceed the floor area of the primary commercial use]*.
 2. Where a manufacturing use is allowed in a commercial zone, it shall be wholly enclosed in a building*[, unless unenclosed operations are authorized by a Conditional Use Permit]*.
 3. Where a manufacturing use is allowed in a commercial zone and the subject site is located within *[100 feet]* of a residential zone, the City may limit the hours of operation of the commercial or industrial uses to between *[7:00 a.m. and 9:00 p.m.]* where it has identified concerns about noise, parking, or other impacts related to the use.
 4. Where a commercial use is allowed in an industrial zone, it shall be permitted only in conjunction with the primary industrial use and shall not exceed the floor area of the primary industrial use.

2.3.050 Drive-Through Service

Drive-through service uses shall comply with the design standards of Section 3.2.060.

2.3.060 Duplex Dwellings

User’s Guide: Most small cities allow both single-family and duplex dwellings in low-density (single-family) zones, though duplex design can be concern when new duplexes are constructed next to single-family homes in established neighborhoods. This section responds to those concerns by providing clear and objective standards for duplexes.

- A. Purpose.** The following provisions are intended to promote compatibility between duplex dwellings and single-family dwellings in the RL zone.
- B. Applicability.** The following standards apply where a duplex is proposed adjacent to a single-family dwelling where the duplex lot and single-family lot share a common property line. The standards are applied through a Type I *[Zoning Checklist]* review procedure, prior to submittal of building plans to the Building Official.
- C. Standards.** Where a duplex is proposed on an interior (non-corner) lot sharing a property boundary with a single-family dwelling lot, the duplex shall meet all of the following standards:
1. The duplex shall not exceed the height of the subject single-family dwelling by more than *[20 percent]* for that portion of the duplex placed within 20 feet of the single-family dwelling.
 2. The duplex, if located on a corner lot and containing two garages, shall have each garage entrance orient to a different street or alley.
 3. The duplex shall have no blank wall oriented to a street. This standard is met if any elevation facing a street is composed of not less than *[30 percent]* windows and door surface area.
 4. The roof form on the duplex (e.g., gable, flat, or hipped) shall be similar to the roof form of adjacent single-family dwellings on the same block face.
- [5. The duplex shall meet the height transition requirements of Section 2.2.080.C, as applicable.]*

2.3 –Special Use Standards | Townhomes, Attached Single-Family Dwellings

2.3.070 Townhomes, Attached Single-Family Dwellings

User's Guide: This section is intended to promote a compatible building scale while minimizing the impact of townhome garages along street fronts. For example, some communities allow attached single-family housing (e.g., townhomes) in low-density zones but limit the number of consecutive townhomes or the overall length of townhome buildings.

- A. Purpose.** The following provisions are intended to promote a compatible building scale where attached single-family dwellings are proposed, while minimizing the impact of garages along street fronts and creating a streetscape that is conducive to walking.
- B. Applicability.** The following standards apply to new attached single-family dwellings. The standards are applied through *[Site Design Review, pursuant to Section 4.2, / Zoning Checklist review, pursuant to Section 4.1.020,]* prior to issuance of building permits.
- C. Standards.** Where attached single-family dwellings are proposed, the structure(s) shall meet all of the following standards:
1. Each building shall contain not more than *[four - six]* consecutively attached dwelling units and not exceed an overall length or width of *[100-120]* feet.
 2. The primary entrance of each dwelling unit shall orient to a street or an interior courtyard that is not less than *[24]* feet in width.
 3. Where the subject site is served by an existing or planned alley, vehicle access shall be from the alley and all garage entrances shall orient to the alley.
 4. The development standards Chapter 2.2 and the building and site design standards of Article 3 shall be met.

[5. The building shall meet the height transition requirements of Section 2.2.080.C, as applicable.]

2.3.080 Multifamily Development

User's Guide: The following provides clear and objective standards for multifamily housing, per state law. Local governments may apply discretionary standards or guidelines to what is defined as “needed housing” under ORS 197.303 only where their code also offers a clear and objective decision making option pursuant to ORS 197.307.

A. Purpose. The following standards are intended to ensure that multifamily developments are planned with adequate open space and are designed to prevent conflicts between residential uses, on-site recreation, and vehicle circulation and parking areas. The standards supplement the design standards of Article 3.

B. Applicability. This applies to new multifamily developments.

C. Standards.

- 1. Common Open Space and Landscaping.** A minimum of [15-20] percent of the site area in the R districts and [10] percent of the site area in the CR district shall be designated and permanently reserved as common area or open space, in accordance with all of the following criteria:
 - a. “Site area” for the purposes of this section is defined as the subject lot or lots after subtracting any required dedication of street right-of-way.
 - b. The common area or open space shall contain one or more of the following: outdoor recreation area, tree grove (e.g., existing mature trees), turf play fields or playgrounds, sports courts, swim pool, walking fitness course, natural area with picnic benches, or similar open space amenities as appropriate for the intended residents.
 - c. In order to be counted as eligible toward the minimum open space area, such areas shall have dimensions of not less than 20 feet.
 - d. Open space and common areas not otherwise developed with recreational facilities shall be landscaped; alternatively, the [City decision-making body] may approve a tree preservation plan (retain mature tree groves) in lieu of landscaping.
- 2. Private Open Space.** Private open space areas shall be required for dwelling units based on the following criteria:
 - a. A minimum of [40] percent of all ground-floor dwelling units shall have front or rear patios or decks containing at least [48] square feet of usable area. Ground floor housing means the housing unit entrance (front or rear) is within five feet of the finished ground elevation (i.e., after grading and landscaping).
 - b. A minimum of [40] percent of all upper-floor housing units shall have balconies or porches containing at least [48] square feet of usable area. Upper-floor housing means housing units that are more than five feet above the finished grade.
- 3. Access, Circulation, Landscaping, Parking, Public Facilities.** The standards of Chapters 3.2 through 3.6 shall be met.
- 4. Trash Storage.** Trash receptacles, recycling, and storage facilities shall be oriented away from building

2.3 –Special Use Standards | Dwellings in Commercial [*and Mixed Employment*] Zones

entrances, setback at least 10 feet from any public right-of-way and adjacent residences, and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles must be accessible to trash pick-up trucks.

2.3.090 Dwellings in Commercial [*and Mixed Employment*] Zones

User’s Guide: This section provides standards for residential uses in commercial zones and addresses the need in some communities to grandfather single-family uses that would otherwise be non-conforming. An alternative to this approach, for example in an area with a large concentration of historic homes, is to establish a residential overlay zone allowing single-family dwellings in a defined area or sub-district of the downtown. The optional language under C, below, provides flexibility for allowing ground floor residential uses that do not front Main Street (or other defined street frontages), reserving storefronts on Main Street for commercial uses.

A. Purpose. This section provides standards for residential uses in the [*D / MS / ME*] zones[*s*].

B. Applicability. This section applies to dwellings in the [*D / MS / ME*] zone[*s*].

C. Standards. Residential uses in the [*D / MS / ME*] zone[*s*] shall conform to all of the following standards:

1. New residential uses shall not be located in a ground building floor space [*fronting (list “main” commercial streets)*].
2. New residential uses [*fronting (list “main” commercial streets)*] shall be permitted only above or below a ground floor space containing a permitted non-residential use.

[3. *Single-family dwellings lawfully existing as of [effective date] may continue as permitted uses; and in the event of involuntary damage or destruction due to fire or other event beyond the owner’s control, such single-family use may be rebuilt and reestablished pursuant to Section 2.2.030 and applicable building codes.*]

2.3 – Special Use Standards | Family Daycare; Residential Care

2.3.100 Family Daycare

Family daycare uses are limited to on-site care for not more than 16 children, and shall conform to the state licensing requirements and standards under ORS 657A.250 and ORS 657A.440(4). *[Family daycare uses must also have a current City of (name) business license.]*

2.3.110 Residential Care Homes and Residential Care Facilities

User's Guide: The following provisions are intended to implement state and federal laws pertaining to residential care uses, Pursuant to ORS 197.660 to 197.670, and the requirements of the federal Fair Housing Amendments Act (FHAA) of 1988 (42 U.S.C. § 3615).

In ORS 197.663, the Oregon Legislature declared that:

1. Persons with disabilities are entitled to live within communities and should not be excluded because their disability requires them to live in groups;
2. There is a growing need for residential homes and residential facilities to provide quality care and to prevent inappropriate placement of disabled and elderly persons in state institutions and nursing homes; and
3. It is often difficult to site and establish residential homes and residential facilities in communities.

State law allows “residential homes” and “residential facilities” to be placed in any zone that allows a single-family dwelling or multifamily dwelling, respectively. See ORS 197.665-197.667. Cities and counties cannot prohibit a residential home or residential facility to be sited in a zone that state law allows; and must amend their zoning ordinances to be consistent, if not already consistent, with these provisions. See ORS 197.670.

Residential Care Homes and Residential Care Facilities, where allowed, shall conform to all of the following standards and procedures. Residential Care Facilities are not the same as Acute Care Facilities, which are classified as Community Service uses, and they are not the same as Senior Housing Facilities that provide limited or no medical care, which are classified as Multifamily Housing.

- A. Licensing and State Requirements.** Residential Care Homes and Residential Care Facilities shall be licensed by the State of Oregon and comply with state requirements, pursuant to ORS 197.660 through 197.670.
- B. Residential Care Homes.** Residential Care Homes may provide residential care alone, or in conjunction with treatment or training, for five or fewer individuals who need not be related. Staff required to meet state licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to single-family dwellings also apply to Residential Care Homes, except where state law supersedes City standards.
- C. Residential Care Facilities.** Residential Care Facilities may provide residential care alone, or in conjunction with treatment or training, for between 6 and 15 individuals who need not be related. Staff required to meet state licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to multiple

2.3 – Special Use Standards | Residential Care Homes and Residential Care Facilities

family dwellings also apply to Residential Care Homes, except where state law supersedes City standards.

- D. Access.** The access and circulation standards of Chapter 3.3 shall be met.
- E. Parking.** The parking standards of Chapter 3.5 shall be met.
- F. Landscaping.** Residential Care Facilities are required to comply with the landscaping and screening standards of Chapter 3.4. The City may require the installation of a landscape hedge or fence on the property line separating a Residential Care Facility from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses. The landscaping standards do not apply to building permits for individual Residential Care Homes.
- G. Building Design Standards.** Residential Care Facilities are required to comply with the building orientation and design standards for multifamily housing, pursuant to Chapter 3.1; except where a state requirement conflicts with a City standard, the state requirement, not the City standard, shall apply. The building design standards do not apply to Residential Care Homes.
- H. Review Procedure.** Residential Care Homes are subject to review and approval through a Type I [*Zoning Checklist*] review procedure under Section 4.1.020 prior to issuance of building permits. Residential Care Facilities are subject to a Type III (public hearing) review and approval under Section 4.1.040.

2.3.120 Home Occupations

User's Guide: The model code has been updated and simplified to provide one set of Home Occupation standards. Home businesses that meet standards do not require land use approval. This approach relies on self-enforcement. Cities might allow home occupation uses that exceed the following standards, subject to approval of a conditional use permit.

- A. Purpose.** The purpose of this section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture are appropriate in scale and impact to be operated within a residence.
- B. Applicability.** This section applies to Home Occupation uses in Residential zones. A home-based business in a commercial or residential-commercial zone is considered a commercial use and is not subject to the standards of this section.
- C. Home Occupation in Residential Zones.** Home Occupations of less than [500-1000] square feet of lot area are permitted, provided the owner completes a [*Home Occupation Registration Form / Zoning Checklist*] [*and obtains a City of (name) Business License*]. Home Occupations greater than [500-1000] square feet of lot area are allowed, subject to approval of a Conditional Use Permit. For the purpose of this section, “lot area” includes building floor area, areas within accessory structures, and all other portions of a lot.
- D. Home Occupation Standards.** Home Occupations shall conform to all of the standards below, except the City may approve adjustments to the standards through the Conditional Use Permit approval, provided all uses and structures on the subject property conform to applicable City regulations, including, but not limited to, building codes and nuisance regulations.
- I. Appearance of Residence.**
- a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
 - b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
 - c. The home occupation shall not violate any conditions of development approval (i.e., prior land use development permit or approval).
 - d. No products or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.
- 2. Storage.**
- a. Outside storage visible from the public right-of-way or adjacent properties that exceeds what is customary for a single-family residence in the vicinity is prohibited.

2.3 – Special Use Standards | Home Occupations

- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable material) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be enclosed in a structure or otherwise screened from view from adjacent properties and public right-of-way.

3. Employees.

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be not more than *[one - three]* employee[s] at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the legal lot on which the home occupation is conducted.
- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work, pick up, or deliver at the home occupation site.
- c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.

4. Advertising and Signs.

Signs shall not exceed a total of four square feet of surface area on each side of one or two faces. *[See also Municipal Code Section __ Signs.]*

5. Vehicles, Parking, and Traffic.

- a. Not more than *[one / two]* commercially licensed vehicle[s] associated with the home occupation *[is/are]* allowed at the home occupation site in the same 24-hour period. Vehicles shall be of a size that would not overhang into the public right-of-way when parked.
- b. There shall be no commercial vehicle deliveries between *[9:00 p.m. to 7:00 a.m.]*

6. Business Hours.

There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation only from *[7:00 a.m. to 9:00 p.m.]*, *[Monday through Friday]*.

7. Prohibited Home Occupation Uses.

- a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state, or federal standards, or that can be detected beyond the property line, is prohibited.
- b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a

2.3 – Special Use Standards | Home Occupations

temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by the home business is allowed.

- c. The following uses, and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke, or vibration, are prohibited:
 - (1) Ambulance service
 - (2) Animal hospital, veterinary services, kennels, or animal boarding
 - (3) Auto and other vehicle repair, including auto painting
 - (4) Repair, reconditioning, or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on-site

- 8. Enforcement.** With cause, the City's *[designated Code Enforcement Officer / other law enforcement official]* may visit a home occupation site to inspect the site and enforce the provisions of this Code.

2.3 – Special Use Standards | Manufactured Home on a Single-Family Lot

2.3.130 Manufactured Home on a Single-Family Lot

User's Guide: The following provisions have been updated to implement state law related to manufactured homes, recreational vehicles used as dwellings, and FEMA regulations related to manufactured homes in floodplains. Oregon Revised Statutes require that local regulations permit manufactured dwellings in zones where single-family dwellings are permitted, and limit placement standards for manufactured homes to those contained in ORS 197.307(8), the intent of which is to apply standards similar to those that are customary for stick-built, single-family dwellings.

Manufactured homes are permitted on individual lots, subject to all of the following design standards. Manufactured dwellings relocated into the City of [name] shall conform to City standards. The following standards do not apply to dwellings lawfully established and existing within the City prior to [effective date of Code]. See also, Sections 2.3.130 [and 2.3.140, respectively,] regarding Mobile Home and Manufactured Home Parks[, and Mobile Homes and Recreational Vehicles Used as Dwellings].

- A. Floor Plan.** The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet.
- B. Roof.** The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees).
- C. Residential Building Materials.** The manufactured home shall have exterior siding and roofing which in color, material, and appearance are similar to the exterior siding and roof material used on nearby residences; horizontal wood or horizontal wood-appearance siding and composite roofing is also permitted.
- D. Garages and Carports.** If the manufactured home has a garage or carport, the garage or carport shall be constructed of materials like those used on the home.
- E. Thermal Envelope.** The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the state Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards, or an equivalent standard, is deemed to satisfy the exterior thermal envelope certification requirement.
- F. Placement.** The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home.
- G. Floodplain.** Manufactured homes shall comply with [Chapter 2.____ Flood Hazard Overlay] and the following standards.
 - 1. The stand shall be a minimum of 12 inches above Base Flood Elevation (BFE) unless the foundation wall is opened on one side or end so that floodwater cannot be trapped. [Manufactured Dwelling Specialty Code, 4-3.1(5)]

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2. The bottom of the longitudinal chassis frame beam in A zones, and the bottom of the lowest horizontal structural member supporting the dwelling in V zones shall be a minimum of 12 inches above BFE. *[See definition of Lowest Floor in Manufactured Dwelling Specialty Code.]*
3. The manufactured dwelling shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for anchoring techniques). *[44 Code of Federal Regulations 60.3(c)(6)]*
4. Electrical crossover connections shall be a minimum of 12 inches above BFE. *[Manufactured Dwelling Specialty Code 6-4.2(1)]*

H. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted with concrete, horizontal wood or vinyl siding, or other materials, pursuant to applicable building codes.

I. Prohibited. The manufactured home shall not be located in a designated historic district, except where the historic district regulations specifically provide for manufactured homes.

2.3 – Special Use Standards | Mobile Home and Manufactured Dwelling Parks

2.3.140 Mobile Home and Manufactured Dwelling Parks

User's Guide: The following implements ORS 197.314 Required siting of manufactured homes, including the optional design standards for homes in manufactured home parks that are smaller than three acres.

Mobile home and manufactured dwelling parks (not including recreational vehicles) are permitted on parcels of one acre or larger, subject to compliance with subsections A-[C/D], below:

- A. Permitted Uses.** Single-family residences, manufactured home park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance).
- B. Development Standards.** Development of manufactured and mobile home parks, including placement of manufactured and mobile homes with a park, shall comply with applicable building codes and state requirements for Mobile Home and Manufactured Dwelling Parks in ORS 446.
- C. Perimeter Landscaping.** When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a landscape buffer of 5 to 10 feet in width between the right-of-way and a manufactured home park for the privacy and security of park residents or for privacy of adjacent residences.
- D. Manufactured Dwelling Design In Small Developments.** In manufactured dwelling parks that are smaller than three acres, manufactured homes shall meet both of the following standards:
 - 1. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees).
 - 2. The manufactured home shall have exterior siding and roofing which in color, material, and appearance are similar to the exterior siding and roof material used on nearby residences; horizontal wood or horizontal wood-appearance siding and composite roofing is also permitted.
- [E. Floodplain.** *Compliance with the City of [name] Floodplain Overlay is required.*]

[2.3.150 **Mobile Homes and Recreational Vehicles Used as Dwellings**]

User's Guide: The following is a placeholder for jurisdictions that have mobile homes pre-dating current HUD standards. It is also intended to clarify where residential use of recreational vehicles is grandfathered.

2.3.160 **Temporary Uses**

User's Guide: It is recommended that cities define temporary uses and regulate them appropriately. For example, one mobile food cart placed temporarily (e.g., summer months) on private property may not have much of an impact on public services or parking. However, an entire “food court” (i.e., with multiple carts) that lasts the whole year through should be subject to public improvement standards, just like any other development.

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, seasonal sales such as Christmas tree sales and vegetable stands, and similar uses. This Code contains permit procedures for three types of temporary uses, Seasonal and Special Events, Temporary Sales Offices and Model Homes, and Temporary Buildings, Trailers, Kiosks, and Other Structures, as follows:

- A. Seasonal and Special Events.** Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny a temporary use application for a Seasonal or Special Event, based on the following criteria:
1. The use is permitted in the underlying zone, and does not violate any conditions of approval for the property (e.g., prior development permit approval).
 2. The use occurs only once in a calendar year and for not longer than [30-60] consecutive days.
 3. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval).
 4. The applicant, if different than the property owner, has proof of the owner's permission to place the use on the property.
 5. Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site, pursuant to Chapter 3.3 Access and Circulation.
 6. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.4 Landscaping, Fences and Walls.
 7. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to the Chapter 3.5 Parking and Loading.
 8. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.6 Public

2.3 – Special Use Standards | Temporary Uses

Facilities.

9. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.
10. The use is adequately served by sewer or septic system and water, as applicable.
11. The applicant shall be responsible for maintaining all required licenses and permits.

B. Temporary Sales Office or Model Home. Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny a temporary use application for a Temporary Sales Office or Model Home, based on the following criteria:

- 1. Temporary sales office.** The use of any real property within the City as a temporary sales office, office for the purpose of facilitating the sale of real property, shall meet all of the following criteria:
 - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold.
 - b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.
 - c. Public health, safety, and welfare shall be protected through conditions imposed by the City, regarding temporary utility connections.
- 2. Model house.** The use of any real property within the City for a model home, including a model home in any subdivision or on any tract of land within the City, shall meet all of the following criteria:
 - a. Where the model house is located in a Residential zone, it shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated.
 - b. A model house located in a Residential zone shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements.
 - c. A model house located in a non-Residential zone, as with a manufactured home sales display lot, shall be removed when the use of the subject site for home sales ends.

C. Temporary Buildings, Trailers, Kiosks, and Other Structures. Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny an application for a placement and use of a temporary building, trailer, kiosk, or other structure, based on following criteria:

- I. The use is permitted in the underlying zone and does not violate any conditions of approval for the property (e.g., prior development permit approval).

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2. The applicant, if different than the property owner, has proof of the owner's permission to place the use on the property.
3. The lot development standards of Section 2.2.040 are met.
4. Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site, pursuant to Chapter 3.3 Access and Circulation.
5. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.4 Landscaping, Fences and Walls.
6. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to the Chapter 3.5 Parking and Loading.
7. The temporary use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.6 Public Facilities.
8. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.
9. The use is adequately served by sewer or septic system and water, as applicable.
10. The structure complies with applicable building codes.
11. Except where specifically authorized by the [*City decision-making body*], the length of time that the temporary structure may remain on a site shall not exceed [#] consecutive months or a total of [#] months in any one calendar year.
12. The applicant has obtained and will maintain all required licenses and permits.
13. Public health, safety, and welfare are protected through the installation of a water meter, if necessary, and other improvements, pursuant to Chapter 3.6 Public Facilities, as necessary.

2.3 – Special Use Standards | [Accessory Dwellings]

[2.3.170 Accessory Dwellings]

User's Guide: Accessory dwellings are not included in the state definition of needed housing, but they are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. Accessory dwelling regulations can be difficult to enforce, particularly where local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should also be considered. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

[Accessory dwellings, where allowed, are subject to review and approval through a Type II procedure, pursuant to Section 4.1.030, and shall conform to all of the following standards:

- A. One Unit.** *A maximum of one Accessory Dwelling unit is allowed per legal lot.*
- B. Floor Area.** *An Accessory Dwelling unit shall not exceed [600-800] square feet of floor area, or [40] percent of the primary dwelling unit's floor area, whichever is smaller. The unit may be a detached cottage, a unit attached to a dwelling, or in a portion of an existing dwelling. [The floor area of any garage associated with the primary dwelling is not included in the calculation of maximum floor area.]*
- C. Lot Size.** *The minimum lot size for a lot with an Accessory Dwelling is [6,000] square feet.*
- D. Building Design.** *The Accessory Dwelling shall be constructed of materials that are the same or similar to the materials used on the primary dwelling. The Accessory Dwelling shall comply with applicable Oregon Structural Specialty Code requirements.*
- E. Building Height.** *The height of an accessory dwelling shall not exceed the height of the primary dwelling.*
- F. Parking.** *A minimum of [two] off-street parking spaces are required, total, for a site containing an Accessory Dwelling unit.*
- G. Screening and Buffering.** *The City may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 3.4.]*

[2.3.180 Bed and Breakfast Inns]

User's Guide: Bed and breakfast inns are popular in many communities where historic single-family homes, or homes near attractive downtown areas, make for successful inns. Allowing bed and breakfast uses can help preserve a community's historic landmarks by providing a secondary income stream to the homeowners. Concerns about neighborhood compatibility, parking, and other factors should be considered when drafting codes for bed and breakfast inns. The following standards should be tailored to fit the needs of your community.

[Bed and Breakfast Inns, where allowed, are subject to review and approval through a Type II procedure, pursuant to Section 4.1.030, and shall conform to all of the following standards:

- A. Accessory Use.** The use must be accessory to a permitted residential use.
- B. Maximum Size.** A maximum of [six] bedrooms for guests, and a maximum of [12] guests are permitted per night.
- C. Length of Stay.** The maximum length of stay is [28] days per guest; any stay longer is classified as a hotel or commercial lodging use.
- D. Employees.** The inn shall have not more than [two] non-resident employees on-site at any one time. There is no limit on residential employees.
- E. Food Service.** Food service shall be provided only to overnight guests of the business, except where a restaurant use is also an allowed use (as in the CR zone).
- F. Signs.** Signs shall not exceed a total of four square feet of surface area on each side of one or two faces. See also, sign regulations in Municipal Code.
- G. Screening and Buffering.** The City may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 3.4.]

2.3 – Special Use Standards | [Other Misc. Special Uses]

[2.3.190 Cottage Housing]

User’s Guide: Cottage housing offers an alternative housing choice that is responsive to changing household demographics, lifestyles, and housing needs. Although average household size is still decreasing, single-family housing remains a preferred housing type in most Oregon communities.

Cottage housing developments or “cottage clusters” consist of small houses, each usually with less than 1,000 square feet of floor area, oriented around a common open space area and with shared parking. Some developments might have other common amenities, such as a recreation area, laundry facility, common building, etc.

Depending on the development, cottages might be owned fee simple (each on its own lot) or they part of a condominium plat where the land is owned in common but the buildings are individually owned. Typically the open space and parking areas are owned and maintained in common.

In this way, cottage developments can offer elements of affordable single-family housing without the feeling of living in an apartment. Cottage housing is not included in the state definition of needed housing, but it is an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing.

Metro (www.oregonmetro.gov) has developed its “Regional Model for Cottage Housing Standards,” which provides a good starting point for cities large and small. Local housing providers should also be consulted when drafting standards for accessory dwellings.

[2.3.200 Micro-Generation Facilities]

User’s Guide: Micro-generation refers to power generation by individual households or businesses for use on the premises. It may include solar, wind, hydro, geothermal, biomass, and other sources. Because the field is evolving rapidly, the model code does not provide standards. Cities should review their existing land use codes and identify any conflicts with micro-generation, such as building height and setback standards for accessory structures, lot coverage limitations, and others, and consider whether code changes are warranted. For example, Oregon House Bill 3516 (2011) requires that cities allow rooftop solar equipment. Cities may also want to refer to the US Green Building Council and Natural Step Network for additional information and sample rating systems and ordinances.

[2.3.210 Parks and Open Spaces]

User’s Guide: This section is a placeholder for cities that want to adopt special use standards as an alternative to requiring a conditional use permit for certain types of park facilities.

[2.3.220 *Vacation Rental Dwelling*]

User’s Guide: Many of Oregon’s small cities are attractive to retirees and second homeowners. As a result, much of the housing stock in those communities is actually a hybrid form of housing and commercial lodging. Land use concerns often arise around vacation rental dwellings (VRDs), including the number of occupants in a rental, the duration of each stay, parking, noise, trash storage, and landscaping and property maintenance, among others. This section is reserved for vacation rental dwelling standards, which should be tailored to meet the needs of each community. For an example of a local VRD code, cities might want to refer to Lincoln City’s Vacation Rental Dwelling codes, which require both licensing of rentals and compliance with land use standards.

[2.3.230 *Wireless Communication Facilities*]

User’s Guide: This section is reserved for codes regulating wireless communication facilities. Many cities adopted codes regulating the location and design of cell towers and antennae during the late 1990s, when cellular phone service was expanding rapidly. Local concerns arose regarding the visual impact of new towers, some over 150 feet tall and located in residential areas, and health concerns. In response, the federal Telecommunications Act was adopted to, among other things, respond to those concerns and facilitate the siting of cell towers.

2.3 – Special Use Standards | Overlay Zones [*and Specific Area Plan Regulations*]

Chapter 2.4 – Overlay Zones [*and Specific Area Plan Regulations*]

Sections:

2.4.010 Purpose

2.4.020 Applicability

[2.4.030 Overlay Zone 1]

[2.4.040 Overlay Zone 2]

[2.4.050 Overlay Zone 3]

User's Guide: Most cities have at least one overlay zone (e.g., Flood Hazard). Some have also adopted Specific Area Plans for individual neighborhoods or future growth areas. Chapter 2.4 is a placeholder for overlay zones and specific area plan regulations, as needed. The format and numbering of this chapter should be tailored to meet the needs of each city.

2.4.010 Purpose

[Draft overall purpose and intent for overlay zones.]

2.4.020 Applicability

[Reserved for applicability of overlay zones; relationship between base zones and overlays, etc.]

[2.4.030 Overlay Zone 1]

[2.4.040 Overlay Zone 2]

[2.4.050 Overlay Zone 3]