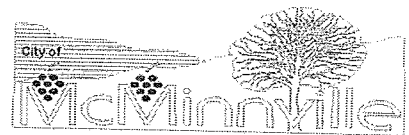


# Appendix "E"

Proposed Zoning Ordinance Amendments  
May, 2003



City of McMinnville Planning Department

## ACCESSORY DWELLING UNIT

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Proposal Summary: Amend the R-1, R-2, R-3, and R-4 zones to allow "accessory dwelling unit" as a permitted use subject to certain design and use conditions. Also, add a definition for such use to the zoning ordinance.

Zoning Ordinance Amendment:

- Amend Chapter 17.06, Definitions, by adding the following:

17.06.028 Accessory Dwelling Unit. "Accessory dwelling unit" means a secondary, self-contained single-family dwelling that may be allowed only in conjunction with a detached single-family dwelling. An accessory dwelling unit is subordinate in size, location, and appearance to the primary detached single-family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area. An accessory dwelling may be located within, attached to or detached from the primary single-family dwelling.

- Amend the R-1, Single-Family Residential Zone, Chapter 17.12 of the McMinnville Zoning Ordinance, to read as follows (Sections that follow will be renumbered accordingly):

17.12.010 Permitted uses

- D. Accessory dwelling unit (ADU) subject to the following standards:
1. The accessory dwelling unit may be established by:
    - a. Conversion of an attic, basement, or garage or any other portion of the primary dwelling;
    - b. Adding floor area to the primary dwelling, including a second story; or
    - c. Construction of a detached accessory dwelling unit on a lot with a primary single-family dwelling.
  2. The square footage of the accessory dwelling shall not exceed 40 percent of the primary dwelling exclusive of the garage, or 800 square feet, whichever is less. The minimum area shall not be less than 300 square feet.
  3. The accessory dwelling shall meet all applicable standards of this zone including, but not limited to, setbacks, height, and building codes in effect at the time of construction.
  4. The structure's appearance, including siding, roofing, materials, and color shall coincide with that used on the primary dwelling unit.
  5. One additional off-street parking space shall be provided (in addition to any off-street parking required for other uses on the same parcel or lot).

6. The accessory dwelling unit must have independent services that include but are not limited to water, sewer, and electricity.
7. Not more than one accessory dwelling unit shall be allowed per lot or parcel.
8. The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that are completely independent from the primary dwelling.
9. The property owner shall reside on site within the primary dwelling unit.
10. Manufactured homes, recreational vehicles, motor vehicles, travel trailers and all other forms of towable or manufactured structures shall not be used as an accessory dwelling unit.

- Amend the R-2, Single-Family Residential Zone, Chapter 17.15 of the McMinnville Zoning Ordinance, to read as follows (Sections that follow will be renumbered accordingly):

17.15.010 Permitted uses

- D. Accessory dwelling unit, subject to the requirements of 17.12.010(D).

- Amend the R-3, Two-Family Residential Zone, Chapter 17.18 of the McMinnville Zoning Ordinance, to read as follows (Sections that follow will be renumbered accordingly):

17.18.010 Permitted uses

- D. Accessory dwelling unit, subject to the requirements of 17.12.010(D).

- Amend the R-4, Multiple-Family Residential Zone, Chapter 17.21 of the McMinnville Zoning Ordinance, to read as follows (Sections that follow will be renumbered accordingly):

17.21.010 Permitted uses

- D. Accessory dwelling unit, subject to the requirements of 17.12.010(D).

## MULTIPLE-FAMILY DEVELOPMENT IN THE GENERAL COMMERCIAL ZONE

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Proposal Summary: Amend the C-3 zone to allow multiple-family development only above the ground floor thereby preserving the ground floor for non-residential uses.

Zoning Ordinance Amendment:

Amend Chapter 17.33.010, Permitted Uses, to read as follows:

[...] (3). "Multiple-family dwelling above ground-floor non-residential use(s) and subject to the provisions of the R-4 zone.

## NEIGHBORHOOD ACTIVITY CENTER

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Proposal Summary: Amend the McMinnville Comprehensive Plan by adopting a "Neighborhood Activity Center Planned Development Overlay Ordinance" that would be applied to lands inside the current and expanded urban growth boundary. Also, amend the McMinnville zoning ordinance by adding a definition for such use.

Comprehensive Plan Amendment:

See attached draft "Neighborhood Activity Center Planned Development Overlay Ordinance."

Zoning Ordinance Amendment:

"Amend Chapter 17.06, Definitions, by adding the following:

17.06.425 Neighborhood Activity Center. "Neighborhood Activity Center" means a physically and aesthetically unified area, where all elements and land uses are designed to function as an integrated whole (rather than as a series of unconnected, unrelated developments). Neighborhood Activity Centers consist of commercial, institutional, and office uses needed to support a specified geographic area. These centers also include high- and medium-density residential uses for the population that supports non-residential uses.

# NEIGHBORHOOD ACTIVITY CENTER PLANNED DEVELOPMENT ORDINANCE

## **Section 1. Purpose**

The purpose of the Neighborhood Activity Center Planned Development Overlay is to enable the development of lands in areas designated as activity centers on the McMinnville Comprehensive Plan Map into fully integrated, high quality, mixed-use pedestrian oriented neighborhoods. The intent is to minimize traffic congestion, suburban sprawl, infrastructure costs, and environmental degradation. Its provisions adapt urban conventions that were normal in the United States from colonial times until the 1940's and historically were based on the following design principles:

- All neighborhoods have identifiable centers and edges.
- All lots within the neighborhood are readily accessible to retail and recreation by non-vehicular means (a distance not greater than 1/4 mile).
- Uses and housing types are mixed and in close proximity to one another.
- Street networks are interconnected and blocks are small.
- Civic buildings are given prominent sites throughout the neighborhood.

## **Section 2. Applicability/Location**

The Neighborhood Activity Center Planned Development Overlay that is created and implemented by this ordinance shall be placed over the areas described by the map in Exhibit "A", and as follows:

- Grandhaven
- Northwest McMinnville
- Three Mile Lane
- Southwest McMinnville

**Section 3. Notation on Zoning and Comprehensive Plan Maps.** An activity center overlay district is applied only to the area or logically extended area or portion thereof of a site designated as an activity center on the McMinnville Comprehensive Plan Map and the McMinnville Zoning Map.

**Section 4. Policies and Procedures.** The following policies and procedures shall apply to lands within designated Neighborhood Activity Centers:

- A. The Neighborhood Activity Center (NAC) is intended to facilitate the development of an activity center at the neighborhood scale. Neighborhoods are contiguous areas, generally containing approximately 600 to 1500

dwellings, or approximately 1500 to 3500 people. The NAC should contain facilities vital to the day-to-day activity of a neighborhood (e.g., grocery, drug store, church, service station) located in close proximity to one another. The NAC should contain the neighborhood's highest-density housing and be located to link pedestrian between the two areas.

- B. Approval of an Activity Center Concept Plan and/or development plan is required prior to any development or redevelopment within these overlay areas. At a minimum, a required concept plan shall encompass the entire land area within a designated activity center quadrant that is proposed for development. For purposes of this ordinance, a "designated activity center quadrant" is bounded on two sides by public roadways or includes a boundary based on property that logically can be integrated into a comprehensive plan due to access, utilities, and other similar items. The specific boundaries of the activity center shall be reviewed with City staff to determine an appropriate boundary.
  - a. An Activity Center Concept Plan is a conceptual document that addresses the general density, mix of uses, and development patterns within an activity center. They are less detailed than the development plans required for full site plan or subdivision review. The intent is to provide sufficient information to determine consistency with the land use plan and this ordinance. An Activity Center Concept Plan shall, at a minimum, include the following:
    - i. Size and location of the land proposed for development as all or part of an activity center;
    - ii. Proposed gross density of the activity center included the maximum number of units and square footage of uses;
    - iii. A general concept plan showing major and minor transportation corridors and pedestrian linkages throughout including appropriate linkages between uses; and
    - iv. Uses proposed for the activity center, including approximate total percentages of land area and general locations devoted to residential, office, commercial, and institutional uses. The Plan should show how the mixing of uses is being achieved.
    - v. Information on how the plan meets the requirements of this ordinance and the applicable McMinnville Comprehensive Plan policies and other implementing ordinances.
- C. Approval of an Activity Center concept plan shall be based upon compliance with the following criteria where deemed appropriate (i.e., it may not be practical for some existing or partially built activity centers to achieve certain design standards). The guidelines under each criterion must be used to satisfy the criterion, or the applicant may propose an alternative approach, as approved by the City, that better achieves the intent of the guidelines.

- d. Plan Consistency: The concept plan has been prepared consistent with the requirements of this ordinance;
- e. Compact Development: The site layout is compact, and enables future intensification of development and changes in land use over time.
  - i. Guidelines:
    - 1. Opportunities for shared parking are utilized in the proposal; and
    - 2. If the site contains more than one use, the site layout clusters buildings on the site to promote linked trips. A cluster is a group of buildings that are attached, oriented on adjacent street corners, or are close together such that a pedestrian need not walk across more than one double-loaded row of parking (not inclusive of sidewalks, pathways, landscaping, plazas, and other pedestrian facilities) between building entrances; or
    - 3. The proposal contains an equally good or superior way to achieve the above criterion.
- f. Mixed Land Use: Where appropriate, land uses are mixed on-site or are mixed in combination with adjacent uses (existing or planned); the combining of land uses should promote easy access among stores and services by pedestrians.
  - i. Guidelines:
    - 1. The proposal is a “mixed-use” development or contributes to a mixed-use district. For the purposes of this ordinance, “mixed-use” means a combination of residential and commercial/industrial/civic uses, arranged vertically (in multiple stories of buildings) or horizontally (adjacent to one another); or
    - 2. The proposal is designed in such a way that it is well integrated with adjacent land uses. “Integrated” means that uses are within a comfortable walking distance (1/8 mile) and are connected to each other with direct, convenient and attractive sidewalks and/or pathways; or
    - 3. The existing and planned land uses on, or in the vicinity of, the site make it impracticable to meet Guideline A or B; or
    - 4. The proposal contains an equally good or superior way to achieve the above criterion.
- g. Pedestrian Access, Safety and Comfort: All portions of the development are accessible by a direct, convenient, attractive,



safe, and comfortable system of pedestrian facilities, and the development provides appropriate pedestrian amenities. The design of buildings supports a safe and attractive pedestrian environment.

i. Guidelines:

1. Commercial building(s) shall have at least one primary entrance facing *abutting* streets, or the primary entrance is directly accessed by a public
2. In any zone, pedestrian facilities, as described below, connect the development to adjacent land uses and provide connections through the development to the public street right-of-way;
3. Sidewalks and/or plazas are provided with weather protection (*e.g.*, awnings/canopies), and a street furnishing zone on both sides of every public and private street. Appropriate pedestrian amenities (*e.g.*, street tree well cut-outs, and space for outdoor seating, bus waiting areas, trash cans, newspaper vending machines, mail boxes, sidewalk displays, public art, etc.), are provided in the street furnishing zone; and
4. Parking and vehicle drives are located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance;
5. Surface parking is oriented behind or to the side of a building when possible and shall be screened from the sidewalk by low walls, fences or hedges;
6. Landscape buffering is provided between parking lots and all adjacent sidewalks; or
7. The proposal contains an equally good or superior way to achieve the above criterion.

h. Street Connections: The development is part of a connected street system that serves vehicles, pedestrians and bicycles.

i. Guidelines:

1. Public or private streets connect the development to adjacent neighborhoods;
2. No block face shall have a length greater than 500 feet without a dedicated alley or pathway providing through access;
3. The long axis of the street shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space;

4. Public streets are preferred over private streets to accommodate through traffic; and
  5. The proposal implements all planned street connections, as designated by the City's *Master Plan*; or
  6. The proposal contains an equally good or superior way to achieve the above criterion.
- i. Parking and Land Use Efficiency: All of the following methods are used whenever possible to minimize the amount of land developed as surface parking.
- i. Guidelines:
    1. *Shared Parking*. "Shared parking" means that multiple uses share one or more parking facilities. Parking demands must "peak" during different times of the day.
    2. *Credit for on-street parking*. The amount of required off-street parking shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, subject to City standards, except that angled parking may be allowed for some streets, as approved by the City. The configuration of the on-street parking and allowable credit toward off-street parking requirements shall be addressed during site/design review. The City shall maintain a written record of credits granted per each use;
    3. *Reduce or waive minimum off-street parking standards*. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City;
    4. *Maximum parking ratio*. Surface parking shall not exceed 110% of the minimum parking requirement for the subject land use(s). Exemptions to the standard can be approved through site/design review for developments that provide parking structures, shared parking, valet parking spaces, market rate parking, or similarly managed parking facilities;

j. Creating and Protecting Public Spaces: The proposal provides usable public space, and recognizes and responds appropriately to existing or planned public spaces (e.g., parks, civic buildings and spaces, transit stops, sidewalks, plazas, and similar spaces). Public spaces are “public” when they are within view of a street or other public space, accessible by pedestrians, and can be occupied by people. All developments shall meet or exceed the following guidelines.

i. Guidelines:

1. The development does not diminish the safety, function, comfort or attraction of an existing public space, as described in 1-4, below.
  - i. “Safety” means both pedestrian safety near vehicles, and safety related to crime prevention; and
  - ii. The “function” of a public space may include transportation, in the case of the sidewalk; recreation and socialization, in the case of a plaza or park; and
  - iii. “Comfort” means the ability of a public space to reasonably accommodate expected uses; and
  - iv. “Attraction” relates to the reason people use the public space; and/or
2. The proposal contains an equally good or superior way to achieve the above criterion. A superior design may enhance an existing public space and/or create a superior public space(s).

k. Human Scaled Building Design: Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the neighborhood.

i. Guidelines:

1. Existing architectural character of the neighborhood/district, which may or may not be an appropriate guide for new development or redevelopment;
2. The continuity of the building sizes;
3. How the street-level and upper-level architectural detailing is treated;
4. Roof forms;
5. Rhythm of windows and doors; and
6. General relationship of buildings to public spaces such as streets, plazas, other open space, and public parking.

- I. General Use and Design Standards. The proposal complies with the following guidelines:
  - i. Guidelines:
    1. The entire Activity Center land area shall be divided into blocks, streets, and lots and optional open space areas.
    2. Similar land categories shall generally front across streets. Dissimilar categories shall abut at rear lot lines. Corner lots which front on streets of dissimilar use shall be set back the same as the adjacent use with the lesser setback.
    3. Any commercial use which encourages patrons to remain in their automobiles while receiving goods or services, except service stations and banks; storage or warehousing facilities; auto sales; or retail uses that exceed 10,000 square feet in size (except grocery stores, which may be a maximum of 50,000 square feet in size) shall be prohibited. All commercial uses shall be conducted within complete enclosed buildings unless otherwise specified.
    4. All streets shall terminate at other streets within the neighborhood and connect to existing and projected through streets outside the development.

D. In addition to the above listed criteria and guidelines, development shall be consistent with the following requirements specific to each Neighborhood Activity Center:

- a. Northwest McMinnville Neighborhood Activity Center
  - i. Land for multi-family housing (four-plex and higher density housing) should occupy at least 15 total gross acres but no more than 25 total gross acres of land. A minimum of 15% and a maximum of 30% of the gross area of the neighborhood shall be designated for attached houses (multi-family) and small lot (50 ft or less in width) detached houses.
  - ii. The overall residential density of this neighborhood is targeted at 7.5 dwelling units per net acre.
  - iii. The Activity Center should be located to the south and east of the Baker Creek Road and Hill Road intersection. Commercial use should be limited to no more than 10 acres.

- iv. A community park should be located adjacent to the proposed elementary school site and, to the extent possible, incorporate identified wetland corridors to connect to other residential neighborhoods to the east. In addition, it should link directly to the Westside Bike and Pedestrian corridor that traverses the area. Other lands within this Activity Center neighborhood should be acquired for completion of the Westside Bike and Pedestrian corridor and adjacent to the man-made pond situated in the northern portion of this area (not part of the parkland allocation).
- v. The location of multi-family housing should be limited to locations adjacent to the commercial center, parkland, and along Hill Road or Baker Creek Road.
- vi. Medium density residential development should be encouraged outside of the activity center adjacent to Hill Road, Baker Creek Road, and to provide transition from multi-family housing to low density residential development.
- vii. Low-density residential development should be limited to areas immediately adjacent to Michelbook (transition to existing low density residential development), adjacent to Baker Creek and Cozine Creek (environmentally sensitive areas), and opposite farmland.

b. Grandhaven Neighborhood Activity Center

- i. Land for multi-family housing (four-plex and higher density housing) should occupy at least 15 total gross acres but no more than 25 total gross acres of land. A minimum of 15% and a maximum of 30% of the gross area of the neighborhood shall be designated for attached houses (multi-family) and small lot (50 ft or less in width) detached houses.
- ii. The overall residential density of this neighborhood is targeted at 7.5 dwelling units per net acre.
- iii. The Activity Center should be located adjacent to the existing and planned public schools. The City should encourage institutional uses (branch library, satellite fire station, or similar uses) to locate here. The center should be limited in size to no more than 10 acres.

- iv. A neighborhood park should be located adjacent to the proposed middle school site and, to the extent possible, incorporate or connect to the activity center.
- v. The location of multi-family housing should be limited to locations adjacent to the commercial activity center, parkland, and along McDaniel Lane.
- vi. Medium density residential development should be encouraged outside of the activity center adjacent to Hembree Street, McDaniel Lane, McDonald Lane, or Newby Street, and as necessary to provide transition from multi-family housing to low density residential development.
- vii. Low-density residential development should be limited to areas immediately adjacent to Baker Creek and the North Yamhill River (environmentally sensitive areas).
- viii. The City should be proactive in acquiring land necessary to provide a recreation trail corridor adjacent to Baker Creek and the North Yamhill River. An easterly extension of this corridor connecting it to the activity center is also encouraged.

c. Three Mile Lane Neighborhood Activity Center

- i. Land for multi-family housing (four-plex and higher density housing) should occupy at least 15 total gross acres but no more than 25 total gross acres of land. A minimum of 15% and a maximum of 30% of the gross area of the neighborhood shall be designated for attached houses (multi-family) and small lot (50 ft or less in width) detached houses.
- ii. The overall residential density of this neighborhood is targeted at 7.5 dwelling units per net acre.
- iii. The Activity Center should be located south of the existing medical office complex and west of Norton Lane. The center should be limited in size to no more than 10 acres, and uses should be limited to those that cater to the needs of the neighboring residents.
- iv. A neighborhood park should be located adjacent to the South Yamhill River. In addition, the City should acquire land adjacent to the river as necessary to create a recreation

trail that would provide connection to other McMinnville neighborhoods and the Three Mile Lane activity center.

- v. The location of multi-family housing should be limited to locations adjacent to the commercial activity center, parkland, and other commercial areas.
- vi. Medium density residential development should be encouraged adjacent to multi-family housing.
- vii. Low-density residential development should be limited to areas immediately adjacent to the South Yamhill River (environmentally sensitive areas) and existing Lawson Lane residential area.
- viii. The City should be proactive in acquiring land necessary to provide a recreation trail corridor adjacent to the South Yamhill River that provides connection to other McMinnville neighborhoods and the Three Mile Lane commercial activity center.

d. Southwest McMinnville Neighborhood Activity Center

- i. Land for multi-family housing (four-plex and higher density housing) should occupy at least 15 total gross acres but no more than 25 total gross acres of land. A minimum of 15% and a maximum of 30% of the gross area of the neighborhood shall be designated for attached houses (multi-family) and small lot (50 ft or less in width) detached houses.
- ii. The overall residential density of this neighborhood is targeted at 7.5 dwelling units per net acre.
- iii. The commercial center should be located to the east of Hill Road and on the north and/or south side(s) of the intersection of Hill Road and the westerly extension of Mitchell Drive. Commercial use should be limited to no more than 10 acres.
- iv. Consistent with the adopted Parks, Recreation and Open Space Master Plan, a neighborhood park should be located within the central portion of the sub-area to serve nearby residential areas. The wetland areas should be incorporated into the park, as practical.

- v. The City should acquire land adjacent to both of the Cozine Creek floodplain areas as necessary to create recreation trails that would provide connections between Old Sheridan Road and Hill Road and provide increased accessibility to the Activity Center and Cypress Street and the Southwest Community Park currently under development.
- vi. The location of multi-family housing should be limited to locations adjacent to the commercial center, parkland, and along Hill Road or Mitchell Drive.
- vii. Medium density residential development should be encouraged outside of the activity center adjacent to Hill Road, Mitchell Drive, and Old Sheridan Road and to provide transition from multi-family housing to low density residential development.
- viii. Low-density residential development should be limited to areas immediately adjacent to the Cozine Creek floodway in the northeast corner of the sub-area, and opposite farmland.

#### **Section 5. Procedures for Review.**

- A. Annexations to the City of lands within the area covered by this ordinance shall meet the requirements of the annexation ordinance. An Activity Center Concept Plan, as described in this ordinance, shall accompany applications for annexation. Such plan shall serve to satisfy the annexation ordinance's requirement for submittal of a general land use plan.
- B. Comprehensive plan map amendments shall be processed under procedures set out in Ordinance No. 4127.
- C. Zone changes and land divisions submitted for approval shall be processed under the requirements and standards of Chapter 17.51 (Planned Development Overlay) of the McMinnville Zoning Ordinance. If standards and requirements of Chapter 17.51 differ from those established elsewhere by the City, the more restrictive standards and requirements shall be adhered to.
- D. Land division requests (partition, subdivision) shall be processed under the requirements of Ordinance No. 3702 (Land Division Ordinance).
- E. Amendments to this ordinance shall be processed under procedures set out in Chapter 17.51 (Planned Development Overlay) of the McMinnville Zoning Ordinance.



## Multiple-Family Residential Zone

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Proposal Summary: Amend the R-4 zone to allow multiple-family housing subject to certain locational criteria. Also, propose a new multiple-family zone --- R-5 --- that would be exclusive to that housing type and associated uses.

### Zoning Ordinance Amendments:

Amend Chapter 17.21.010 (C) to read as follows:

“C. Multiple-family dwelling subject to the following:

1. The property on which the use will be located has direct access from a major collector or arterial street;
2. The property is located within one-quarter mile from a planned or existing transit route;
3. The property is within one-quarter mile from a planned or existing neighborhood or commercial shopping area; and
4. Adjacent lower density residential development can be adequately buffered from the multiple-family dwelling(s) in order to maximize the privacy of established low-density neighborhoods.

Add a new Chapter (17.22, R-5, Multiple-family Residential Zone) to read as follows:

### Chapter 17.22

#### R-5 MULTIPLE-FAMILY RESIDENTIAL ZONE

##### Sections:

- |           |   |
|-----------|---|
| 17.22.005 | Purpose.  |
| 17.22.010 | Permitted uses.   |
| 17.22.020 | Conditional uses.   |
| 17.22.030 | Lot size.   |
| 17.22.040 | Yard requirements.  |
| 17.22.045 | Multiple Buildings on One Lot: Separation Between Buildings, Parking Areas, Walks, and Drives |
| 17.22.050 | Building height.  |
| 17.22.055 | Exterior Elevations   |
| 17.22.060 | Density requirements.   |
| 17.22.070 | Signs.  |

17.22.005 Purpose. This zone is intended to provide areas for high-density group residential dwelling units and other closely related uses in designated Neighborhood Activity Centers and other appropriate locations within the city, consistent with comprehensive plan policies. Residential densities within this zone are typically 14 to 26 dwelling units per acre, with the higher densities occurring in the downtown core area.

17.22.010 Permitted uses. In an R-5 zone, the following uses and their accessory uses are permitted:

- A. Multiple-family dwelling;
- B. Condominium;
- C. Boardinghouse, lodging house, or rooming house;
- D. Day care facility, under the following provisions:
  - 1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
  - 2. Twelve or fewer children are present at any one time at the center. (As amended by Ordinance 4534 April 27, 1993)
  - 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
  - 4. That a certificate of approval be obtained for facilities with 7 or more children as required by ORS 418.810. (As amended by Ordinance 4534 April 27, 1993)
- E. Residential child care facility, under the following provisions:
  - 1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
  - 2. Five or less children under care reside in the home at any one time.
  - 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
- F. Social relief facility, under the following provisions:
  - 1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
  - 2. Five or fewer people unrelated to the operator, reside at the home at any one time.
  - 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC) as amended, are met.
- G. Home occupation, subject to the provisions of Chapter 17.67;
- H. Public park and recreation area;
- I. Sewage pump station;

- J. Satellite dish provided such dish is screened from abutting or facing residential properties by a sight-obscuring fence, wall, or planting. (As amended by Ordinance 4477, Oct. 9, 1990)

17.22.020 Conditional uses. In an R-5 zone, the following uses and their accessory uses may be permitted, subject to the provisions of Chapter 17.66:

- A. Campus living organization (fraternity, sorority, or dormitory);
- B. Cemetery;
- C. Church;
- D. Community building, including library;
- E. Day care facility, when the following situations exist:
  - 1. The structure is not used as a residence by the operators; and/or
  - 2. Thirteen or more children are present at any one time; (as amended by Ordinance 4534 April 27, 1993)
  - 3. That a certificate of approval be obtained for facilities with 7 or more children as required by ORS 418.810 (as amended by Ordinance 4534 April 27, 1993).
- F. Residential care facility, when the following situations exist:
  - 1. The structure is not used as a residence by the operators; and/or
  - 2. Six or more children are present at any one time.
- G. Social relief facility, when the following situations exist:
  - 1. The structure is not used as a residence by the operators; and/or
  - 2. Six or more people unrelated to the operator reside at the home at any one time.
- H. Nursing/convalescent home;
- I. A multiple-family dwelling constructed to a higher density than normally allowed in the R-5 multiple-family zone provided that the following conditions are met. It is the applicant's burden to show that the conditions have been met.
  - 1. That public and private utilities and service would not be overtaxed by the proposed development. Utilities and service include, but are not necessarily limited to, water, sanitary sewer, public schools, fire protection, police protection, electricity, natural gas, and telephone service.
  - 2. That the transportation network in the immediate area as well as in the adjoining areas is capable of handling the prospective increase in traffic flow.
  - 3. That off-street parking be provided at the rate of one and one-half parking stalls per unit. The Planning Commission may consider a variance to this requirement when the proposed housing structure is limited solely to elderly residents.
  - 4. That adjacent properties in other ownerships would not be caused to be limited to a lesser density than allowed in the zone as a direct result of the proposal using a "share" of that adjacent property's public or private utilities or services.

5. That the provisions of this section may be utilized only in the core area, defined as that area bounded by First Street, Fifth Street, Adams Street, and Johnson Street;
- J. Public or private school or college;
  - K. Golf course, except driving range and miniature golf course when operated as a business;
  - L. Electrical power substation [as amended by Ordinance 4732];
  - M. Water reservoir;
  - N. Windmill, for generation of electricity or pumping water;
  - O. Bed and breakfast establishments, provided:
    1. That three or more guest sleeping rooms are provided on a daily or weekly basis for the use of six or more travelers or transients at any one time.
    2. That a minimum of one off-street parking space be provided for the first two guest sleeping rooms with an additional parking space for each additional guest sleeping room. The required off-street guest parking area may be provided within 200 feet from the bed and breakfast establishment.
    3. That signing be limited to only one nonilluminated or indirectly illuminated wooden sign not exceeding six square feet of face area.
    4. That smoke detectors be provided as per the requirements for "lodging house" in Ordinance No. 3997. (As amended by Ordinance 4292, July 1984)
  - P. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55. [As amended by Ordinance 4732]

17.22.030 Lot size. In an R-5 zone, the lot size shall not be less than five thousand square feet.

17.22.040 Yard requirements. In an R-5 zone, each lot shall have yards of the following sizes unless otherwise provided in Section 17.54.090:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet;
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;
- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet.

17.22.045 Multiple Buildings on One Lot: Separation Between Buildings, Parking Areas, Walks, and Drives. To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply:

- A. Buildings with windowed walls facing buildings with windowed walls shall maintain a 25-foot minimum separation.
- B. Buildings with windowed walls facing buildings with blank wall shall be placed a minimum of 15 feet apart.
- C. Buildings with opposing blank walls shall have a minimum 10-foot separation.
- D. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
- E. Where buildings exceed a horizontal dimension of 60 feet or exceed 30 feet in height, the minimum wall separation shall be increased. The rate of increased wall separation shall be one foot for each 15 feet of building length over 60 feet and 2 feet for each 10 feet of building over 30 feet.
- F. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 feet of the ground level.
  - 1. Driveways and parking lots shall be separated from windowed walls by at least 8 feet; walkways shall be separated by at least 5 feet.
  - 2. Driveways and parking lots shall be separated from living room windows by at least 10 feet; walkways shall be separated by at least 7 feet.
  - 3. Driveways and uncovered parking spaces shall be separated from doorways by at least 5 feet.

17.22.050 Building height. In an R-5 zone, a building shall not exceed sixty feet in height.

17.22.055 Exterior Elevations. The exterior elevations of buildings shall incorporate design features such as offsets, balconies, projections, or similar elements to preclude large expanses of uninterrupted building surfaces. In the event of a question of interpretation or application, the Director may refer the proposal to the Planning Commission.

17.22.060 Density requirements. In an R-5 zone, the lot area per family shall not be less than fifteen hundred square feet for each unit with two bedrooms or less, and not less than seventeen hundred fifty square feet for each unit with three bedrooms, and an additional five hundred square feet for each additional bedroom in excess of three in any one unit. The above requirements may be waived if the provisions of Section 17.22.020(l) are utilized.

17.22.070 Signs. In an R-5 zone, the following types of signs are permitted:

- A. A sign not to exceed six square feet in area identifying the owner or occupant of the property on which it is located. Such sign may be indirectly illuminated;
- B. A nonilluminated, temporary sign not to exceed six square feet in area concerning the lease, rental, or sale of a property;

- C. A nonilluminated sign not to exceed forty-eight square feet in area identifying a subdivision at the location of the sign;
- D. Signs may be located in a required front yard or a required side yard adjacent to a street but shall not be located in or extend over a street or public right-of-way;
- E. Political campaign signs are permitted as follows;
  - 1. Campaign signs shall not be erected earlier than six weeks prior to an election for which they were made.
  - 2. Permitted signs shall not exceed six square feet in area.
  - 3. Such signs shall be confined within private property and removed within fourteen days after the election for which they were made.
  - 4. Prior to the erection of any political campaign sign, the political treasurer on behalf of the candidate or issue shall post a bond in the form approved by the City Attorney and filed with the Planning Director in the amount of fifty dollars (\$50.00) guaranteeing removal of such signs within fourteen days after the election for which they are used.
  - 5. The City shall remove signs posted in the public right-of-way and those signs not removed from private property fourteen days following the election. The costs of removal shall be deducted from the bond posted; the bond or remaining portion thereof shall be refunded upon compliance with this section.
- F. A nonilluminated or indirectly illuminated sign not to exceed twenty-four square feet identifying a "model home," subject to the procedures outlined in Section 17.54.100.
- G. A non-illuminated free-standing sign not to exceed 15 feet in height, and 36 square feet in area may be permitted to identify a public school at the location of the sign. In lieu of such signage, a non-illuminated wall mounted sign not to exceed 48 square feet in area, or a non-illuminated or indirectly illuminated monument sign not to exceed six feet in height, and 48 square feet in area, is permitted. A reader board may be integral to the sign. Such signs shall be located in compliance with the setbacks applicable to the residential zone in which they are located.