

ARTICLE 5. SUPPLEMENTARY PROVISIONS

SECTION 5.010. Access. Every lot or parcel shall abut a street, other than an alley, for a width of at least twenty-five (25) feet, unless approved as an easement under Section 11.C [Creation of Ways] of the Subdivision Ordinance.

1. Limit access points to arterial streets from adjoining property to better define and channel traffic movement.
2. Any development for which more than six or more off-street parking spaces are required shall be permitted only if the property fronts on, and is served primarily by, a street having a minimum paved width of twenty-four (24) feet along the entire frontage of the property, and such paved street connects with a collector or arterial street, either directly or via other streets having a minimum paved width of twenty-four (24) feet.
3. Where a property fronts a street which has a minimum of twenty four (24) feet of paving but is not fully improved to City standards, the property owner shall either improve the street, or subject to the City Manager's determination, shall record an irrevocable offer to participate in the formation of a Local Improvement District, for the purpose of financing improvements of abutting streets to the minimum standard.
4. Access, Parking and Loading. With respect to vehicular and pedestrian ingress, egress and circulation, including walkways, interior drives and parking and loading areas, the location and number of access points for normal and emergency uses, general interior circulation, separation of pedestrian, bicycle and vehicular traffic, and arrangement of parking, loading and service areas and driveways shall be reviewed for safety, convenience and mitigation of potential adverse impacts on neighboring properties, on the operation of public facilities, and on the traffic flows of adjacent and nearby streets.

SECTION 5.020. General Provisions Regarding Accessory Uses. An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

1. In all zones, fences and walls may be located within required yards, but shall not exceed four (4) feet in height in the required front yard. No fence or wall shall exceed six (6) feet in height, and shall comply with the clear-vision areas in Section 5.030 as applicable.
 - a. No owner or person in charge of property shall construct or maintain a barbed-wire fence thereon, or permit barbed-wire to remain as part of a fence along a sidewalk or public way; except such wire may be placed above the top of other fencing not less than six feet six inches high.
 - b. No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person.

- c. No owner or person in charge of property shall allow a fence to deteriorate in such a manner creating a hazard affecting the public or persons or property on or near the property.
2. Regardless of the side and rear yard requirements of the zone, an accessory structure in a residential zone may be built to within five (5) feet of a side or rear property line provided the structure is more than sixty-five (65) feet from the street abutting the front yard and twenty (20) feet from the street abutting the street side yard, provided the structure is detached from all other buildings by ten (10) feet or more, and provided the structure does not exceed a height of fifteen (15) feet and an area of six hundred (600) square feet.
3. Boats, trailers, pickup campers or coaches, motorized dwellings, and similar recreational equipment may be stored, but not occupied, on a lot as an accessory use to the dwelling provided that:
 - a. Parking or storage in a front yard or in a street side yard shall be permitted only on a driveway.
 - b. Parking or storage shall be at least three (3) feet from an interior side or rear property line.
4. A guest accommodation may be maintained accessory to a dwelling provided there are no cooking facilities in the guest accommodation.
5. A single-family dwelling may be permitted as an accessory use to a use permitted in the Commercial or Industrial zones, provided it is located in the main building.

SECTION 5.030. Clear-Vision Areas. In all residential zones a clear-vision area shall be maintained on the corners of all property at the intersection of two streets. However, the provisions of this section shall not apply to any of the following:

- a. a public utility pole; or,
 - b. an official street sign, warning sign or signal.
1. A clear-vision area shall contain no planting, fence except for chain link or woven wire fences described below, wall, structure, or temporary or permanent obstruction exceeding three (3) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade. Fences constructed of chain link or woven wire may be allowed exceeding three (3) feet where there is no obstruction in or around the fence, and the fence does not obstruct vision. Trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight (8) feet above the grade. Plantings exceeding three (3) feet may be allowed in a clear-vision area as long as the plantings do not obstruct vision.
2. In all zones, except as otherwise provided by this Ordinance, a clear-vision area at the intersection of two (2) streets shall consist of a triangular area, two sides of which are property lines measured from the corner intersections of the street rights-of-way for a

distance of twenty (20) feet, or where the rights-of-way have rounded corners, the rights-of-way extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two sides.

3. In residential zones, a clear-vision area at the intersection of a street and a driveway shall consist of a triangular area formed by the right-of-way line of a street and the edge of the driveway or other accesses at such intersections and a straight line connecting said right-of-way line and said driveway edge at points which are twenty (20) feet distant from the intersection along the street right-of-way and 10 feet distant from the intersection along the edge of the driveway.

SECTION 5.035 Grading. The purpose of this section is to mitigate, minimize or eliminate the adverse impacts caused by grading, fill and excavation activities on public or private property.

1. A city-issued grading permit shall be required before the commencement of any filling or grading activities,
2. Those fill and grading activities proposed to be undertaken and reviewed in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, and partitions, are subject to the standards of this chapter. A separate grading permit is not required.
3. Grading permit exemptions. The following filling and grading activities shall not require the issuance of a grading permit:
 - a. Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies or special districts;
 - b. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit.
 - c. Farming practices as defined in ORS 30.930 and farm uses as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter;
 - d. Excavation for cemetery graves;
 - e. Sandbagging, diking, ditching, filling or similar work when done to protect life or property during an emergency;
 - f. Repaving of existing paved surfaces that does not alter existing drainage patterns;
 - g. Maintenance work on public roads performed under the direction of the city, Douglas County or Oregon State Department of Transportation personnel.

4. Submittal requirements. The Superintendent of Public Works may require:
 - a. A grading plan for the proposed project prepared by a professional engineer.
 - b. A stormwater drainage plan that mitigates on-site drainage prepared by a professional engineer.
 - c. For any commercial or industrial development, a geotechnical engineering report prepared by a professional engineer who specializes in geotechnical engineering.
 - d. For any residential development that is over twelve percent slope, a geotechnical engineering report to be prepared by a professional engineer who specializes in geotechnical engineering.
5. The plans will be considered complete only after review, submittal of any requested revision and upon written final approval by the Superintendent of Public Works.

SECTION 5.040. Off-Street Parking Requirements. At the time of erection of a new structure or at the time of enlargement or change in the use of an existing structure, off-street parking spaces shall be provided by the property owner or the developer in accordance with this Section, except as otherwise provided. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Section. Where square feet are specified, the area measured shall be the gross floor area open to the public, necessary to the function of the particular use of the property, but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.

<u>USE</u>	<u>MINIMUM STANDARD</u>
1. RESIDENTIAL	
a. One, two or three Family Dwellings	2 spaces per DU
b. Multi-family Dwelling four (4) or more DU	1 1/2 spaces per DU
c. Rooming or Boarding	1 space for every 2 rooms
d. Manufactured and/or Mobile Home	2 spaces per DU
e. Residential Home	1 space for every 2 rooms
2. COMMERCIAL/RESIDENTIAL	
a. Motel/Hotel	1 space per guest room or suite plus 1 space per each 5 rooms

b.	Residential Care Center	1 space per employee including the operator plus 1 space per each 5 beds.
c.	RV Park	1 space per unit
3.	INSTITUTIONAL	
a.	Welfare or Correctional	1 space per 5 beds Institution based on maximum capacity
b.	Residential Facility	1 space per 5 beds based on maximum capacity
c.	Hospital	2 spaces per bed based on maximum capacity
4.	PLACES OF PUBLIC ASSEMBLY	
a.	Church or other place of religious assembly	1 space per 4 seats in the main auditorium based on maximum capacity, or 1 parking space for each 5 occupants based on maximum capacity as calculated under the provision of the Uniform Building Code
b.	Library, Reading Room, Museum, Art Gallery	1 space per 300 square feet floor area plus 1 space per employee
c.	Pre-School, Nursery, Day or Child Care Facility, Kindergarten	2 spaces per off-street loading and unloading area
d.	Elementary or Junior High School	1 space per employee plus off-street loading and unloading area
e.	High School	1 space per employee, plus one space for each 3 students of driving age, plus off-street loading and unloading area
f.	College; Commercial School	1 space per seat in classrooms, or 1 parking space per occupant as calculated under the provisions of the Uniform Building Code

g.	Political, Civic, Social or Labor Organization Meeting Halls	1 space per 4 seats based on maximum capacity or 1 space for each 5 occupants based on maximum as calculated in the Uniform Building Code
h.	Other Auditorium, Meeting	1 space per 4 seats maximum capacity or 1 space for each 5 occupants based on maximum calculated in the Uniform Building Code.
5. COMMERCIAL RECREATION		
a.	Stadium, Arena, Theater	1 space per 3 seats based on maximum capacity or 1 space for each 5 occupants based on maximum capacity as calculated under the provisions of the Uniform Building Code.
b.	Bowling Alley	5 spaces per lane plus 1 per employee
c.	Dance Hall	1 space per 100 square feet of floor area, plus 1 space per 2 employees.
d.	Skating rink	1 space per 200 square feet of floor area plus 1 space per 2 employees
e.	Swimming pool facility	1 space per 100 square feet of floor area
f.	Racquet court, athletic	1 space per court, plus 1 space per 100 square feet of exercise area
g.	Other indoor recreation	1 space per 100 square feet facility of floor area
h.	Outdoor recreation	1 space per 500 square facility feet of field or recreation area.
6. COMMERCIAL		
a.	Grocery stores and retail	1 space per 150 trade shopping centers square feet of floor area

b.	Other Retail and Specialty	1 space per 300 Store or Service square feet of floor area
c.	Furniture, appliance or retail	1 space per 500 square feet bulk of floor area
d.	Auto, boat, manufactured home, mobile home, trailer sales	1 space per 1,000 square feet of floor area plus 1 per 2 employees
e.	Bank, Professional Office and Research and Development Laboratory	1 space per 300 square feet of floor area
f.	Medical and Dental Office, Clinic or Laboratory including Veterinary Clinic and Hospitals	1 space per 200 square feet of floor area
g.	Emergency or Urgent Care Clinics	1 space per 100 square feet of floor area
h.	Beauty and Barber Shop or other personal service	1 space per 100 square feet of floor area
i.	Restaurant, tavern, bar	1 space per 100 square feet of floor area
j.	Drive-in restaurant or other drive-in services	1 space per 4 seats or one space per 200 square feet of floor area, whichever is greater
k.	Mortuary, Funeral parlor or Mausoleum	1 space per 4 seats based on maximum seating capacity as calculated under the Uniform Building Code
l.	Ambulance or Rescue Service	1 space per rescue vehicle plus 1 space per employee
m.	Repair Garages and Automobile Service Stations	4 parking spaces for each service stall and 1 per 2 gasoline pumps
n.	Truck, trailer and automobile rental	1 space per 500 square feet of floor area and 1 space per employee
o.	Private Utility (gas, electric, telephone)	1 space per 500 square feet of floor area plus 1 space per employee

- p. Laundromat and Dry Cleaning Facility 1 space per 300 square feet
- q. Passenger Transportation terminal 1 space for each 5 seats based on maximum capacity for each transporter loading and unloading within any half-hour period

7. INDUSTRIAL

- a. Manufacturing establishments 1 space per each 500 square feet floor area
- b. Storage, Warehouse, Wholesale establishment; rail or trucking freight terminal; truck, trailer or auto storage 1 space per each 500 square feet of floor area plus 1 space per 2 employees
- c. Building or Specialty Trade Contractor Office or Shop 1 space per 300 square feet of floor area

8. USES NOT SPECIFIED

The parking requirements for buildings and uses not set forth herein shall be determined by the City Manager or his designee, and such determination shall be based upon the requirements for the most comparable building or use specified herein. The decision of the City Manager or his designee may be appealed to the Commission in accordance with the provisions of Section 11.300.

9. Bicycle Facilities.

- a. Bicycle parking facilities shall be provided as part of new multi-family residential developments of four units or more and new retail, office and institutional development. Bicycle parking facilities shall not be required for existing developments.

The installation of bicycle parking facilities shall occur as follows:

<u>USE</u>	<u>STANDARD</u>
Multi-Family Residential - 4+	1 space per dwelling unit
Retail	1 space per 3,000 sq. ft.
Office	1 space per 1,000 sq. ft.
Institutional	1 space per 1,000 sq. ft.

- b. The installation of public bikeways as part of new subdivisions, multi-family developments, planned developments and for new commercial structures greater than 3,000 sq. ft. within commercial districts shall occur.
 - i. As a condition of development approval, public bikeway improvements necessary to develop designated bikeways, in the Comprehensive Plan, shall be installed along the front of the subject parcel. Bikeway improvements shall meet those standards described in the Comprehensive Plan and shall be installed under the guidance of the Public Works Department.

SECTION 5.041. Off-Street Loading and Drive-Up Uses.

1. Schools. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.
2. Merchandise, Materials or Supplies. Buildings or structures to be built or substantially altered to receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.

If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

3. Drive-Up Uses. Drive-up uses shall provide a minimum stacking area clear of the public right-of-way or parking lot aisle from the window serving the vehicles. The stacking area shall not interfere with safe and efficient access to other parking areas on the property. Traffic aisles shall be wide enough to accommodate backing movements where adjacent to parking stalls. Parking areas shall not occur in the stacking area. The following shall apply to drive-up uses:
 - a. Restaurants. Each lane shall provide a minimum capacity for 8 automobiles.
 - b. Banks. Each lane shall provide a minimum capacity of 5 automobiles.
 - c. Other Drive-up uses. Each lane shall provide a minimum capacity for 2 to 8 automobiles, as determined by the Director or his designee.
 - d. For purposes of this Section, an automobile shall be considered no less than 18 feet in length. The driveway shall be at least 12 feet wide.

SECTION 5.042. General Provisions--Off-Street Parking and Loading.

The provisions and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building permit shall be issued until plans are

presented showing property that is and will remain committed to exclusive use of required off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. Use of property in violation hereof shall be a violation of this Ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

SECTION 5.043. Parking Area Location.

Parking areas required by this Ordinance shall be located on the same lot as the building they are required to serve, or may be located in the immediate vicinity if the following provisions are met:

1. Parking Area in relation to building. The nearest point of the parking facility shall be no more than 200 feet from the nearest point of the building that such facility is required to serve; and,
2. Parking Area in relation to street block. Such off-street parking facility is located entirely within the same block as the building such facility is required to serve.

SECTION 5.044. Parking Area and Driveway Design.

All public or private parking areas, parking garages and public spaces, except those required in conjunction with a single-family or two-family dwelling on a single lot, shall be designed, laid out and constructed in accordance with the provisions of this ordinance.

1. Driveway specifications. Groups of three or more parking spaces, except those in conjunction with single-family or two-family dwellings on a single lot, shall be served by a service drive or maneuvering aisle so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. In addition to the specific requirements of this Section, service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site.

Driveway Widths*

<u>Principal Use**</u>	<u>Minimum Width</u>	<u>Maximum Width</u>
Residential:		
Single-family or two-family dwellings on a single lot	12 feet	22 feet
Single-family or two-family Dwellings, up to two separate lots on a single driveway	20 feet	39 feet

Multiple Residential serving three or more dwelling units	20 feet	39 feet
Public or Professional: (two-way driveway)	20 feet	39 feet
Commercial: (two-way driveway)	20 feet	39 feet
Industrial: (two-way driveway)	20 feet	39 feet

*This measurement is not the same as the curb cut, which is measured at the street right-of-way line.

** Width and design standards for approach roads providing access to large-scale commercial and multi-family residential developments shall be determined during the review process. One-way circulation may be approved at a lesser standard, subject to review by the Superintendent of Public Works, Winston-Dillard Fire District and Oregon State Fire Marshal.

*** Width and design standards for approach roads connecting to a State Highway must comply with the State of Oregon standards.

2. Driveway Maneuvering Aisles. Driveways shall be aligned with maneuvering aisles so as to facilitate safe and convenient ingress and egress.
3. Access Grades. Access grades shall not exceed fifteen percent (15%) and shall be graded to allow clearance to pass an automobile eighteen (18) feet in length.
4. Driveway Location in relation to Intersections. Access driveway to loading and service areas, and to parking areas having ten (10) or more spaces, shall be located such that the near edge of such driveway is not less than twenty five (25) feet from the intersection of a side street right-of-way line or the curb return, whichever is nearer.
5. Driveway Location in relation to property lines. Access driveways shall not be located closer than five (5) feet to an interior side property line, except that common access driveways (not exceeding forty (40) feet in width) to two adjacent properties may be provided at the common property line when a common driveway agreement is executed on a form provided by the City Manager or his designee and recorded with the County Clerk.
6. Parking Area Marking. Access driveways to parking areas having ten (10) or more spaces shall be clearly marked to indicate one-way or two-way access. Two-way driveways shall have a painted centerline at least two-and-one-half inches in width and at least ten feet in length beginning at the interior edge of the sidewalk; or, where sidewalks are not present, at a point five feet from the curb line; or, where neither sidewalks or curbs are present, at a point five feet from the edge of the paved street surface.
7. Driveway Location in relation to Adjacent Driveways. One-way driveways to parking areas having ten (10) or more spaces shall not be closer than twenty (20) feet to any other one-way driveway, nor closer than thirty-five (35) feet to any two-way driveway. Two-way driveways to parking area having ten or more spaces shall not be closer than fifty (50) feet from any other two-way driveway, nor closer than thirty-five (35) feet from any one-way driveway.

SECTION 5.045. Common Parking Facilities for Mixed Uses.

In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use, except as provided below.

1. Joint Use of Parking Facilities. The City Manager or his designee may authorize the joint use of parking facilities required by said uses and any other parking facilities, provided that:
 - a. The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed.
 - b. The parking facility for which joint use is proposed is no further than 400 feet from the building or use required to have parking facilities.
 - c. The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the City Manager or his designee as to form and content. Such instrument, when approved as conforming to the provisions of this Ordinance, shall be recorded in the office of the County Recorder, and copies thereof filed with the City Manager or his designee.

SECTION 5.046. Parking Area Improvements.

1. Surfacing.
 - a. All parking areas, vehicle maneuvering areas and access driveways, including to a single family dwelling on a single lot, shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete, brick, or concrete paver blocks.
 - i. In all residential districts, a minimum of two-and-one-half inches asphalt over four inches of aggregate base will be provided or four inches of Portland cement concrete.
 - ii. In all other districts, either three inches asphalt over four inches aggregate base or a single pavement of five inches of Portland cement concrete is required.
 - b. All parking areas, except those in conjunction with a single-family or two-family dwelling on a single lot, shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.
2. Perimeter Curb. All parking areas except those required in conjunction with a single- or two-family dwelling shall provide a curb of not less than four (4) inches in height located at a minimum of five (5) feet from any one property line.
3. Lighting. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be arranged and designed so as to prevent light from adversely affecting any abutting or adjacent residential district.

4. Striping. All parking spaces shall be sufficiently marked with painted stripes or other permanent markings acceptable to the City Manager or designee.
5. Wheel Bumper. All parking stalls fronting a sidewalk, alleyway, street, property line, or building shall provide a secured wheel bumper not less than four (4) inches in height, nor less than six (6) feet in length, and shall be set back a minimum of 2 1/2 feet from the front of the stall.

SECTION 5.047. Parking and Landscaping Plan Submittal Requirements.

A parking plan, drawn to scale, must accompany site Plan Review applications. Depending on the nature and magnitude of the development, it may be possible to show the needed parking information on the site plan. The plan must show the following elements in conjunction with the requirements of this Ordinance:

1. Delineation of individual parking spaces, including handicapped accessible parking spaces.
2. Loading areas and docks.
3. Circulation area necessary to serve spaces.
4. Location of bicycle and motorcycle parking areas.
5. Access to streets, alleys, and properties to be served.
6. Curb cuts.
7. Abutting land uses.
8. Grading, drainage, and surfacing details.
9. Location of lighting fixtures.
10. Specifications of wheel bumpers.
11. Proposed number of employees and amount of floor space applicable to the parking requirements for the proposed use.
12. Landscape Plan. A plan, drawn to scale, showing:
 - a. Type of landscaping, fencing or other screening, including name and height of plant species.
 - b. Location and size of landscaped areas on the development site.
 - c. Abutting land, driveways and structures.
 - d. Plan for underground irrigation system or alternate landscape professional statement.

SECTION 5.048. Parking Area Screening.

1. All parking areas, including service and access driveways, abutting residentially zoned properties shall be screened along and immediately adjacent to any interior property line.
 - a. Single family and two family dwellings are exempt from screening standards.
 - b. The placement of screening shall adhere to the Clear Vision Standards in Section 5.030.
 - c. Screening shall be located at a distance not more than 5 feet from the interior property line
2. Minimum Screening Area Requirements. The minimum improvements within a screening area shall consist of the following:
 - a. Screening shall consist of either:
 - i. 1 row of evergreen shrubs which will grow at least 6 feet in height within 1 year of planting, or,
 - ii. An earth berm combined with specified evergreen plantings consisting of 5 five-gallon shrubs or 10 one-gallon shrubs for each 100 lineal feet of required screening area which grows to a height at least 6 feet within 1 year of installation

SECTION 5.049. Parking Area Landscaping and Buffering.

1. The design of the parking area landscaping shall be the responsibility of the developer and should consider:
 - a. Visibility of signage, traffic circulation, comfortable pedestrian access and aesthetics.
 - b. Trees shall not be sited as a reason for applying for or granting a variance on placement of signs.
2. Application.
 - a. Parking area landscaping and buffering standards shall apply to all outdoor parking areas that provide for 5 or more spaces.
 - b. Or to any paved vehicular use area 3000 square feet or larger on the same lot or on contiguous tax lots under the same common ownership or use.
 - c. Parking area landscaping requirements are limited to 10% of the gross land area.

3. Exemptions.
 - a. The parking area landscaping and buffering standards shall be exempt for building additions which increase the size of an existing building by less than 20% of the gross floor area, or
 - b. Any paved vehicular area which provides fewer than 10 spaces shall be exempt from the interior property line buffering and interior parking area landscaping requirements.
 - c. Areas used specifically as a utility storage lot or a truck loading area shall also be exempt from interior parking area landscaping requirements.
4. Specifications for Trees and Plant Materials. Prior to approval of any parking plan, the Superintendent of Public Works shall be provided a list of trees and plant materials proposed for use upon or adjacent to public infrastructure (including but not limited to sidewalks, roads, or utility easements.) The Superintendent may require modifications of the tree or plant materials due to the potential of root damage to infrastructure.
5. Parking Area Buffering.
 - a. Perimeter Buffering: All parking areas containing more than four parking spaces shall be buffered along street frontage (exclusive of driveways) and interior property lines adjacent to a residential zone with a 5-foot wide strip of landscaping materials.
 - i. Where screening is required in Section 5.049, the screening area shall be incorporated into the landscaping strip.
 - ii. This requirement shall not in any way prohibit joint access driveways between two or more adjacent parking areas.
 - b. Standards.
 - i. At a minimum landscaping per 50 lineal feet of required buffer area shall be provided as follows:
 - (i) One tree at least 5 feet in height. The tree species shall be approved by the Superintendent of Public Works in order to avoid root damage to pavement and utilities.
 - (ii) A 5 five-gallon or 8 one-gallon shrubs.
 - (iii) The remaining area shall be treated with lawn or other ground cover.
6. Interior Parking Area Landscaping. A minimum of five percent (5%) of the total area within the paved parking and maneuvering area or at a ratio of one landscape planter per 10 parking spaces, whichever is greater shall be provided within the paved

parking lot area, not in adjacent buffer or screening areas. This requirement shall not in any way prohibit a developer from grouping the required interior landscaping area in one or more sections of the parking lot.

a. Interior Parking Area Landscaping Standards.

- (i) For each 160 square feet of required interior parking area landscaping shall provide a tree at least 6 feet high. The tree or trees shall be planted in a landscaped area such that the tree trunk is at least 2 feet from any curb or paved area.
- (ii) For each 100 square feet of required interior parking area landscaping provide 2 shrubs.
- (iii) Planters shall be surrounded by a perimeter curb not less than 4 inches high. The remaining planter area shall be treated with ground cover.
- (iv) The tree species shall be reviewed and approved by the Superintendent of Public Works to avoid root damage to pavement and utilities, and damage from droppings on parked cars and walkways.
- (v) All landscaped areas must be provided with a piped underground water supply irrigation system, or have verification from a landscape professional that the proposed plant materials do not require irrigation.

7. Maintenance of Landscaped Areas. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner, free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained.

8. Landscape Area Credit for Preservation of Existing Trees. A system of landscape area credits has been established as an incentive for property owners and developers to preserve existing trees and to include them in the landscape plan for proposed developments.

a. Landscape Credit System. The City Manager or his designee may reduce the number of required interior parking area planters by 1 for each preserved tree on the development site.

b. Limits to Landscape Area Credit. Landscape credit shall be applied only to the required interior parking area landscaping and credit for preserved trees shall be limited to 60% of the total interior parking area landscaping requirement. Landscape credit shall not be granted for trees preserved within a required Riparian Habitat.

SECTION 5.049.1. Accessible Parking.

All parking areas for government and public buildings shall provide accessible parking based on the following ratio:

<u>Total Parking Area Spaces</u>	<u>Required Accessible Space</u>
1-25 spaces	1 space
26-50 spaces	2 spaces
51-75 spaces	3 spaces
76-100 spaces	4 spaces
101-150 spaces	5 spaces
151-200 spaces	6 spaces
201-300 spaces	7 spaces

One additional accessible parking space shall be provided for each additional 100 spaces or fractions that are provided thereafter.

For each accessible parking space provided which conforms to the provisions of this Section, one parking space, otherwise required by Section 5.040, may be eliminated subject to the following limitations:

1. Space specifications. Each accessible parking space shall be at least 9 feet wide and shall have an adjacent access aisle. The adjacent aisle shall be at least 6 feet wide for standard spaces and 8 feet wide for “van-accessible” spaces. If one accessible space is provided, it shall be designated “van-accessible”. All other spaces may be either “van-accessible” or standard spaces.
2. Access Aisle. The aisle shall be located on the passenger side of the parking space except that two adjacent accessible parking spaces may share an aisle.
3. Signs and Pavement Markings. A sign shall be posted for each accessible parking space. The sign shall be clearly visible to a person parking in the space and marked with the international symbol of accessibility; indicate that the spaces are reserved for persons with disabled person parking permits and be designed to standards adopted by the Uniform Building Code. The pavement of each accessible parking space shall be clearly marked with the international symbol of accessibility and be designed to standards adopted by the Uniform Building Code.
4. Space Location. Each accessible parking space and adjacent aisle shall be situated so as to avoid requiring any person using the space from having to cross or traverse within any access driveway, vehicle maneuvering area or other vehicle traffic lane.
5. Ramps. When accessible parking spaces are provided, safe and convenient curb ramps shall be installed to meet uniform Building Code specifications. Building design and subsequent activities shall not unreasonably impair access by physically challenged persons to the principal use.

SECTION 5.049.2. Variance For Parking/Landscaping Reductions.

The City Manager or his designee may reduce the number of parking spaces and landscape area through a variance procedure pursuant to Article 8 of this Ordinance for lots 10,000 square feet or less, or lots developed prior to the adoption of this Ordinance. The City Manager or his designee may grant reductions only if, on the basis of investigation and evidence submitted that a lot is 10,000 square feet or less, or existing developments are unable to meet the parking and landscaping provisions due to existing lot and building configurations.

SECTION 5.049.4. Parking.

1. **Parking Space.** An off-street enclosed or unenclosed surfaced area of not less than eighteen (18) feet by nine (9) feet in size, exclusive of maneuvering and access area permanently reserved for the temporary storage of one (1) automobile.
2. Plans shall be submitted in sufficient detail so that they may be reviewed and approved by the appropriate reviewing authority.
3. Design requirements for parking lots:
 - a. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
 - b. Access aisles shall be of sufficient width for all vehicles turning and maneuvering.
 - c. Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movement or other maneuvering will be required within a street.
 - d. Lighting of the parking area shall be deflected from a residential zone.
4. Required parking spaces shall be improved and available for use by the time the use to be served by the parking space is ready for occupancy.
5. **Compact Car Parking.** The City Manager or his designee may authorize the creation of compact care spaces in any public or private parking area which contains a minimum of ten parking spaces. The number of parking spaces established for compact cars shall be based on the following rational:

<u>Number of Spaces Required</u>	<u>Percent of Designated Compact spaces</u>
10-25 spaces	15 percent
26-50 spaces	20 percent
51-100 spaces	25 percent
Over 100 spaces	30 percent

All compact car parking spaces created under the provisions of this Section shall have a minimum of eight (8) feet and shall be clearly identified as compact car spaces, and shall be located in a manner approved by the City Manager or his designee. All other parking spaces, except parallel spaces, shall have a minimum width of nine (9) feet.

SECTION 5.049.5 Development Standards.

1. Surface Water Drainage. Adequate provisions shall be made to ensure property drainage of surface waters, and to prevent soil erosion and flooding. Site drainage provisions shall provide for acceptance of off-site drainage waters, and conveyance of all drainage waters, including crawl space and roof drainage, such that they are discharged off-site at a location and in such a manner that they do not damage off-site properties, do not violate drainage ordinances or laws, and are not increased in volume over natural or pre-project flows without said increase being in conformance with drainage law or first having obtained the approval of the downstream owners(s).
 - a. If a development is, or will periodically be, subject to accumulation of surface water or is traversed by a water course, drainage way, channel, stream, creek or river, the applicant may be required to dedicate to the public storm drain easements approved by the Public Works Superintendent to provide for present and future drainage needs of the area, including access for maintenance. Storm drainage facilities shall conform to the standards established by the Public Works Superintendent.

2. Underground Utilities. All new development, as defined in this Subsection, shall be served by underground utilities, including, but not limited to, electrical, telephone, cable television and street lighting lines.
 - a. For purpose of this Section, new development is any new development, either in a single structure or in the sum of all structures constructed on a single lot or parcel, or any enlargement or structural alteration exceeding 1,000 square feet of gross floor area, or any development subject to the requirements of Section 4.310 of this Ordinance and the Subdivision Ordinance.
 - b. Exemptions: Under special circumstances and conditions, where the City Manager or his designee find that such strict application is impractical due to the location of existing overhead utilities, unusual and special utility requirements of the development, or other conditions beyond the control of the developer, overhead utilities may be permitted.

Whenever overhead utilities are utilized in a development, the City Manager or his designee shall review the proposed location of such overhead utilities, and may require their arrangement and location in such a manner to better carry out the purpose of this Article.

3. Lighting. Adequate exterior lighting shall be provided to promote public safety and shall be designated to avoid unnecessary glare upon other properties.

4. Screening. Except in the Industrial Limited (M-L) and Industrial General (M-G), exposed storage areas, utility buildings, machinery, garbage and refuse storage areas,

service and truck loading areas, and other accessory uses and structures shall be adequately set back and screened.

- a. Screening may consist of fences, walls, berms and landscaping, or any combination thereof, and which otherwise conforms with the standards established by this Ordinance.
5. Water for Domestic Use. All structures containing a plumbing fixture shall be required to use the Winston-Dillard Water District's water supply system as the sole water source. No development shall be permitted which uses a well as a water source for any structure containing a plumbing fixture.
 6. State and Federal Permits. Each development or construction project shall provide documentation on how it complies with all applicable state and federal environmental regulations (Examples of permits include but are not limited to: Air Quality, Noise, Non-point pollution control, stormwater, wetland, and fill/removal).

SECTION 5.050. Signs Purpose and Intent.

The provisions of this Ordinance are made to establish reasonable and impartial regulations for all exterior signs and to further the objectives of the Comprehensive Plan of the City of Winston; to protect the general health, safety, convenience and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse and impair the visibility of motorists and pedestrians; to ensure the effectiveness of public streets, highways and other public improvements; to facilitate the creation of an attractive and harmonious community; to protect property values and to further economic development.

SECTION 5.050.1. Definitions.

For purposes of this Article, the following terms and phrases shall have the following meaning. If the general definitions in Section 1.020 of the City Zoning Ordinance No. 590 conflict, the following definitions shall control for purposes of this Article.

Illegal Sign: A sign constructed in violation of regulations existing at the time the sign was built.

Indirect Illumination: A light directed toward a sign so that the beam of light falls upon the exterior surface of the sign and is not flashing.

Inflatable Sign: A sign that is expanded with air or gas and anchored to a structure or the ground.

Lot: A unit of land created by a subdivision of land; the term “lot” is synonymous with the term “parcel” for the purposes of this ordinance.

Nonconforming Sign: A sign meeting all legal requirements when constructed prior to the adoption of this Ordinance. An illegal sign is not a nonconforming sign.

Pole Sign: A sign wholly supported by a sign structure in the ground and not exceeding 200 square feet.

Portable Sign: A sign temporarily fixed to a standardized advertising structure that may be regularly moved from structure to structure at periodic intervals. This sign may be placed no closer than ten (10) feet from the face of the curb and shall comply with all other provisions of this Ordinance.

Projected Image: An optical appearance of an object projected onto a wall of a building or structure.

Projecting Sign: A sign other than a wall sign that projects from and is supported by a wall of a building or structure.

Residential Signs: Signs in residential zones that identify subdivisions or multiple-family complexes.

Roof Sign: Any sign erected on a roof or which extends in height above the roofline of the building on which the sign is erected.

Sign: Any identification, description, illustration, symbol or device, other than a house number, which is placed or affixed directly or indirectly upon a building, structure or land.

Sign Area: The area of the sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display together with any material or color forming an integral part of the background of the display or used to differentiate design from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, decorative fence or wall when such fence or wall otherwise meets the requirements of this Ordinance and is clearly incidental to the display itself.

Sign Face: The functional surface of a sign including all sign elements facing in the same direction.

Sign Height: The height of a sign shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.

Sign Structure: Any structure that supports or is capable of supporting a sign. A sign structure may be a single pole and may or may not be an integral part of the building.

Wall Sign (Attached): A sign attached flat against a wall of a building and parallel to the wall.

Wall Sign (Painted): A sign painted to a wall or a building.

Wall Sign (Projecting): A sign other than a wall sign that projects from and is supported by a wall of a building or structure.

SECTION 5.050.2 Off-Premise Sign.

No sign advertising a business which is not conducted on the premises, or a commodity or service which is not the primary product, sale or service on the premises, shall be allowed except seasonal agricultural signs and “exempt” signs addressed in Section (5.050.3) of this Ordinance.

SECTION 5.050.3. Exempt Signs.

The following signs shall not be subject to the permit requirements of Section 5.050.5, nor subject to the number and type limitations of this Article, but shall be subject to all other provisions of this Article, and the requirements of this section:

Directional Sign: A sign giving on-site directional assistance for the convenience of the public, which does not exceed four (4) square feet in area and which does not use flashing illumination.

Event Sign/Banner: An election sign not exceeding 32 square feet, provided the sign is removed within seven (7) days following an election. A temporary non-illuminated sign or banner not exceeding 200 square feet used for a fund raising event solely for charitable purposes, placed by a legally-constituted non-profit organization.

Flag/Pennant: A governmental flag with or without letters or numbers and other flags and pennants without letters or numbers. Such flags and pennants shall be made of non-rigid material.

Historical/Landmark Sign: A marker erected or maintained by a public authority or by a legally constituted historical society or organization identifying a site, building or structure of historical significance.

Holiday Sign: A sign or decoration used to commemorate a holiday which is removed within seven (7) days following the holiday period.

Interior Sign: Any sign which is not visible and not directed to people using a public street or public pedestrian way.

Mural: A large picture painted on the wall of a building not advertising a specific business or product.

Public Sign: A sign erected by a government agency. A public notice or warning required by a valid and applicable federal, state or local law or regulation and an emergency warning sign erected by a public utility or by a contractor doing authorized work in the public way.

Real Estate or Construction Signs: Temporary non-illuminated real estate (not more than two (2) per lot) or construction signs not exceeding 32 square feet, provided said signs are removed within 15 days after closing or signing of the sale, lease or rental of the property or within seven (7) days of completion of the project.

Window Sign: A sign painted or placed upon a window in a non-residential zone.

If the foregoing exemptions conflict with the City of Winston Zoning Ordinance No. 590, said Ordinance shall govern.

SECTION 5.050.4. Prohibited Signs. The following signs are prohibited:

Abandoned Sign: A sign or a sign structure existing more than 60 days after a business ceases to operate shall be taken down and removed by the owner, agent or person having the beneficial use of the lot upon which such sign may be found.

Billboard: A pole sign exceeding 200 square feet of sign area.

Simulated Traffic Signs and Obstructions. Any sign which may be confused with or obstruct the view of any authorized traffic signal or device, or extend into the traveled portion of a public street or pedestrian way.

Vacant Lot Sign: Except exempt signs, a sign erected on a lot that has no structures capable of being occupied as a residence or business. Notwithstanding the foregoing, signs otherwise permitted under this Article may be placed on a lot improved for off-street parking as provided by the City of Winston Zoning Ordinance No. 289.

Vehicular Sign: Any sign written or placed upon or within a parked motor vehicle with the primary purpose of providing a sign not otherwise allowed by this Ordinance. This does not

include any sign permanently or temporarily placed on or attached to a motor vehicle, when the vehicle is used in the regular course of business for purposes other than the display of signs.

Vision Clearance: Any sign in the Clear-Vision Area as defined in Section 5.030 of the City of Winston Zoning Ordinance.

SECTION 5.050.5. Permit Procedures. Except as provided in Section 1.030, no sign or sign structure shall be displayed, erected, altered, relocated or replaced until a sign permit has been issued by the City Manager or designee. For the purpose of this Ordinance, all signs are considered accessory uses of the lot upon which they are located.

1. Application for a sign permit shall be made by the owner, tenant or authorized agent of the property upon which the sign is to be located. The application shall be approved, denied or referred back to the applicant within ten (10) working days from the date the application was submitted.
2. Criteria For Permit Approval: A sign permit will be approved if compliance to the following exists:
 - a. Conformance to structural requirements and electrical code, if applicable.
 - b. Meets location standards
 - c. Sign allowed in zoning designation.
3. Plan Requirements: The application for a sign permit shall be accompanied by a site plan with the following information:
 - a. Name, address and telephone number of the owner, tenant or authorized agent of the property upon which the sign is to be located.
 - b. Location by legal description (township, range, section, tax lot) and physical address.
 - c. Dimensions of the sign and the sign structure and, where applicable, the dimensions of the wall surface of the building to which the sign is to be attached and a current photograph of the building.
 - d. Proposed location of the sign in relation to the face of the building, in front of which or above which the sign is to be erected.
 - e. Proposed location of the sign in relation to the boundaries of the lot upon which the sign is to be placed.
4. Signs Exempt From Permits: These exceptions do not relieve the owner of the sign from the responsibility of its erection, maintenance and compliance with the provisions of this Ordinance or any other law or Ordinance regulating same. The following changes do not require a sign permit:

- a. The changing of the advertising copy or message of a painted, plastic face or printed sign only. Except for signs specifically designed for the use of replaceable copy, electrical signs shall not be included in this exception.
 - b. The electrical, repainting, cleaning, repair or maintenance of a sign.
5. Fees: The fee for a sign permit shall be as set by Council resolution. The fee for any sign which has been erected without a sign permit shall be double the regular sign fee.
 6. Building Code Compliances: All signs and sign structures shall comply with the Uniform Building Code and the Oregon Electrical Safety Specialty Code adopted by the City of Winston. All pole signs, attached or projecting wall signs and roof signs will require a building permit in addition to the sign permit. Signs for which a building or electrical permit is required shall be subject to inspection by the City's Building Official or State Electrical Inspector. The Building Official may order the removal of a sign that is not maintained in accordance with this Ordinance. Signs may be reinspected at the discretion of the Building Official.

SECTION 5.050.6. Standards and Criteria.

General Sign Provisions:

1. Signs may not project over public property or right-of-way
2. All signs shall have a vertical clearance of seven (7) feet above public property.
3. No signs shall stand or be based in public property without authorization of agency jurisdiction.
4. Regulatory equipment shall be installed in all illuminated signs to preclude interference with radio and television.
5. All signs shall be maintained in good repair, and where applicable, in full operating conditions at all times.
6. Flashing signs or any material that gives the appearance of flashing such as reflective disks are prohibited. Tracer lights are not prohibited.
7. Commercial signs shall not be located within 50 feet of a residential zoning designation.
8. External illumination of signs shall be shielded so that the light source elements are not directly visible from property in a residential zoning district which is adjacent to or across a street from the property in the non-residential zoning district.
9. Signs shall be located not less than six (6) feet horizontally or twelve (12) feet vertically from overhead electrical conductors that are energized in excess of 750 volts. The term "overhead conductors" as used in this section refers to an electrical conductor, either bare or insulated, installed above the ground, except when

conductors are enclosed in iron pipe or other approved material covering of equal strength.

10. Signs or sign structures shall not be erected in such a manner that a portion of their surface or supports will interfere with the free use of any fire escape or exit.
11. Signs shall not obstruct building openings to the extent that light or ventilation is reduced. Signs erected within five (5) feet of an exterior wall in which there are openings within the area of the sign shall be constructed of noncombustible material or approved plastics.

Signs in Residential Zones: In the RLA, RLB, RLC, RM and RH zones, no sign shall be allowed except the following:

1. One (1) sign identifying only the name of the owner or occupant of a building, provided such sign does not exceed six (6) inches by eighteen (18) inches in size, is unilluminated and shall not be located in a required yard.
2. One (1) sign identifying only the business name of a home occupation occupying that lot, provided such sign does not exceed one (1) square foot of sign area, is unilluminated and shall not be located in a required yard.
3. One (1) sign pertaining to the lease or sale of a building or property, provided such sign does not exceed six (6) square feet of sign area.
4. One (1) identification sign facing the bordering street, not to exceed sixteen (16) square feet of sign area, for any permitted or conditional use except residences and home occupations. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services. It may have indirect illumination but non-flashing and shall not be located in a required yard.
5. Temporary sign, for one year, advertising a new subdivision, provided such sign does not exceed thirty-two (32) square feet of sign area, advertises only the subdivision in which it is located, is unilluminated, and is erected only at a dedicated street entrance and within the property lines. Such sign shall be removed if construction on the subdivision is not in progress within sixty (60) days following the date of the sign permit.
6. The maximum sign height is seven (7) feet.

Signs in Commercial/Industrial Zones: In the C-G, C-SH, C-OP, C-H, ML, MG and PR zones, all signs located on a lot shall conform to the following limitations:

1. Except as provided in (3) below, for a single business whether on one or more contiguous lots the maximum number of signs requiring a permit is three (3), one of which may be a pole sign.
2. Except as provided in (3) below, for multiple businesses in a shopping center, for multiple businesses sharing common off-street parking facilities or for multiple businesses with the same property owner, all of which are located on one or more

contiguous lots, the maximum number of signs requiring a permit is one (1) pole sign per business and one (1) additional sign which may be a portable sign.

3. When a business or businesses have 200 continuous lineal feet of frontage on one street, the maximum number of signs shall be increased by one sign (pole or portable) for each 100 feet of frontage up to a maximum of four additional signs. Any two (2) of these signs may be combined in a single sign not to exceed 200 square feet in area.
4. Pole signs shall be placed at least 100 lineal feet apart.
5. A roof sign may be substituted for one of the allowed pole signs.
6. Except for attached wall signs, each sign face shall not exceed 100 square feet in area and shall not exceed 35 feet in height.
7. Attached wall signs shall not exceed 200 square feet in area.
8. Each business at a new location may have one temporary sign on each street frontage of the lot occupied by that business provided the sign area does not exceed 50 square feet and provided the sign is not displayed for more than 365 days or until the permanent sign is installed, whichever first occurs.

Signs in Agricultural Zones: In the A-O zone, the following criteria for signs apply:

1. Maximum number of signs requiring a permit is three (3).
2. Maximum number of pole signs is one (1).
3. Except for attached wall signs, each sign face shall not exceed 50 square feet in area.
4. Attached wall signs shall not exceed 100 square feet of sign area.
5. Pole signs shall not exceed 35 feet in height.

SECTION 5.050.7. Nonconforming Signs. Except for signs located in A-O, ML and MG zones, any nonconforming pole sign that is greater than 200 square feet shall be reduced to not more than 200 square feet in area or be removed within one (1) year from the approval date of this Ordinance.

All other non-conforming signs shall be subject to the regulation of structures as provided in Article 10 of the City of Winston Zoning Ordinance relating to the continuation of a nonconforming use or structure, the discontinuance of a nonconforming use, the change of a nonconforming use and the destruction of a nonconforming use or structure.

SECTION 5.060. Exterior Lighting. The purpose of this provision is to make the lighting used for residential, commercial and public areas appropriate to the need and to keep the light from shining offsite onto adjacent public rights-of-way or private properties. Further, it is to encourage, through regulation of type, kinds, construction, installation, and uses of outdoor electrically powered illuminating devices, lighting practices and systems to conserve energy

without decreasing safety, utility, security and productivity while enhancing nighttime enjoyment of property with the City.

1. Requirements for installation. Except as exempted by provisions of this ordinance, as of the date of adoption, the installation of outdoor lighting fixtures shall be subject to the provisions of this ordinance.
2. Shielding. All nonexempt outdoor lighting fixtures shall have directed shielding so as to prevent direct light from the fixture from shining beyond the property limits where the fixture is installed. This means that a person standing at the adjacent property line would not see the light-emitting source.
3. Prohibitions.
 - a. Laser Source Light. The use of laser source light or any similar high intensity light when projected beyond property lines is prohibited, excepting lasers used for construction surveying or any such purposes.
 - b. Searchlights. The operation of searchlights for purposes other than public safety or emergencies is prohibited, excepting authorization by the City Manager or his designee for special events.
4. Exemptions.
 - a. Nonconformance.
 - (i) Outdoor light fixtures lawfully installed prior to and operable prior to the effective date of the requirements of this ordinance are exempt from all such requirements except as follows:
 - (a) All replacement of outdoor lighting fixtures, as of the date of adoption, shall be subject to the provision of this Ordinance.
 - (b) Until a date five years after the date of the adoption of this Ordinance.
 - b. Airport operations lighting and aircraft navigational beacons as established by the Federal aviation Administration are exempt from these provisions. All other airport outdoor lighting must conform with this Ordinance.
 - c. Lights of less than 20 watts used for holiday decorations for no more than 45 days are exempt from the requirements of this Ordinance.
 - d. Carnivals and fairs that require the use of temporary outdoor lighting fixtures are exempt except that permanent installations at dedicated sites must conform to the requirements of this Ordinance.
 - e. Lighting for U. S. Flags properly displayed.

- f. Temporary exemptions to the requirements of Ordinance for up to five days per calendar year.
- g. Construction lighting necessary for an allowed use are exempt except that permanent installations at dedicated sites must conform to the requirements of this Ordinance.
- h. Individual light fixtures with lamps of less than 60 watts.

SECTION 5.070. Manufactured Homes. In addition to the general requirements established for single-family dwellings, manufactured homes shall be subject to the following special requirements:

1. the manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet;
2. the manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than 18 inches above grade.
3. the manufactured home shall have a pitched roof with a slope of at least a nominal three feet in height for each 12 feet in width.
4. the manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by such a person as the City Manager may direct.
5. the manufactured home shall be certified by the manufacturer to have an exterior thermal envelop meeting requirements specified by the National Manufactured Housing Construction and Safety Standards Act, in effect at the time the manufactured home was constructed.
6. Unless inconsistent with the above, the manufactured home and the lot upon which it is sited shall also be subject to all other development standards, architectural requirements and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subject. Exempt from these standards is the Family Hardship Variance according to Section 8.050 of the Zoning Ordinance allowing the following special requirements for such:
 - a. The manufactured home shall enclose a space of not less than 900 square feet and at least 14 feet in width;
 - b. The manufactured home may be placed on concrete pads or a crushed rock pad and skirted within 45 days of the placement. It shall be equipped with skirting which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home, unless the manufactured home is anchored to a permanent, continuous concrete or block foundation, or both. Nonporous skirting material shall be such that there are no gaps or openings between the unit and the ground, except for windows and vents. Porous skirting material shall extend from the manufactured home to within, but not closer than, six inches from the ground to prevent dry rot.
 - c. No placement permit shall be issued for a manufactured home that does not exhibit the Oregon Department of Commerce “Insignia of Compliance.”

SECTION 5.080. Projections from Buildings. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than twenty-four (24) inches into a required yard.

SECTION 5.090. General Exceptions to Lot Size Requirements. If a lot or other aggregate of contiguous lots held in a single ownership, as recorded in the office of the County Clerk at the time of the passage of this ordinance, has an area or dimensions which does not meet the lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone. If there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the density requirement of the zone.

SECTION 5.100. General Exceptions to Yard Requirements. The following exceptions to the yard requirements are authorized for a lot in any zone:

1. If there are dwellings on both abutting lots which are within 100 feet of the intervening lot, and the dwellings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
2. If there is a dwelling on one abutting lot which is within 100 feet of the lot, and this dwelling has a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the front yard of the abutting lot and the required front yard depth.

SECTION 5.110. General Exceptions to Building Height Limitations. Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, and similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

SECTION 5.120. Riparian Habitat Setbacks. Mature ground cover and trees, wildlife habitats, and the natural contours of identified significant stream banks shall be preserved for distances noted in the following table, measured from the top of the stream bank. Within the required setback area there shall be no structural or physical alteration or development such as clearing, grading parking lots, retaining walls, channel alterations, etc. from the stream bank unless, after consultation with the Oregon Department of Fish and Wildlife, findings are made by the City Manager that a proposed reduction in setback:

1. Will not have a significant adverse impact on stream bank erosion, water temperature and quality, or wildlife; or
2. Is required for flood control, and actions are taken to mitigate such impacts as much as is possible; or
3. Is not required for flood control and will include actions as are necessary to prevent or sufficiently mitigate any significant stream bank erosion, adverse impact on water temperature and quality, or wildlife, and such mitigation measures are specified; and
4. Is not in conflict with any adopted ordinances or plans.

For the purposes of this section, the top of the stream bank shall be as determined by the City Manager acting with the advice of the Department of Fish and Wildlife.

RIPARIAN HABITAT SETBACKS

	<u>All Residential Zones</u>	<u>All Commercial and Industrial Zones</u>
South Umpqua River	50 feet	50 feet
Lookingglass Creek	50 feet	50 feet
Applegate Creek	50 feet	50 feet
Brockway Creek	50 feet	50 feet

SECTION 5.130. Beekeeping. The purpose of this section is to regulate the keeping of bees on residential lots within the City of Winston. This activity is considered to be a conditionally permitted use, subject to the review under Article 7, and subject to the following standards.

1. Location, Density, and Maintenance of Colonies.
 - a. The number of colonies is limited to one (1) colony per legal lot, minimum 6,000 sq. ft. of lot area, plus one (1) additional colony per each additional 6,000 sq. ft. of lot area, up to a maximum of eight (8) colonies regardless of lot size. Residential-zoned lots and parcels are limited to one (1) colony total.
 - b. Colonies shall be located in the side or rear yard, and set back no less than 10 feet from the nearest property line.
 - c. Hives shall be placed on property so the general flight pattern of bees does not unduly impact neighboring properties or their inhabitants. If any portion of a hive is located within thirty (30) feet of a public or private property line, as measured from the nearest point on the hive to the property line, a flyaway barrier at least six (6) feet in height shall be established and maintained around the hive. The flyaway barrier shall be located along the property boundary or parallel to the property line, and shall consist of a solid wall, solid fencing material, dense vegetation or combination thereof extending at least ten (10) feet beyond the colony in each direction, so that all honey bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the colony.
 - d. Colonies shall be maintained in movable-frame hives with adequate space and management techniques to prevent overcrowding.
 - e. Every beekeeper shall maintain a supply of water for the bees located within 10 feet of each hive. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

- f. Hives shall be actively maintained. Hives not under human management and maintenance shall be dismantled or removed.
- g. In any instance in which a colony exhibits unusually aggressive characteristics or a disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another queen, or the colony will be destroyed.

SECTION 5.200. Manufactured Home Parks.

1. Review required. In addition to the general provisions of this ordinance, special provisions for the establishment of a manufactured home park or the expansion of an existing manufactured home park are required.

Manufactured home parks shall not be established or expanded without first receiving approval of the Planning Commission. The Planning Commission may grant such approval only after reviewing preliminary site plans for the proposed manufactured home park.

2. Information Required for Preliminary Site Plan Review. The application for a preliminary site plan review for a manufactured home park shall be filed with the Planning Commission and shall be accompanied by a site plan showing the general layout of the entire manufactured home park and drawn to a scale of not smaller than one inch (1") representing fifty (50) feet. The drawing shall show the following information:
 - a. Name of the property owner, applicant and person who prepared the plan.
 - b. Name of the manufactured home park and address.
 - c. Scale and North point of the plan.
 - d. Vicinity map showing relationship of manufactured home park to adjacent properties.
 - e. Boundaries and dimensions of the manufactured home park.
 - f. Location and dimensions of the mobile home site; each site designated by number, letter or name.
 - g. Location and dimensions of each existing or proposed structure.
 - h. Location and width of park streets.
 - i. Location and width of walkways.
 - j. Location of each lighting fixture for lighting the mobile home park.
 - k. Location of recreational areas and buildings, and area of recreational space.
 - l. Location and type of landscaping plantings, fence, wall or combination of any of these, or other screening materials.
 - m. Location of point where manufactured home park water system connects with public system.
 - n. Location of available fire and irrigation hydrants.

- o. Location of public telephone service for the park.
 - p. Enlarged plot plan of a typical mobile home site, showing location of the pad, patio, storage space, parking, sidewalk, utility connections and landscaping.
3. Final Site Plan and Submission Requirements. At the time of application for final approval to construct a new manufactured home park or expansion of an existing manufactured home park, the applicants shall submit copies of the following required detailed plans to the city and appropriate state agencies as required by law or ordinance:
- a. New structures.
 - b. Water supply and sanitary sewer facilities.
 - c. Electrical systems.
 - d. Road, sidewalk and patio construction.
 - e. Drainage system.
 - f. Recreational area improvements.
4. General Standards for Mobile Home Park Development.
- a. Access. A manufactured home park shall not be established on any site that does not have frontage on or direct access to a publicly owned and maintained street which has a minimum right-of-way width of sixty (60) feet. No park entrance shall be located closer than 100 feet away from any intersection of public streets.
 - b. Park Street. A park street shall connect each mobile home site to a public street or road. The park street shall be a minimum of thirty (30) feet in width, with a surface width of at least twenty (20) feet if no parking is allowed, and thirty (30) feet if parking is allowed on one side only.
 - c. Walkways. Walkways of not less than three (3) feet in width shall be provided from each mobile home site to any service building or recreational area.
 - d. Paving. Park streets and walkways shall be paved with a crushed rock base and asphaltic or concrete surfacing, according to the structural specifications established for streets.
 - e. Off-Street Parking.
 - (i) Two parking spaces shall be provided for each mobile home site, either on the site or within 200 feet thereof in the manufactured home park, which shall be not less than nine (9) by eighteen (18) feet in size and paved with asphaltic macadam or concrete surfacing.

- (ii) Guest parking shall also be provided in every manufactured home park, based on a ratio of one (1) parking space for each four (4) mobile home sites. Such parking shall be paved with asphaltic macadam or concrete surfacing, and shall be clearly defined and identified.

f. Fencing and Landscaping.

- (i) Every manufactured home park shall provide a site obscuring fence, wall, evergreen or other suitable screen/planting along all boundaries of the manufactured home park site abutting public roads or property lines that are common to other owners of property, except for point of egress.
- (ii) Walls or fences shall be six feet in height. Evergreen plantings used in perimeter screening shall not be less than five feet in height, and shall be maintained in a healthy, living condition for the life of the manufactured home park. No fence, hedge or wall, other than a retaining wall, higher than three (3) feet shall be located within the required clear vision area on a corner lot.
- (iii) There shall be suitable landscaping provided within the front and side yard setback areas, and all open areas in the manufactured home park not otherwise used.

g. Area.

- (i) Size of manufactured home park site. No manufactured home park shall be created on a lot or parcel of land containing less than 2 1/2 acres.
- (ii) Manufactured home sites. The average area of all manufactured home sites within a manufactured home park shall not be less than 3,000 square feet per site, and in no case shall any one mobile home site be less than 2,500 square feet.
- (iii) Setbacks. No manufactured home or access thereto shall be located any closer than twenty five feet from a park property line abutting a public street or road, five feet from all other park property lines and ten feet from any such areas as a park street, a common parking area, or a common walkway. For setbacks not clearly listed above, the standards found in the Oregon Manufactured Dwelling and Specialty Code applies.
- (iv) Spacing. A manufactured home shall maintain a ten foot separation from an adjoining manufactured home. For spacing standards not clearly listed in this section, the standards found in the Oregon Manufactured Dwelling and Park Specialty Code apply.

- (v) Overnight spaces. Not more than five percent of the total manufactured home park area may be used to accommodate persons wishing to park their manufactured homes or camping vehicles overnight.

h. Other Site Requirements.

- (i) Recreational area. An average of 200 square feet of recreational area shall be provided for each manufactured home site. This area may be in one or more locations in the park, and shall be suitably improved and maintained for recreational purposes.
- (ii) Pad Improvements. Manufactured home pads or stands shall be paved with asphaltic or concrete surfacing, or with crushed rock.
- (iii) Skirting. Every manufactured home located on a manufactured home site shall be equipped with skirting which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
- (iv) Accessories. Accessory structures located on a manufactured home site shall be limited to the normal accessories, such as an awning, cabana, ramada, patio, carport, garage or storage building. No other structural additions shall be built onto or become part of any manufactured home, and no manufactured home shall support any building in any manner.
- (v) Utilities. Each manufactured home site shall be provided with a connection to a community sanitary sewer system and a community water supply system. All utilities within a manufactured home park shall be underground.
- (vi) Storage Yards. Storage yards in parks for boats, campers and recreational vehicle equipment shall be constructed of a dust free all weather surface, and shall be enclosed by a six foot high sight-obscuring decorative fence and gate. Wash racks, if provided, shall be located in a storage yard, with adequate drainage. Except for temporarily locating the same in a storage yard, no manufactured home shall be hauled to and stored in a manufactured home park unless it is properly installed on a lot or site.
- (vii) State requirements. Rules and regulations governing manufactured home facilities as contained in Oregon Revised Statutes Chapter 446, and "Rules and Regulations Governing the Construction and Statutory Operation of Travelers' Accommodations and Tourist Parks," adopted by the Oregon State Department of Human Resources, Health Division, shall prevail where said provisions are more stringent than those imposed by state law, rules or regulations.

SECTION 5.400. Standards for Auto Wrecking Yards, Junk Yards and Automobile Towing Businesses. In addition to the general standards of this ordinance, special provisions for the establishment and operation of auto wrecking yards, junk-yards and automobile towing businesses are established.

1. The outdoor storage area of auto wrecking yard, junk yard or automobile towing business shall be fully enclosed by a sight-obscuring fence, free of advertising, maintained in good condition, and not less than six (6) feet in height. All automobiles being stored, wrecked or otherwise, shall be kept inside the fenced area at all times, except that vehicles belonging to customers may be parked outside the fence while at the establishment on business. Vehicles shall not be stored so as to exceed the height of the fence.
2. All sales, display, storage, repair, or other handling of wrecked automobiles shall occur from within an enclosed building or from within an enclosed building or from within the fenced area. All truck loading or unloading shall occur within the boundaries of the property and shall not obstruct any portion of the public right-of-way. All loading and unloading of trucks transporting wrecked vehicles shall be accomplished within a 24-hour period.
3. When any portion of an automobile towing business, auto wrecking yard or junk yard abuts a residential zone, supplemental evergreen plantings shall be installed along and adjacent to that portion of the fence abutting said residential opaque screening of at least 75 percent of the adjacent fence surface within two years of planting. The supplemental planting shall be maintained in good condition at all times.

SECTION 5.500. Property Line Adjustment. The property line between lots or parcels may be adjusted in accordance with this section without the replatting procedures in ORS 92 or the vacation procedures in ORS 368. Once a lot or parcel line has been adjusted, the adjusted line shall be the boundary or property line, not the original line. The City Manager or his designee has authority to approve a property line adjustment.

1. Application for Property Line Adjustment. An application for a line adjustment or elimination shall be filed by the owners of all lots or parcels affected. The application shall be accompanied by an appropriate fee and contain the following information:
 - a. Reason for the property line adjustment.
 - b. Vicinity map locating the proposed line adjustment or elimination in relation to adjacent subdivisions, partitions, other units of land and roadways.
 - c. A plot plan showing the existing boundary lines of the lots or parcels affected by the line adjustment and the approximate location for the proposed adjustment line. The plot plan shall also show the approximate location of all structures within ten (10) feet of the proposed adjusted line.
2. Approval for Access. An applicant must obtain written approval from ODOT for an access onto a State highway or written approval from Douglas County Public Works for an access onto a County Road.
3. No Additional Units of Land; Minimum Size and Setbacks Required, Exceptions.
 - a. A line adjustment is permitted only where an additional unit of land is not created and where the lot or parcel reduced in size by the adjustment complies with the requirements of the applicable zone.
 - b. A line adjustment is permitted only where existing or planned structures will not encroach within required setbacks as measured from the adjusted line.
 - c. A line adjustment for a lot or parcel that is less than the minimum required size before the adjustment and further reduced as a result of the adjustment is permissible provided the applicant provides proof that, for the lot or parcel reduced in size, the parcel has an approved method of sewage disposal.
4. Same Designation. The line adjustment shall only be permitted where the sale or transfer of ownership is made between adjacent owners of like designated lands.
5. Easements Unaffected. A line adjustment shall have no affect on existing easements.
6. Map and Monuments Required.
 - a. For any resulting lot or parcel ten acres or less, a survey map that complies with ORS 209.250 shall be prepared.
 - b. The survey map shall show all structures within ten (10) feet of the adjusted line.

- c. The survey map shall establish monuments to mark the adjusted line.

7. Approval and Filing Requirements.

- a. Upon determination that the requirements of this section have been met, the City Manager or his designee shall advise the applicant in writing that the line adjustment is tentatively approved.
 - i. Prior to final approval, a deed of conveyance conforming to the approved line adjustment shall be recorded with the Douglas County Clerk. A line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgments.
- b. Within one year from the date of tentative approval, the applicant shall prepare and submit to the City Manager or designee any map required by Section 5.500(6). If no map is required, the applicant shall submit proof that the requirements of the tentative approval have been met. The City Manager shall indicate final approval by endorsement upon the map, if any, or if no map is required the City Manager or designee shall advise the applicant in writing that final approval has been granted.
- c. Once endorsed by the City Manager, the map shall then be submitted to the County Surveyor. When the map is filed, the County Surveyor should indicate the filing information on the map.
 - i. The survey map and copy of the recorded deed of conveyance shall be filed with the Douglas County Surveyor. When the map is filed, the County Surveyor shall indicate the filing information on the face of the final map.
- d. A line adjustment shall be effective when the map is filed by the County Surveyor and an instrument reference (e.g. Deed or covenant recorded with the County Clerk) is noted on the face of the map. If no map is required, then the line adjustment shall be effective when final approval is granted by the City Manager and an instrument (e.g. Deed and/or covenant) is recorded with the County Clerk.
- e. Exception for Adjustments:
 - i. The survey requirements shall not apply to a line adjustment when lots or parcels contain more than 10 acres before and after the adjustment.
 - ii. A copy of the recorded deed of conveyance shall be submitted to the City Manager for final approval of the property line adjustment. The City Manager shall notify the applicant in writing of the final approval.