VENETA LAND DEVELOPMENT ORDINANCE No. 493

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ARTICLE 1 - INTRODUCTORY PROVISIONS

SECTION 1.01 TITLE

This ordinance shall be known as the VENETA LAND DEVELOPMENT ORDINANCE of 2010.

SECTION 1.02 PURPOSE

The purpose of this ordinance is to establish standards and procedures for the orderly development of land within the City of Veneta; to assist in implementing the Veneta Comprehensive Plan and to promote the public health, safety and general welfare.

ARTICLE 2 - ADMINISTRATIVE PROVISIONS

SECTION 2.01 COMPLIANCE WITH ORDINANCE PROVISIONS

(1) Land may be used and a structure or part of a structure may be constructed, altered, occupied or used only as this ordinance permits.

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

(3) No lot area, yard, off-street parking area, off-street loading area or other open space shall be used as the required lot area, yard, off-street parking area, off-street loading area or other open space of another use, except as provided for in this ordinance.

SECTION 2.02 INTERPRETATION

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

SECTION 2.03 ADMINISTRATION

The City Administrator or other official designated as the building and planning official by the City shall have the power and duty to enforce the provisions of this ordinance.

SECTION 2.04 CERTIFICATE OF OCCUPANCY AND FINAL INSPECTION

Building Inspector & Building and Planning Official Requirements.

(1) The Building Inspector and Planning Official shall issue a Certificate of Occupancy for all Residential, Commercial and Industrial buildings. Certificates of Occupancy must meet the requirements in Veneta Municipal Code 15.05.210.

(2) The Building Inspector shall conduct a final site inspection for all other construction.

(3) The Building Inspector shall provide the City with copies of all Certificates of Occupancy and shall notify the City at the time any final inspection is completed and approved.

(4) The Building and Planning Official shall conduct an on-site inspection of the building site, after receiving notification of final inspection, to ensure that all requirements of

this ordinance and approved site plans have been complied with.

(5) If the Building and Planning Official or Building Inspector determines that a violation of this ordinance or any other ordinance or law does exist, he shall immediately notify the property owner and follow procedures in accordance with Section 2.10, "Enforcement, Violations and Penalties" of this ordinance.

SECTION 2.05 AUTHORIZATION OF SIMILAR USES

The Building and Planning Official may permit in a particular zone a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion of a use in a zone, where it is specifically listed in another zone. The decision of the Building and Planning Official may be appealed to the Planning Commission using procedures as spelled out in Section 2.07 of this ordinance.

SECTION 2.06 FORM OF PETITIONS, APPLICATIONS, FINAL ACTION

(1) Petitions, applications and appeals provided for in this ordinance shall be made on forms prescribed by the City.

(2) An applicant shall be advised that all permits or zone changes necessary for a development project may be merged into a consolidated review process. Zone changes and permits required through the application of the overlay district and discretionary permit procedures shall be available for a consolidated permit process. For purposes of this ordinance, a consolidated permit process shall mean that the hearing body shall, to the greatest extent possible, apply concurrent notice, public hearing and decision making procedures to the permits and zone changes which have been consolidated for review.

(3) Applications shall be accompanied by plans and specifications drawn to scale, showing the actual shape and dimensions of the legal lot to be built upon; the sizes and locations on the legal lot of all existing and proposed structures; the intended use of each structure; the number of households, if any, to be accommodated thereon; the relationship of the property to the surrounding area; a narrative statement addressing the applicable criteria; and such other information as is needed to determine conformance with this ordinance.

Applications that are accompanied by the required application fee will be reviewed and, within 30 days of its receipt, the applicant will be notified as to the completeness. If the City determines that the application is complete, the City will process the application in accordance with the review procedures for the type of application that has been submitted. If the City determines that the application is incomplete, the City shall advise the applicant in writing of the necessary missing

information. Within 180 days after initial application submittal, the applicant shall submit to the City a written statement indicating either intent to submit the missing information or a refusal to submit the missing information. The City shall begin review of the application when deemed complete for purposes of ORS 227.178 upon receipt of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from applicant that none of the missing information will be provided.

On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information but failed to respond pursuant to a, b or c above.

(4) After the Building and Planning Official or designee deems an application complete, it shall be sent to the City Engineer, Veneta Public Works Superintendent and affected regulatory agencies which may include but are not limited to the Lane County Fire District No. 1, Oregon Department of Transportation, Lane County Public Works Department, local utility companies, Division of State Lands, and US Army Corp of Engineers.

(5) Approval or denial of a land use regulation or limited land use application shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon and explains the justification for the decision based on the criteria standards and facts set forth.

(6) The decision of either the Building and Planning Official or the Planning Commission will be issued with a Final Order. If a written Notice of Appeal is not filed within fifteen (15) days of the date the Final Order of the Building and Planning Official or the Planning Commission decision is mailed, the decision becomes final.

(7) Final action on a permit or zone change application is required within 120 days from the date the application is deemed complete except where parties have agreed to mediation and for expedited land use decisions.

SECTION 2.07 APPEALS

(1) An action or ruling of the Building and Planning Official pursuant to this ordinance may be appealed to the Veneta Planning Commission within fifteen (15) days after the Building and Planning Official decision is mailed. An action or ruling of the

Planning Commission pursuant to this ordinance may be appealed to the City Council within fifteen (15) days after the Planning Commission has rendered its decision and the final order has been signed. Written notice of appeal from a decision of either the Building and Planning Official or the Planning Commission shall be filed with the City within fifteen (15) days of the date the final order has been signed.

(2) Issues of appeal must be raised with sufficient specificity to have afforded the decision maker and the applicant, if appropriate, an adequate opportunity to respond to and resolve each issue. The failure to raise an issue in person or by letter filed in a timely manner precludes appeal and the failure to specify to which criterion the comment is directed, precludes appeal based on that criterion. Appeals may only be made by an adversely affected or aggrieved person or an affected party who appears in person or to a timely presentation of written testimony to the Building and Planning Official or the Planning Commission and who files a written "Notice of Appeal" within fifteen (15) days of the decision.

(3) The written notice of appeal shall:

(a) be made on the appeal form provided by the City and include applicant's valid signature

(b) be filed with the appropriate fee

(c) include all matters specifically appealed, including a brief summary of the material presented to the Building and Planning Official or the Planning Commission upon which the decision which is being appealed was based.

Specific statutory citations supporting the appeal shall also be included. Failure to comply with one or more of these appeal requirements constitutes a jurisdictional defect which precludes the Planning Commission or City Council from considering the appeal. Any issue not specifically raised in the written appeal shall be deemed waived and will not be heard by the Planning Commission or the City Council as part of the appeal. If the appeal is filed, the Planning Commission or City Council shall receive a report and recommendation thereon from the Building and Planning Official or the Planning Commission and shall hold a public hearing on the appeal. Review is de novo by both the Planning Commission and City Council. The Planning Commission or City Council may continue the hearing for good cause. Following the hearing, the Planning Commission or City Council may sustain, reject, or overrule any recommendations or rulings of the Building and Planning Official or Planning Commission, provided such action complies with the provisions of this ordinance.

SECTION 2.08 FILING FEES

Application, petition and appeal fees shall be paid to the City upon filing as authorized in Veneta Municipal Code Chapter 3.30. A separate application and fee is required for each decision being appealed. All fees shall be established by a separate resolution adopted by the Council.

SECTION 2.09 WETLAND DEVELOPMENT

Development within a wetland is subject to compliance with Veneta's Wetland Protection Ordinance, Veneta Municipal Code Chapter 18.10.

(1) Notification. The City shall provide notice to the Division of State Lands (DSL) the applicant, and the owner of record within five working days of the acceptance of any complete application for subdivisions; building permits for new structures; other development permits and approvals that allow physical alteration of land involving excavation and grading, including permits for removal or fill, or both, or development in the floodplain; conditional uses and variances that involve physical alteration of land or construction of new structures; and planned unit development approvals that are wholly or partially within areas identified as wetlands on the Statewide Wetlands Inventory. This provision does not apply if a permit from DSL has been issued for the proposed activity.

(2) Approval. Approval of any activity described above shall include one of the following:

(a) Issuance of a permit by DSL required for the project before any physical alteration takes place within the wetlands;

(b) Notice from DSL that no permit is required; or

(c) Notice from DSL that no permit is required until specific proposals to remove fill or alter the wetlands are submitted.

If DSL fails to respond within 30 days of notice, the City approval may be issued with written notice to the applicant and the owner of record that the proposed action may require state or federal permits. The City may issue local approval for parcels identified as or including wetlands on the Statewide Wetlands Inventory upon providing to the applicant and owner of record a written notice of possible presence of wetlands and the potential need for state and federal permits and providing DSL with a copy of the notification of comprehensive plan map or zoning map amendments for specific properties.

SECTION 2.10 ENFORCEMENT, VIOLATIONS AND PENALTIES

(1) Responsibility. In any enforcement action the person or persons owning or occupying the premises at the time of the violation shall be presumed to be the person or persons who constructed, moved, caused or maintained the unlawful activity, use, condition, or structure. This presumption may be rebutted by either the city or the defendant both of whom shall have the right to show that the offense was committed by someone other than, or in addition to, the person charged. This

provision shall not be construed as relieving a person in possession and control of property from any duty imposed upon him or her by this ordinance.

Records of the Lane County assessor showing the person or persons to whom the taxes are assessed for the premises shall constitute prima facia evidence that the person or persons are in possession or control of the premises. Evidence of the name of a person or persons displayed on a sign or signs located on premises which is zoned commercial or industrial shall constitute prima facia evidence that the person or persons whose name is displayed is in possession or control of the premises. This provision shall not be construed to relieve any agent, manager, employee or other person who actually committed a violation from responsibility.

(2) Inspection and Right of Entry. When necessary to investigate a suspected violation of this land development ordinance, or an application for or revocation of any permit issued under this land development ordinance, the City Administrator and/or his designee may enter on any site or any structure open to the public for the purpose of investigation, provided entry is done in accordance with law. No site or structure that is closed to the public shall be entered without the written consent of the owner or the occupant unless a search warrant is obtained.

(3) Procedures.

(a) Within ten (10) days after notification of a violation of this ordinance, the Building and Planning Official shall notify the property owner that such a violation exists.

(b) Where the violation, in the opinion of the City Administrator and/or his designee, may adversely affect the health, safety or welfare of an individual, group or the community as a whole if not corrected immediately, action to rectify the problem may be required immediately or within a reasonable time as established by the City Administrator and/or his designee.

(c) Where the violation does not involve a structure, action to rectify such shall be made within ten (10) days. Where the violation involves a structure, action to rectify shall be made within thirty (30) days.

(d) Any use or structure established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to this land development ordinance is unlawful and a public nuisance, and may be abated as provided in Veneta Municipal Code Chapter 8.05. The City Administrator and/or his designee has the discretion of referring the matter to the City Attorney to institute any necessary legal proceedings to enforce the provisions of this land development ordinance.

(4) Penalty. A person violating a provision of this Ordinance shall, upon conviction, be fined not less than $105.00 nor more than $500.00 for each violation. A violation of

this ordinance shall be considered a separate offense for each day the violation continues.

SECTION 2.11 NOTICE OF PUBLIC HEARING

(1) Each notice of public hearing authorized by this ordinance shall be published in a newspaper of general circulation in the City and posted at Veneta City Hall at least ten (10) days prior to the date of the hearing.

(2) A notice of public hearing on an amendment to a zoning map shall be mailed to all owners of property located within not less than 500 feet from the exterior boundaries of the property for which the zoning map amendment has been requested. Notice shall also be provided to any neighborhood or community organization recognized by the City and whose boundaries include the site; to public notice subscribers; to the Lane County Assessor; and to the Lane County Land Management Division.

(3) A notice of public hearing on a quasi-judicial land use decision shall be mailed to the property owner, applicant, anyone who has expressed interest in the application or public notice subscribers, and all owners of property located within 300 feet of the property, for which the quasi-judicial land use decision has been requested. A notice shall also be posted on the property for which the land use decision has been requested.

(4) For the purpose of mailing notices of public hearing, the applicant shall provide the City with a list of property owners of record on the most recent property tax assessment roll. If the applicant fails to provide a list, the City may prepare the list and charge the applicant for the staff time involved as a part of the publication costs.

(5) The notice of hearing shall be mailed at least:

(a) Twenty (20) days before the hearing; or

(b) If two (2) or more hearings are required, ten (10) days before the first hearing.

(6) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

(7) When an application is received to change the zone of any property which includes all or part of a manufactured dwelling park, written notice by first class mail shall be sent to each existing mailing address for tenants of the manufactured dwelling park at least ten (10) days, before the date of the first hearing on the application.

(8) The public notice shall explain the nature of the application and the proposed use or

uses which would be authorized; list the applicable criteria from the ordinance and the comprehensive plan that apply to the application; cite the street address or some other easily understood geographical reference to the subject property; state the date, time and location of the hearing; include the name and telephone number of the City representative to contact for additional information; state that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and that a staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost. The notice shall also include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings and shall state that failure to raise an issue in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal based on that issue. It shall also state that failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the city to respond to the issues precludes an action for damages in circuit court.

(9) The notice provisions of this section shall not restrict the giving of notice by other means.

(10) A notice of hearing on an amendment to a zoning map or text amendment shall be mailed to the Land Conservation and Development Commission (LCDC) 45 days prior to the first evidentiary hearing date.

(11) The City shall provide notice of the decision to the applicant and any person who submits written or oral testimony. The notice of the decision must identify the application, state the decision being made and the date it was signed, include an explanation of appeal rights, either at the local level or to the Land Use Board of Appeals (LUBA), and briefly summarize the local decision making process for the decision being made.

If the City Council approves a zone change, notice of the decision shall also be mailed to the Lane County Assessor's Office.

SECTION 2.12 CONTINUANCE, EXTENSIONS AND REOPENING PUBLIC HEARINGS

(1) The Planning Commission may continue the public hearing to a time, date, and place certain if additional information is needed to make a decision.

(2) Unless there is a continuance, if a participant so requests before the conclusion of

the initial public hearing, the record shall remain open for at least seven (7) days after the hearing. Such an extension shall be subject to the limitations of the 120-Day Rule, unless the extension is requested or agreed to by the applicant. Unless waived by the applicant, the City must allow the applicant at least seven (7) days after the record is closed to all other parties to submit final written arguments in support of the application. This seven (7) day period is not subject to the 120-Day Rule.

(3) When a local governing body, planning commission, council or hearings officer reopens a record to admit new evidence, arguments, or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

SECTION 2.13 NOTICE OF LIMITED LAND USE ACTIONS

Limited Land Use decisions do not require public hearings; however, the decision is subject to the following requirements:

(1) The City shall follow the applicable procedures contained within its land use regulations and other applicable legal requirements.

(2) Written notice shall be posted at City Hall and mailed to the property owner, applicant and all owners of property within 300 feet of the entire contiguous site for which the application is made. Notice shall also be provided to any neighborhood or community organization recognized by the City and whose boundaries include the site; anyone who has paid a public notice subscription fee; and to Lane County Land Management Division. A notice shall also be posted on the property for which the limited land use decision has been requested.

(3) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the decision.

(4) The public notice shall provide a fourteen (14) day period for submission of written comments prior to the decision. The notice shall explain the nature of the application and the proposed use or uses which would be authorized; list the applicable criteria from the ordinance that apply to the application; cite the street address or some other easily understood geographical reference to the subject property; state the place, date and time that comments are due; include the name and telephone number of the City representative to contact for additional information; state that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. The notice shall state that issues which may provide the basis for an appeal to the Council shall be raised in writing prior to the expiration of the comment period and issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

(5) The City shall provide notice of the decision to the applicant and any person who submits comments within the fourteen (14) day period provided. The notice of the decision must include an explanation of appeal rights and briefly summarize the local decision making process for the decision being made.

ARTICLE 3 - ESTABLISHMENT OF ZONES

SECTION 3.01 CLASSIFICATION OF BASIC ZONES

For the purposes of this ordinance the following basic zones are hereby established:

BASIC ZONES	ABBREVIATED DESIGNATION
Rural Residential	RR
Single-Family Residential	SFR
General Residential	GR
Residential-Commercial	RC
Broadway Commercial	BC
Community Commercial	CC
Highway Commercial	HC
Industrial-Commercial	IC
Light Industrial	LI
Medium Industrial	MI
Public Facilities and Parks	PFP

SECTION 3.02 CLASSIFICATION OF SUB-ZONES

(1) A sub-zone may be established in combination with a basic zone. The sub-zone shall establish additional requirements, standards, and procedures for the use and development of property in the basic zone. In cases of conflict between the standards and requirements of the basic zone and the sub-zone, the standards and requirements of the sub-zone shall apply.

(2) For the purposes of this ordinance the following sub-zones are hereby established:

SUB-ZONES	ABBREVIATED DESIGNATION
Greenway - Open Space	/GW
Flood Hazard	/FH
Planned Development	/PD
Specific Development Plan	/SDP

SECTION 3.03 LOCATION OF ZONES

The boundaries for Specific Development Plan sub-zones are indicated on the Veneta Zoning Map, dated November 23, 2009, which is hereby adopted by reference and made a part of this ordinance. The Northeast Employment Center Map dated August 26, 2002 is

hereby adopted by reference and made a part of this ordinance. The Flood Hazard Zone is delineated from the Federal Emergency Management Agency's Lane County, Oregon and Incorporated Areas Flood Insurance Rate Map. The Greenway - Open Space sub-zone and Flood Hazard sub-zone are shown on the Veneta Zoning Map.

SECTION 3.04 ZONING MAPS

A zoning map adopted by section 3.03 of this ordinance or an amendment thereto shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this ordinance remains in effect.

SECTION 3.05 ZONING OF BOUNDARIES

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad right-of-way or such lines extended except where a boundary line clearly divides a lot; then the boundary line shall be determined by use of the scale designated on the zoning map. Where a boundary line divides a lot, the boundary line shall be considered as the lot line for purposes of determining area and setback requirements for each zone.

SECTION 3.06 ZONING OF ANNEXED AREAS

All areas annexed to the City shall be placed in the Rural Residential (RR) zone unless specifically placed in another zone by the City Council at the time of annexation. The Council shall request a recommendation from the Planning Commission prior to zoning any annexed area other than RR.

ARTICLE 4 - USE ZONES

SECTION 4.01 RURAL RESIDENTIAL ZONE (RR)

In an RR zone the following regulations shall apply:

(1) Purpose. To maintain areas outside the City's service boundary for limited rural development within the carrying capacity of the natural resources until conversion to urban residential uses.

(2) Uses Permitted Outright. In an RR zone the following uses and their accessory uses are permitted subject to compliance with state and local health and sanitation requirements. As described in Section 6.01, some development activities or changes in use, including those on properties located within subzones or properties with physical characteristics which may be affected by the development, may require a Site Plan Review.

(a) One (1) detached single-family dwelling per buildable legal lot, provided adequate water and sewage disposal are available.

(b) Commercial horticulture.

(c) Non-commercial animal husbandry including the raising of fowl, bees and domestic farm animals, except pigs (including potbellied pigs), not conducted on a commercial basis subject to the following provisions:

1. The total number of animals allowed on a lot shall be limited to the square footage of the lot divided by the total minimum area required for each animal.

Cows, horses, sheep or goats can be kept on lots having an area of 20,000 square feet per animal (other than their young under the age of six (6) months)

The number of chickens, other fowl and/or rabbits (over the age of six (6) months) shall not exceed one for each 500 square feet of property, provided that no roosters over the age of six (6) months shall be kept. The number of young chickens, other fowl and/or rabbits (under the age of six (6) months) allowed on the property at any one time shall not exceed three (3) times the allowable number of chickens, other fowl and/or rabbits over the age of six (6) months.

The number of colonies of bees allowed on a lot shall be limited to one colony for each 1,000 square feet of lot area.

Animal runs or farm building for housing livestock or animals, chicken

or other fowl pens and colonies of bees shall be located behind the house, not less than 100 feet from any residence, nor closer than twenty (20) feet to the interior property line of an abutting property.

2. Animals, chickens and/or other fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent proof receptacles.

3. When a RR zone is reclassified to another zone, all those land uses granted under item (c) above shall be completely discontinued within a period of six (6) months from the date of reclassification except for properties one acre in size or larger and zoned SFR or GR.

(d) Registered or Certified Family Daycare.

(e) Adult Foster Home.

(f) Accessory structures not exceeding 2500 square feet in size.

(3) Uses Permitted Subject to Site Plan Review. In a RR zone, the following uses and their accessory uses are permitted subject to site plan review, as described in Section 6.01:

(a) Public and semi-public uses, including transit facilities and transportation improvements conforming to the City of Veneta Transportation System.

(4) Conditional Uses. In a RR zone, the following uses and their accessory uses may be permitted subject to the provisions of Article 8, Conditional Uses. Some Conditional Uses are also subject to the provisions of Article 6, Site Plan Review. As described in Section 6.01, some development activities or changes in use may require Site Plan Review if the property is located within a subzone or has physical characteristics which may be affected by the development.

(a) Major home occupations. See Article 12 for Home Occupation Requirements.

(b) Commercial animal husbandry.

(c) Commercial dog kennel.

(d) Accessory dwelling to relieve a temporary medical hardship.

(e) Accessory structures exceeding 2,500 square feet in size.

(f) Public structures or uses of land for public utility facilities such as:

1. Electric substation or transformer.
2. Public or community sewage disposal plant or pumping station.
3. Radio or television tower or cell tower transmitter.
4. Telephone exchange.
5. Transportation improvements not identified by the City of Veneta Transportation System Plan.

(g) Day care facilities.

(5) Lot Size. Except as provided in Articles 5, 6, and 8, the minimum lot size in an RR zone shall be as follows:

(a) The minimum legal lot size is one (1) acre, or larger as needed to permit compliance with the requirements of the Department of Environmental Quality for the location of on-site disposal systems and domestic wells. Determination of minimum legal lot size and land division approval will be made on a case-by-case basis by the Planning Commission based on the carrying capacity of the land, availability of sewage disposal systems and type of water supply.

(b) When residential development is proposed for a lot that is twice the minimum lot size which also has potential for future division, the applicant must submit a shadow plat to show how the lot could be further developed to urban densities, including minimum yard setbacks and future street extensions.

(6) Yards. Except as provided elsewhere in this Article and in Articles 5, 6 and 8, in an RR zone, yards shall be as follows:

(a) Front yards shall be a minimum of twenty (20) feet.

(b) Back and side yards shall be a minimum of ten (10) feet.

(c) Yards shall be landscaped as provided in Section 5.12.

(d) See Section 5.09 for additional setbacks on designated streets.

(e) Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets, or construction of new streets.

(f) See Veneta Tree Preservation and Protection Ordinance for possible setback exemptions for the preservation of heritage trees.

(7) Lot Coverage. All buildings, including accessory structures, shall not occupy more than 30 percent of the legal lot area.

(8) Building Height. Except as provided in Articles 5, 6 and 8, or as otherwise required by Section 4.01, in a RR zone, no building shall exceed 35 feet in height.

(9) For additional requirements see Article 5 - Supplementary Provisions.

SECTION 4.02 SINGLE-FAMILY RESIDENTIAL ZONE (SFR)

In an SFR zone, the following regulations shall apply:

(1) Purpose. To provide areas suitable and desirable for primarily single-family and public service uses, with options and flexibility to provide a variety of housing through clustering and planned developments, including the provision of limited multi-family use subject to lot size and density standards. The net density in the SFR zone shall not exceed eight (8) dwelling units per acre. Lots in the SFR zone are subject to the minimum lot area and dimensional standards of the zone.

(2) Uses Permitted Outright. In a SFR zone, the following uses and their accessory uses are permitted outright:

(a) One detached single-family dwelling per buildable legal lot.

(b) One duplex on a corner lot, provided driveway access is taken from an alley or from two local streets; i.e., one for each dwelling unit. Access from a collector street may be approved where the driveway access is setback at least 50 feet from the street intersection and the City Engineer finds that applicable sight distance requirements are met.

(c) Domestic horticulture.

(d) Adult Foster Home.

(e) Registered or certified family daycare.

(f) The keeping of backyard chickens on lots less than one acre in size, in compliance with Section 5.30.

(g) Uses similar to the above permitted uses as provided by Section 2.05.

(3) Uses Permitted Subject to Site Plan Review. In a SFR zone, the following uses and their accessory uses are permitted subject to site plan review, as described in Section 6.01:

(a) Public and semi-public uses, including transit facilities and transportation improvements conforming to the City of Veneta Transportation System.

(b) One accessory dwelling, subject to the following standards. The accessory dwelling standards are intended to maintain consistency with the purposes of the SFR zone while promoting compatibility between accessory dwellings and single family dwellings on abutting lots:

1. Floor Area. Accessory dwellings shall not exceed 600 square feet of floor area, or 50% of the primary unit, whichever is smaller.

2. One Unit. A maximum of one accessory dwelling unit is allowed per lot.

3. Building Height. The building height of any detached accessory dwelling (*i.e.,* separate cottages or above a detached garage) shall not exceed 28 feet.

4. Building Materials. Accessory dwellings shall be constructed with materials and detailing that generally match those used on the primary dwelling, except where the approval body requires different materials and/or detailing to promote compatibility with single family dwellings on abutting lots.

5. Screening. Where screening is necessary for visual privacy between an accessory dwelling and abutting single family use, the approval body may require a landscape hedge and/or solid wood fence be installed in the side and/or rear yard where such screening promotes privacy. Plans for screening shall conform to Section 5.12 Landscaping.

6. Parking. A minimum of two parking spaces total must be provided for the primary dwelling and accessory dwelling; one additional off-street parking space must be provided if no on-street parking abuts the subject property.

(c) Accessory structures not exceeding 2500 square feet in size.

(d) Residential facilities.

(e) Non-commercial animal husbandry on properties one acre in size or larger. See Section 4.01 (2) (c) for requirements.

(f) The garage of a single-family dwelling within a subdivision may be used as a temporary sales office before permanent occupancy. The sales office must be converted to a garage before permanent occupancy.

(g) Uses similar to the above permitted uses as provided by Section 2.05.

(4) Conditional Uses. In a SFR zone, the following uses and their accessory uses may be permitted subject to the provisions of Article 8, Conditional Uses. Conditional

Uses may also be subject to the provisions of Article 6, Site Plan Review.

(a) Major home occupation. See Article 12 for Home Occupation Requirements.

(b) Neighborhood commercial centers.

(c) Multi-family housing or Residential facilities. Approval must be based upon a development plan, subject to Site Review procedures per Article 6 and Conditional Use standards of Article 8.

(d) Public structures or uses of land for public utility facilities such as:
1. Electric substation or transformer.
2. Public or community sewage disposal plant or pumping station.
3. Radio or television tower or cell tower transmitter.
4. Telephone exchange.
5. Transportation improvements not identified by the City of Veneta Transportation System Plan.

(e) Day care facilities.

(f) Accessory structure larger than 2,500 square feet.

(g) Uses similar to the above conditional uses as provided by Section 2.05.

(5) Lot Size and Width. Except as provided in Articles 5, 6 and 8, the minimum lot size and width in an SFR zone shall be as follows:

(a) The minimum lot area is 6,000 square feet, except 7,500 square feet is required for duplex lots and 18,000 square feet is required for multifamily lots; an additional 2,000 square feet is required for all proposed lots with an average pre-development slope of 15% or greater (See Section 5.25). Smaller lots may be approved through a Specific Development Plan or Planned Unit Development.

(b) The minimum lot width is sixty (60) feet. Lot widths may be reduced to thirty (30) feet for single-family attached homes, provided that not more than four (4) dwellings are consecutively attached.

(c) The Planning Commission may require larger lot areas, at the time a land division is granted, when it determines that it is necessary to do one of the following:
1. Protect natural drainage-ways.
2. Provide drainage or utility easements.
3. Protect future right-of-way.
4. Protect un-buildable steep slope areas above the 450-foot elevation level.

5. Protect flood plain hazard areas.

(d) Smaller lots may be allowed if public space in addition to that required by section 5.26 Parkland Dedication Requirements, is dedicated or otherwise permanently preserved to protect natural resources or provide recreational opportunities. When the provisions of this section are utilized to develop smaller lots than would otherwise be allowed by the base zone, the following standards shall apply and shall supersede the standards for the base zone.

1. In no case shall the gross density of the development exceed the maximum gross density of the site if it were developed with standard minimum lot sizes for the base zone, irrespective of wetland or Greenway areas.

2. In no case will the minimum lot size be less than 70% of the minimum lot size for the base zone.

3. Developments seeking to qualify for such a density bonus may be required to relocate structures currently within the Greenway subzone to less sensitive areas.

4. Side yards shall be no less than 5 feet on a side.

5. Front yard setbacks shall be no less than ten (10) feet, except garage and carport openings shall be setback at least twenty (20) feet.

6. Exceptions to these setback requirements may be allowed when necessary to provide a larger buffer between waterways or other natural resources and development.

(e) When residential development is proposed for a lot that is twice the minimum lot size which also has potential for future division, the applicant must submit a shadow plat to show how the lot could be further developed to urban densities.

(6) Yards. Except as provided in Articles 5, 6 and 8, or as otherwise allowed under Section 4.02 (5) (c), in an SFR zone, yards shall be as follows:

(a) Front yards shall be a minimum of twenty (20) feet.

(b) Back and side yards shall be a minimum of 5 feet when the building elevation closest to the property line is 22 feet or less in building height, and a minimum of 10 feet when the building elevation closest to the property line is greater than 22 feet in building height.

(c) Yards shall be landscaped as provided in Section 5.12.

(d) See Section 5.09 for additional setbacks on designated street, or construction of new streets. Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets, or construction of new streets.

(e) See Veneta Tree Preservation and Protection Ordinance for possible setback exemptions for the preservation of heritage trees.

(7) Lot Coverage. In an SFR zone, all buildings shall not occupy more than forty percent (40%) percent of the lot area. In the case that any portion of the primary dwelling is taller than twenty-two (22) feet, the maximum allowable lot coverage is thirty percent (30%). When lots smaller than 6,000 square feet are approved under subsection 4.02(5)(d), an additional ten percent (10%) of each such lot may be covered by buildings.

(8) Building Height. Except as provided in Articles 5, 6 and 8, or as otherwise required by Section 4.02, in a SFR zone, no building shall exceed 35 feet in height.

(9) Residential Design Standards. All residential developments, including land divisions, individual dwelling units, and residential care homes, as applicable, and projects that are subject to Site Plan Review or Planned Unit Development review, shall conform to the design standards in Section 5.29.

(10) For additional requirements, see Article 5 - Supplementary Provisions.

SECTION 4.03 GENERAL RESIDENTIAL ZONE (GR)

In a GR zone, the following regulations shall apply:

(1) Purpose. To provide areas suitable and desirable for a variety of housing types and densities with provisions for associated public service uses and open space, and allowing flexibility through planned developments and other options under controlled conditions. The net density in the GR zone shall not exceed fifteen (15) dwelling units per net acre and twenty (20) units in planned developments, and are subject to the minimum lot area and dimensional standards of the zone.

(2) Uses Permitted Outright. In a GR zone, the following uses and their accessory uses are permitted outright:

(a) One detached single-family dwelling per buildable legal lot.

(b) One duplex per legal buildable lot.

(c) Domestic horticulture.

(d) Registered or certified family daycare.

(e) Adult Foster Home.

(f) The keeping of backyard chickens on lots less than one acre in size, in compliance with Section 5.30.

(g) Uses similar to the above permitted uses as provided by Section 2.05.

(3) Uses Permitted Subject to Site Plan Review. In a GR zone, the following uses and their accessory uses are permitted subject to site plan review, as described in Section 6.01:

(a) Public and semi-public uses, including transit facilities and transportation improvements conforming to the City of Veneta Transportation System.

(b) Multi-family dwellings.

(c) One accessory dwelling, subject to the following standards. The accessory dwelling standards are intended to maintain consistency with the purposes of the GR zone while promoting compatibility between accessory dwellings and single family dwellings on abutting lots:

1. Floor Area. Accessory dwellings shall not exceed 600 square feet of floor area, or 50% of the primary unit, whichever is smaller.

2. One Unit. A maximum of one accessory dwelling unit is allowed per lot.

3. Building Height. The building height of any detached accessory dwelling (*i.e.,* separate cottages or above a detached garage) shall not exceed 28 feet.

4. Building Materials. Accessory dwellings shall be constructed with materials and detailing that generally match those used on the primary dwelling, except where the approval body requires different materials and/or detailing to promote compatibility with single family dwellings on abutting lots.

5. Screening. Where screening is necessary for visual privacy between an accessory dwelling and abutting single family use, the approval body may require a landscape hedge and/or solid wood fence be installed in side and/or rear yards where such screening promotes privacy. Plans for screening shall conform to Section 5.12 Landscaping.

6. Parking. A minimum of two parking spaces total must be provided, one of which may be provided through on-street parking if available.

(d) Residential facilities.

(e) Accessory structures not exceeding 2,500 square feet in size.

(f) Non-commercial animal husbandry on properties one acre in size or larger. See Section 4.01 (2) (c) for requirements.

(g) The garage of a single-family dwelling within a subdivision may be used as a temporary sales office before permanent occupancy. The sales office must be converted to a garage before permanent occupancy.

(h) Attached single-family dwellings (townhouse or rowhouse).

(i) Uses similar to the above permitted uses as provided by Section 2.05.

(4) Conditional Uses. In a GR zone, the following uses and their accessory uses may be permitted subject to the provisions of Article 8, Conditional Uses. Some Conditional Uses are also subject to the provisions of Article 6, Site Plan Review.

(a) Major home occupation. See Article 12 for Home Occupation Requirements.

(b) Neighborhood commercial centers.

(c) Day care facilities.

(d) Manufactured dwelling parks, subject to Site Plan Review provisions of Article 6. Manufactured dwelling parks are also subject to state regulations under Oregon Revised Statutes Chapter 446.

(e) Public structures or uses of land for public utility facilities such as:
1. Electric substation or transformer.
2. Public or Community sewage disposal plant or pumping station.
3. Radio or television tower or cell tower transmitter.
4. Telephone exchange.
5. Transportation improvements not identified by the City of Veneta Transportation System Plan.

(f) Accessory structures larger than 2,500 square feet.

(g) Uses similar to the above conditional uses as provided by Section 2.05.

(5) Lot size and Width. Except as provided in Articles 5, 6 and 8, the minimum lot size and width in a GR zone shall be as follows:

(a) For any housing type, the maximum density allowed per legal lot is one

dwelling per 6,000 square feet (5,400 in the downtown area on the Comprehensive Plan map), two (2) dwellings per 7,500 square feet, plus 2,000 square feet for each additional dwelling unit.

(b) Lot sizes smaller than 6,000 square feet are allowed for single-family attached homes that do not exceed the overall net density allowed for multi-family housing. Lots for single-family attached homes do not need to meet the minimum lot width.

(c) The minimum lot width is sixty (60) feet. Lot widths may be reduced to thirty (30) feet for single-family attached homes, provided that not more than four (4) dwellings are consecutively attached.

(d) The Planning Commission may require larger lot areas, at the time a land division is granted, when it determines that it is necessary to do one of the following:

1. Protect natural drainage-ways
2. Provide drainage or utility easements.
3. Protect future right-of-way.
4. Protect unbuildable steep slope areas above the 450-foot elevation level.
5. Protect flood plain hazard areas.

(e) Smaller lots may be allowed if public space in addition to that required by section 5.26 Parkland Dedication Requirements, is dedicated or otherwise permanently preserved to protect natural resources or provide recreational opportunities. When the provisions of this section are utilized to develop smaller lots than would otherwise be allowed by the base zone, the following standards shall apply and shall supersede the standards for the base zone.

1. In no case shall the gross density of the development exceed the maximum gross density of the site if it were developed with standard minimum lot sizes for the base zone, irrespective of wetland or Greenway areas.

2. In no case will the minimum lot size be less than 70% of the minimum lot size for the base zone.

3. Developments seeking to qualify for such a density bonus may be required to relocate structures currently within the Greenway subzone to less sensitive areas.

4. Side yards shall be no less than 5 feet on a side.

5. Front yard setbacks shall be no less than ten (10) feet, except garage and carport openings shall be setback at least twenty (20) feet.

6. Exceptions to these setback requirements may be allowed when necessary to provide a larger buffer between waterways or other natural resources and development.

(f) When residential development is proposed for a lot that is twice the minimum lot size which also has potential for future division, the applicant must submit a shadow plat to show how the lot could be further developed to urban densities.

(6) Yards. Except as provided in Articles 5 and 6, or as otherwise allowed under Section 4.03 (5) (e), in a GR zone, yards shall be as follows:

(a) Front yards shall be a minimum of twenty (20) feet except that an unenclosed front porch may extend eight (8) feet into a required front or street side yard.

(b) Back and side yards shall be a minimum of 5 feet when the building elevation closest to the property line is 22 feet or less in building height, and a minimum of 10 feet when the building elevation closest to the property line is greater than 22 feet in building height.

(c) Yards shall be landscaped as provided in Section 5.12.

(d) See Section 5.09 for additional setbacks on designated streets. Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets, or construction of new streets.

(7) Lot Coverage. In a GR zone, where the primary dwelling is twenty two (22) feet or less in height, the total area covered by all buildings shall not occupy more than fifty percent (50%) percent of the lot area; where the primary dwelling is taller than twenty-two (22) feet, the maximum allowable lot coverage is forty percent (40%). Where lots smaller than 6,000 square feet are approved under subsection 4.03(5)(e) an additional ten percent (10%) of each such lot may be covered by buildings.

(8) Building Height. Except as provided in Articles 5, 6 and 8, or as otherwise required by Section 4.03, in a GR zone, no building shall exceed 35 feet in height.

(9) Residential Design Standards. All residential developments, including land divisions, individual dwelling units, residential care homes and care facilities, and projects that are subject to Site Plan Review or Planned Unit Development review, as applicable, shall conform to the design standards in Section 5.29.

(10) For additional requirements, see Article 5 - Supplementary Provisions.

SECTION 4.04 RESIDENTIAL-COMMERCIAL ZONE (RC)

In a RC zone, the following regulations shall apply:

(1) Purpose. To provide areas suitable and desirable for a mixture of residential and commercial uses within walking distance of downtown Veneta with provisions for associated public service uses, and other uses, under specific standards that promote land use compatibility and transportation-efficient development.

(2) Uses Permitted Subject to Site Plan Review. In a RC zone, the following uses and their accessory uses are permitted. As described in Section 6.01, some development activities or changes in use, including those on properties located within subzones or properties with physical characteristics which may be affected by the development, may require a Site Plan Review.

(a) All uses allowed as permitted uses in Section 4.03(2) and (3) of the General Residential Zone.

(b) All uses allowed as permitted uses in Section 4.05(2) and (3) of the Broadway Commercial Zone.

(c) All uses allowed as permitted uses in Section 4.06(2) and (3) of the Community Commercial Zone.

(3) Conditional Uses. In a RC zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6, Site Plan Review, and Article 8, Conditional Uses (except drive-thru facilities):

(a) All uses allowed as conditional uses in Section 4.03(4) of the General Residential Zone.

(b) All uses allowed as conditional uses in Section 4.05(4) of the Broadway Commercial Zone.

(c) All uses allowed as conditional uses in Section 4.06 (4) of the Community Commercial Zone.

(4) Lot Size and Width. In the RC zone, minimum lot sizes and widths shall be as follows:

(a) Detached single family residential uses shall have a minimum lot size of 5,000 square feet and a minimum lot width of 50 feet wide; Duplex: 6,000 square feet and 60 feet wide; Multi-family use 9,500 square feet and 60 feet wide; Attached single family (townhome) use 3,000 square feet and 30 feet wide.

(b) Except as otherwise provided by Articles 5, 6 and 8, the minimum lot area for non-residential uses is 3,000 square feet.

(c) When residential development is proposed for a lot that is twice the minimum lot size which also has potential for future division, the applicant must submit a shadow plat to show how the lot could be further developed in conformance with the minimum lot sizes, densities, and other applicable requirements of Articles 4 and 5, including but not limited to future streets, alleys and utility extensions, as applicable.

(5) Yards.

(a) Front yards for dwellings not contained in a mixed-use building shall be a minimum of fifteen (15) feet, except unenclosed front porches may extend eight (8) feet into required front yards. Garage and carport openings shall be setback at least twenty (20) feet or otherwise oriented away from the street (e.g., side-loaded entrances).

(b) Front yards for buildings containing commercial uses, including mixed-use buildings, shall be a minimum of five (5) feet and a maximum of twenty (20) feet; the maximum setback is met when at least fifty (50) percent of a building's front elevation is placed within 5-20 feet of the ultimate planned street right-of-way line. Additional setbacks may be required pursuant to Articles 5, 6, or 8. For the purpose of this subsection, buildings designated as containing commercial uses shall have a minimum floor-to-ceiling height on the ground floor of fourteen (14) feet and conform to the commercial design standards in Section 5.13.

(c) Front yards abutting a residential zone (RR, SFR, GR) shall be twenty (20) feet, except unenclosed front porches may extent eight (8) feet into required front yards.

(d) Back and side yards, abutting a residential zone (RR, SRF, and GR) shall be five (5).

(e) Yards for off-street parking areas shall be a minimum of five (5) feet; additional yard area may be required under Articles 5, 6, or 8; e.g., for clear vision and compatibility with abutting uses. This standard does not apply to parking spaces in driveways for individual dwellings, except that driveways shall be designed so that parked vehicles do not encroach into the public right-of-way.

(f) Yards shall be landscaped pursuant to Section 5.12. Within the downtown area, up to eighty percent (80%) of required landscapes may be improved with hardscape features, subject to Site Plan Review.

(g) See Section 5.09 for additional setbacks on designated streets, or construction of new streets.

(h) See Veneta Tree Preservation and Protection Ordinance for possible setback exemptions for the preservation of heritage trees.

(6) Lot Coverage. In a RC zone, the maximum lot coverage is fifty percent (50%) percent; except sixty percent (60%) percent coverage is allowed on lots that receive vehicular access from and have off-street parking oriented to a dedicated alley (i.e., where access and egress is provided via a public access easement or public right-of-way). An additional ten percent (10%) lot coverage may be approved for mixed-use developments (residential above or on the same parcel with commercial space).

(7) Building Height. Except as provided in Articles 5, 6 and 8, in a RC zone, no building shall exceed a height of 35 feet.

(8) Building Orientation and Design. New residential developments, including land divisions, individual dwelling units and projects that are subject to Site Plan Review or Planned Unit Development review, shall conform to the design standards in Section 5.29. All other developments, including commercial, institutional, and vertical mixed-use (residential above commercial) projects, shall comply with the building design standards in Section 5.13.

(9) Pedestrian Access. A sidewalk shall provide safe, convenient pedestrian access from the street to the primary building entrance. If the sidewalk must cross a parking lot or driveway, it shall be paved, raised and/or marked with durable materials in a manner that calls attention to the sidewalk.

(10) For additional requirements, see Article 5 - Supplementary Provisions.

SECTION 4.05 BROADWAY COMMERCIAL

In the BC zone, the following regulations shall apply:

(1) Purpose. Create a pedestrian friendly environment within the downtown area with a mixture of land uses that provides direct, safe, and convenient access from residential areas to commercial services, public spaces, and transit connections while maintaining access for automobiles and bikes.

(2) Uses Permitted Subject to Site Plan Review. In a BC zone, the following uses and their accessory uses are permitted subject to the site plan review provisions of Article 6, provided all operations except off-street parking, recreational facilities, common areas (e.g., plazas), and permitted temporary activities associated with an allowed use shall be conducted entirely within an enclosed building (excludes drive-thru facilities):

(a) Retail stores or shops exceeding 10,000 square feet and contained in a mixed-use building where residential uses are located above commercial space.

(b) Retail store or shops not exceeding 10,000 square feet including:

1. Restaurants (excluding drive-thru facilities), tasting rooms, catering and other food services.

2. Bakeries (with retail outlet).

4. Medical Marijuana Facility, when not located within 1,000 feet of real property comprising a public park.

   For purposes of this subsection, “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing, public park. This buffer shall not apply to new parks located within 1,000 feet of an existing Medical Marijuana Facility.

6. Personal service establishments such as beauty and barber shops, shoe repair shops and tailor or dress-making shops.

(c) Personal or business services.

(d) Museums and art galleries.

(e) Professional, financial and business offices.

(f) Medical, dental clinics, or medical laboratories.

(g) Financial institutions.

(h) Indoor commercial amusement or recreation establishments.

(i) Community buildings and social organizations, including but not limited to senior centers.

(j) Bed and breakfast; boarding, lodging or rooming home.

(k) Manufacturing and production of jewelry, candy or other similar items (less than 5,000 sq. ft. with retail outlet that is a minimum of twenty-five (25) percent the size of the manufacturing area).

(l) Laundromat or cleaning agencies.

(m) Technical support and telemarketing centers.

(n) Residential uses contained in a mixed-use building (e.g., apartments or condominiums above commercial space, or residential use in a live-work building) where residential uses are located above commercial space.

(o) Low impact public and semi-public uses, including transit facilities and transportation improvements conforming to the City of Veneta Transportation System.

(p) Registered or certified family daycare in an existing structure currently used as a residence.

(q) Residential uses within a commercial structure, provided the residential use does not occupy more than 50 percent of the ground floor space in the structure if the any previous use of the structure has been commercial. Residential shall not occupy the front 25 feet of ground floor space abutting a principal commercial street (Broadway or Territorial Road), except that residential use may be accessed via a breezeway, lobby, or similar entrance.

(r) Uses similar to the above permitted uses as provided by Section 2.05.

(3) Conditional Uses. Except as provided in Section 4.05 (5) below, the following uses and their accessory uses are permitted in the BC zone subject to the provisions of Article 6, Site Plan Review, and Article 8, Conditional Uses:

(a) Open display or storage outside exceeding 180 days.

(b) Parking lots and parking garages when not accessory to a primary permitted use, and screened in accordance with Section 5.12 Landscaping.

(c) Transportation improvements not identified by the City of Veneta Transportation System Plan.

(d) Uses similar to the above conditional uses as provided by Section 2.05.

(4) Prohibited Uses.

(a) Drive-thru facilities (e.g., banks, eating and drinking establishments, and others).

(5) Lot Size and Width. In the BC zone, minimum lot sizes and widths shall be as follows:

(a) Lot Size: 3,000 square feet.

(b) Lot Width: twenty (20) feet.

(6) Yards. Except as provided in Articles 5, 6 and 8, in a BC zone, and as required below, there are no minimum yards:

(a) Yards for off-street parking areas shall be a minimum of five (5) feet; additional yard area may be required under Articles 5, 6, or 8; e.g., for clear vision and compatibility with abutting uses. This standard does not apply to parking spaces in driveways for individual dwellings, except that driveways shall be designed so that parked vehicles do not encroach into the public right-of-way.

(b) Yards shall be landscaped pursuant to Section 5.12.

(c) See Section 5.09 for additional setbacks on designated streets.

(d) Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.

(7) Lot Coverage. In the BC zone, the maximum allowable lot coverage by buildings is seventy percent (70%). Up to eighty percent (80%) coverage may be approved for mixed-use developments incorporating residential and commercial uses. All lot areas not covered by buildings, parking lots, walkways etc. shall be landscaped pursuant to Section 5.12.

(8) Building Height. Except as provided in Articles 5, 6 and 8, in a BC zone, the maximum building height is forty-five (45) feet; up to fifty-five (55) feet in height is allowed for mixed-use buildings that contain dwellings at a minimum density of twenty (20) units per acre; dwellings must be located above a ground floor commercial space that has a floor-to-ceiling height of at least fourteen (14) feet.

(9) Building Orientation and Design. All development, including new structures and exterior remodels to existing structures or developments, shall comply with the design standards in Section 5.13. Multi-family buildings and attached single-family buildings, where allowed, shall comply with the design standards in Section 5.29.

(10) Pedestrian Access. A sidewalk shall provide safe, convenient pedestrian access from the street to the primary building entrance. If the sidewalk must cross a parking lot or driveway, it shall be paved, raised and/or marked in a manner that calls attention to the sidewalk.

(11) For additional requirements see Article 5 - Supplementary Provisions.

SECTION 4.06 COMMUNITY COMMERCIAL (CC)

In the CC zone, the following regulations shall apply:

(1) Purpose. To provide areas suitable and desirable for a wide range of small commercial and business facilities to serve the Fern Ridge community.

(2) Uses Permitted Subject to Site Plan Review. In a CC zone, the following uses and their accessory uses are permitted subject to the site plan review provisions of Article 6, provided all operations except off-street parking, recreational facilities, common areas (e.g., plazas), and permitted temporary activities associated with an allowed use shall be conducted entirely within an enclosed building (excludes drive-thru facilities):

(a) Retail stores or shops exceeding 10,000 square feet and contained in a mixed-use building where residential uses are located above commercial space.

(b) Retail store or shops not exceeding 10,000 square feet.

(c) Personal or business service.

(d) Household appliance and small equipment repair and maintenance service (retail outlet required).

(e) Eating and drinking establishments, excluding drive-thru restaurants.

(f) Museums and art galleries.

(g) Professional, financial and business offices.

(h) Medical, dental clinics or medical laboratories.

(i) Medical Marijuana Facility, when not located within 1,000 feet of real property comprising a public park.

For purposes of this subsection, “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing, public park. This buffer shall not apply to new parks located within 1,000 feet of an existing Medical Marijuana Facility.

(j) Mortuary or crematorium.

(k) Financial institutions.

(l) Indoor commercial amusement or recreation establishments.

(m) Bed and breakfast; boarding, lodging or rooming home.

(n) Public and semi-public uses, including transit facilities and transportation improvements conforming to the City of Veneta Transportation System.

(o) Day care facilities or registered or certified family daycare.

(p) Parking lots and parking garages when not accessory to a primary permitted use, and screened in accordance with Section 5.12 Landscaping.

(q) Plant nursery, provided uses and activities not enclosed in a building and exceeding 200 square feet of lot area (e.g., display of plants, landscape supplies, etc.) requires conditional use approval.

(r) Residential uses contained in a mixed-use building (e.g., apartments or condominiums above commercial space, or residential use in a live-work building) where residential uses are located above commercial space.

(s) Residential uses within commercial structures, provided the residential use does not occupy more than 50 percent of the structure and no dwelling unit occupies the front 25 feet of ground floor principal commercial street except that residential use may be allowed off the principal commercial street at the ground floor.

(t) Transportation facilities, consistent with the City of Veneta Transportation System Plan, including but not limited to public parking structures and transit facilities.

(u) Uses similar to the above permitted uses as provided by Section 2.05.

(3) Conditional Uses. In a CC zone, the following uses and their accessory uses may be permitted subject to the provisions of Article 6, Site Plan Review, and Article 8, Conditional Uses:

(a) Open display, sales or storage outside exceeding 180 days.

(b) Uses listed in (3) above that exceed the thresholds (e.g., floor space) or other conditions provided in (3) above.

(c) Parking lots and parking garages when not accessory to a primary permitted use, and screened in accordance with Section 5.12 Landscaping.

(d) Drive-thru facilities (e.g., banks, eating and drinking establishments, and

others).

(e) Transportation improvements not identified by the City of Veneta Transportation System Plan.

(f) Uses similar to the above conditional uses as provided by Section 2.05.

(4) Lot Size and Width. In the CC zone, minimum lot sizes and widths shall be as follows:

(a) Lot Size: 3,000 square feet.

(b) Lot Width: twenty (20) feet.

(5) Yards. Except as provided in Articles 5, 6 and 8, in a CC zone, and as required below, there are no minimum yards:

(a) Front yards abutting a residential zone (RR, SFR, and GR) shall be a minimum of twenty (20) feet.

(b) Back and side yards abutting a residential zone (RR, SFR, and GR) shall be ten (10) feet.

(c) Yards for off-street parking areas shall be a minimum of five (5) feet; additional yard area may be required under Articles 5, 6, or 8; e.g., for clear vision and compatibility with abutting uses. This standard does not apply to parking spaces in driveways for individual dwellings, except that driveways shall be designed so that parked vehicles do not encroach into the public right-of-way.

(d) Yards shall be landscaped pursuant to Section 5.12. Up to eighty percent (80%) of the required yard may consist of hardscape features, subject to Site Plan Review.

(e) See Section 5.09 for additional setbacks on designated streets.

(f) Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.

(6) Lot Coverage. In the CC zone, the maximum allowable lot coverage by buildings is seventy percent (70%). Up to eighty percent (80%) coverage may be approved for mixed-use developments incorporating residential and commercial uses. All lot areas not covered by development shall be landscaped pursuant to Section 5.12.

(7) Building Height. Except as provided in Articles 5, 6 and 8, in a CC zone, the maximum building height is forty-five (45) feet; up to fifty-five (55) feet in height is

allowed for mixed-use buildings that contain dwellings at a minimum density of twenty (20) units per acre; dwellings must be located above a ground floor commercial space that has a floor-to-ceiling height of at least fourteen (14) feet.

(8) Building Orientation and Design. All development, including new structures and exterior remodels to existing structures or developments, shall comply with the design standards in Section 5.13.

(9) Pedestrian Access. A sidewalk shall provide safe, convenient pedestrian access from the street to the primary building entrance. If the sidewalk must cross a parking lot or driveway, it shall be paved, raised and/or marked in a manner that calls attention to the sidewalk.

(10) For additional requirements see Article 5 - Supplementary Provisions.

SECTION 4.07 HIGHWAY COMMERCIAL (HC)

In the HC zone, the following regulations shall apply:

(1) Purpose. To provide services to accommodate travelers and to provide large scale commercial services needed to serve the Fern Ridge area.

(2) Uses Permitted Subject to Site Plan Review. In a HC zone, the following uses and their accessory uses are permitted subject to Site Plan Review under Article 6, provided all operations except off-street parking, recreational facilities, common areas (e.g., plazas), and permitted temporary activities associated with an allowed use shall be conducted entirely within an enclosed building (excludes drive-thru facilities).

(a) Hotel or motel.

(b) Retail stores or shops.

(c) Personal or business service.

(d) Repair and maintenance service; excluding those which involve automobiles, trucks, motorcycles, buses, recreational vehicles, boats, and heavy equipment.

(e) Eating and drinking establishments, excluding drive-thru restaurants.

(f) Plant nursery.

(g) Museums and art galleries.

(h) Professional, financial and business offices.

(i) Medical, dental clinics or medical laboratories.

(j) Medical Marijuana Facility, when not located within 1,000 feet of real property comprising a public park.

For purposes of this subsection, “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing, public park. This buffer shall not apply to new parks located within 1,000 feet of an existing Medical Marijuana Facility.

(k) Financial institutions.

(l) Indoor commercial amusement or recreation establishments.

(m) Bed and breakfast; boarding, lodging or rooming home.

(n) Rental storage units.

(o) Low impact public and semi-public uses, including transit facilities and transportation improvements conforming to the City of Veneta Transportation System.

(p) Parking lots and parking garages when not accessory to a primary permitted use, and screened in accordance with Section 5.12 Landscaping.

(q) Outdoor sales of plants and pre-packaged garden supplies.

(r) Uses similar to the above permitted uses as provided by Section 2.05.

(3) Conditional Uses. In an HC zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6, Site Plan Review, and Article 8, Conditional Uses.

(a) Recreational vehicle parks.

(b) Open display, sales or storage outside exceeding 180 days.

(c) Commercial dog kennels.

(d) Outdoor commercial amusement or recreation establishments.

(e) Drive-thru facilities (e.g., banks, eating and drinking establishments, and others).

(f) Automobile service stations, including maintenance and repair.

(g) Gas stations including truck fuel sales, truck servicing and overnight trucking facilities.

(h) Car or truck washes.

(i) Vehicle sales, rental or repair.

(j) Heavy equipment and truck rental/sales and repair.

(k) Material recycling operations excluding metal salvage yards and automobile junkyards.

(l) Caretaker or watch person dwelling on the premises of a non-residential use.

(n) Transportation improvements not identified by the City of Veneta Transportation System Plan.

(o) Uses similar to the above conditional uses as provided by Section 2.05.

(4) Yards. Except as provided in Articles 5, 6 and 8, in an HC zone, no yards are required except as follows:

(a) No front yards are required.

(b) Back and side yards abutting a residential zone shall be ten (10) feet.

(c) Yards for off-street parking areas shall be a minimum of five (5) feet; additional yard area may be required under Articles 5, 6, or 8; e.g., for clear vision and compatibility with abutting uses and shall be landscaped in pursuant to Section 5.12.

(d) See Section 5.09 for additional setbacks on designated streets. Yard areas may be required for planned road right-of-way widths in order to permit the eventual widening of streets.

(5) Pedestrian Access. A sidewalk shall provide safe, convenient pedestrian access from the street to the building entrance. If the sidewalk crosses the driveway, it shall be paved, raised and/or marked in a manner that calls attention to the sidewalk.

(6) For additional requirements see Article 5 -Supplementary Provisions.

SECTION 4.08 INDUSTRIAL-COMMERCIAL (IC)

In an IC zone, the following provisions shall apply:

(1) Purpose. To provide areas suitable for limited manufacturing, warehousing, and commercial activities which have minimal emissions or nuisance characteristics.

(2) Uses Permitted subject to Site Plan Review. In an IC zone, the following uses and accessory uses are permitted, subject to the provisions of Article 6, Site Plan Review. All operations except off-street parking and temporary activities associated with the established businesses shall be conducted entirely within an enclosed building:

(a) All permitted uses in the Light-Industrial zone.

(b) Rental storage units.

(c) Caretaker or watch person dwelling on the premises of a non-residential use.

(d) Retail stores or shops not exceeding 40,000 square feet.

(e) Personal or business service.

(f) Medical Marijuana Facility, when not located within 1,000 feet of real property comprising a public park.

For purposes of this subsection, “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing, public park. This buffer shall not apply to new parks located within 1,000 feet of an existing Medical Marijuana Facility.

(g) Repair and maintenance service, excluding auto and truck service stations, maintenance, and repair.

(h) Eating and drinking establishments, excluding drive-thru restaurants.

(i) Professional, financial and business offices.

(j) Indoor commercial amusement or recreation establishments.

(k) Low impact public and semi-public uses, including transit facilities and transportation improvements conforming to the City of Veneta Transportation System.

(l) Outdoor sales of plants and pre-packaged garden supplies.

(m) Uses similar to the above permitted uses as provided by Section 2.05.

(3) Conditional Uses. In an IC zone, the following uses and accessory uses are permitted, subject to the provisions of Article 6, Site Plan Review and Article 8, Conditional Uses.

(a) All conditional uses in the Light-Industrial zone.

(b) Open display, sales or storage outside exceeding 180 days.

(c) Outdoor commercial amusement or recreation establishments.

(d) Drive-thru facilities (e.g., banks, eating and drinking establishments, and others).

(e) Commercial dog kennels.

(f) Plant nursery.

(g) Automobile service stations, including maintenance and repair.

(h) Gas Stations, including truck fuel sales, truck servicing and overnight trucking facilities.

(i) Car or truck washes.

(j) Heavy equipment and truck rental/sales.

(k) Material recycling operations excluding metal salvage yards and automobile junkyards.

(l) Outdoor sales of bulk landscaping and rock products.

(m) Caretaker or watch person dwelling on the premises of a non-residential use.

(n) Uses similar to the above conditional uses as provided by Section 2.05.

(4) Yards. In an IC zone, yards shall be as follows:

(a) Front yards shall be a minimum of ten (10) feet, except when a lot abuts a residential zone the minimum setback shall be twenty (20) feet.

(b) Back and side yards shall be a minimum of five (5) feet from property line, except when a lots abuts a residential zone the minimum setback shall be twenty (20) feet.

(c) Side yard requirements may be waived on common lot lines when adjoining lot owners enter into a joint development agreement for coordinated vehicular access and parking development and party wall or adjoining building walls meeting required fire separation requirements of the State Structural Specialty Code and Fire and Life Safety Code.

(d) Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.

(e) See Veneta Tree Preservation and Protection Ordinance for possible setback exemptions for the preservation of heritage trees.

(5) Lot Coverage. Eighty percent (80%) lot coverage is allowed, provided the requirements of Articles 5, 6, and 8, as applicable, are met.

(6) Off-street Parking and Loading. Off-street parking shall be provided as specified in Section 5.20 of this ordinance.

(7) For additional requirements, see Article 5 - Supplementary Provisions.

SECTION 4.09 LIGHT INDUSTRIAL (LI)

In an LI zone, the following regulations shall apply:

(1) Purpose. To allow for light industrial uses in a business park environment. Such development could include flexible space for a variety of small industrial manufacturing, storage, distribution and office uses. Such space is commonly used as business incubators for small local businesses and could ideally be used by artisans and craftspeople as industrial studio space.

(2) Uses Permitted subject to Site Plan Review. In an LI zone, the following uses and accessory uses are permitted subject to Site Plan Review. All uses must meet and continually comply with the Performance Standards of Section 4.09(4). Any uses specifically listed as only allowed in the Medium-Industrial district are not allowed in the Light-Industrial District.

(a) Small scale manufacturing, wholesaling, compounding, assembling, and processing.

(b) Plant-based food processing.

(c) Storage and warehousing, including mini-storage rental units.

(d) Research and development and testing laboratories and facilities.

(e) Construction businesses.

(f) Automotive, truck and heavy equipment repair and service.

(g) Media productions, including but not limited to TV and radio broadcasting, motion picture production, and newspaper/book publishing.

(h) Offices for business, labor, scientific, and professional organizations.

(i) Professional, financial, and business offices.

(j) Retail sales in conjunction with manufacturing, provided the sales area is not greater than 25% of the total floor area.

(k) Offices in conjunction with an industrial use.

(l) Personal or business services.

(m) Eating and drinking establishments (excluding drive-thru facilities).

(n) Medical Marijuana Facility, when not located within 1,000 feet of real property comprising a public park.

For purposes of this subsection, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing, public park. This buffer shall not apply to new parks located within 1,000 feet of an existing Medical Marijuana Facility.

(o) Parking lots and parking garages, including truck parking

(p) Low impact public and semi-public uses, including transit facilities and transportation improvements conforming to the City of Veneta Transportation System.

(q) Interim agricultural cultivation on undeveloped land provided the spraying, dust, odors and other side effects of such uses do not interfere with the successful operations of adjacent land uses.

(r) Uses similar to the above permitted uses as provided by Section 2.05.

(3) Conditional Uses Permitted. In the LI zone, the following conditional uses are permitted subject to the provisions of Article 8. All uses must meet and continually comply with the Performance Standards of Section 4.08 (4). All permitted uses are subject to Site Plan Review provisions of Article 6.

(a) Open display, sales or storage outside exceeding 180 days.

(b) Caretaker or watch person dwelling on the premises of a non-residential use.

(c) High impact transportation facilities such as heliports, helistops, and bus or train terminals.

(d) Transportation improvements not identified by the City of Veneta Transportation System Plan.

(e) Uses similar to the above conditional uses as provided by Section 2.05.

(4) Performance Standards.

(a) Water Supply. All industrial uses must connect to the City of Veneta water system. Projected water use must be shown to be within Veneta's water system capabilities and approved by the City Engineer.

(b) Waste Water Standards. All industrial uses must be connected to the City of Veneta sanitary sewerage system. Veneta's sanitary sewerage system must be shown to be capable of treating the projected amount and quality of waste water and approved by the City Engineer.

(c) Stormwater Drainage. The development site, its operations and improvements thereon shall detain and treat all stormwater as required by Section 5.16 of this ordinance. There shall be no contamination of stormwater from solid or other wastes.

(d) Solid Waste Containers. Garbage collection areas, service facilities and air conditioning facilities located outside the building shall be appropriately screened and landscaped to obscure view from beyond the boundary of the development site. No hazardous wastes may be collected or stored within the development site.

(e) Odor Standards. No emission or odorous matter shall be produced in such a manner to cause a public nuisance or contribute to a condition of air pollution. An odor nuisance may be measured as an emission that occurs for sufficient duration or frequency so that two (2) measurements made within a period of one (1) hour, separated by not less than fifteen (15) minutes, are equal to or greater than a Centimeter No. O or equivalent dilution measured at the property line.

(f) Noise Standards. Operations must demonstrate, by noise production methods, that it shall not exceed DEQ standards set forth in Oregon Administrative Rules, Chapter 340, Division 35: "Oregon State Noise Control

Regulations for Industry and Commerce," and the Veneta Noise Ordinance No. 299.

(g) Dust and Fugitive Emission Standards. Open operations on the development site require a paved dust-free and adequately drained durable surface of asphaltic concrete or Portland cement or other approved materials.

Vegetative screens or buffers shall be required to minimize dust "drift" onto abutting properties. Buffers are to be installed as required under parking area standards, Section 5.20.

(h) Aesthetic Standards: Landscaping shall be installed around building areas and outdoor uses as required by the approved site plan or conditional use permit. Natural landscaping shall positively project the identity and image of the firm and of the City. Landscaping shall meet the standards established in Section 5.12.

(5) Yards. In an LI zone, yards shall be as follows:

(a) Front yards shall be a minimum of ten (10) feet, except when a lot abuts a residential zone the minimum setback shall be twenty (20) feet.

(b) Back and side yards shall be a minimum of five (5) feet from property line, except when a lots abuts a residential zone the minimum setback shall be twenty (20) feet.

(c) Side yard requirements may be waived on common lot lines when adjoining lot owners enter into a joint development agreement for coordinated vehicular access and parking development and party wall or adjoining building walls meeting required fire separation requirements of the State Structural Specialty Code and Fire and Life Safety Code.

(d) Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.

(e) See Veneta Tree Preservation and Protection Ordinance for possible setback exemptions for the preservation of heritage trees.

(6) Lot Coverage. One hundred percent lot coverage will be allowed when minimum parking standards, loading space and required yards are provided and all performance standards are met.

(7) Off-Street Parking and Loading. Off-street parking shall be provided as specified in Section 5.20 of this ordinance.

(8) For additional requirements, see Article 5 - Supplementary Provisions.

SECTION 4.10 MEDIUM INDUSTRIAL (MI)

In an MI zone, the following regulations shall apply:

(1) Purpose. To allow industrial uses which cater to the more traditional sectors. These include secondary work products manufacturing and processing, other durable manufacturing enterprises.

(2) Uses Permitted subject to Site Plan Review. In an MI zone, the following uses and accessory uses are permitted subject to Site Plan Review. All uses must meet and continually comply with the Performance Standards listed for the LI zone. Any uses specifically listed as only allowed in an MI zone (except item (a)) are not allowed in a LI zone.

(a) All uses permitted in the LI zone.

(b) Large scale manufacturing, wholesaling, compounding, assembling, and processing.

(c) Recycling facilities.

(d) Manufacturing, assembling, and/or storage of:
1. Chemicals and chemical products
2. Lumber, wood, and paper products
3. Metal and metal alloy products
4. Paints, varnishes, lacquers, enamels and allied products
5. Concrete blocks, cinder blocks
6. Septic tanks

(e) Animal-based food processing (slaughter houses not allowed)

(f) Transportation improvements identified by the City of Veneta Transportation System Plan.

(g) Uses similar to the above permitted uses as provided by Section 2.05.

(3) Conditional Uses Permitted. In the MI zone, the following conditional uses are permitted subject to the provisions of Article 8. All uses must meet and continually comply with the Performance Standards of Section 4.08 (4), unless specifically exempted. All conditional uses are subject to Site Plan Review provisions of Article 6.

(a) Any of the above uses requiring relaxation of one or more of the performance standards.

(b) Open display, sales or storage outside exceeding 180 days.

(c) Caretaker or watch person dwelling on the premises of a non-residential use.

(d) Transportation improvements not identified by the City of Veneta Transportation System Plan.

(e) Uses similar to the above conditional uses as provided by Section 2.05.

(4) Prohibited Uses. Heavy industrial uses are not allowed in the MI district, or anywhere in Veneta. The city does not have the utilities or services to support heavy industry, nor are there adequate locations to site these uses where they will not become a public nuisance or health and safety risk. Prohibited uses include but are not limited to:

(a) Manufacturing, assembly, and/or distribution of explosives or fireworks.

(b) Batch plants for asphaltic or Portland cement concrete.

(c) Bulk plants or distribution facilities for refined flammable liquids.

(d) Foundries and stamping plants.

(e) Incineration or reduction of garbage, dead animals, offal and refuse.

(f) Leather tanning and finishing.

(g) Slaughter houses.

(h) Wrecking yards, metal salvage yards and automobile junkyards.

(5) Yards. In an MI zone, yards shall be as follows:

(a) Front yards shall be a minimum of twenty (20) feet.

(b) Back and side yards shall be a minimum of ten (10) feet from property line, except when a lot abuts a residential zone the minimum setback shall be twenty (20) feet.

(c) Side yard requirements may be waived on common lot lines when adjoining lot owners enter into a joint development agreement for coordinated vehicular access and parking development and party wall or adjoining building walls meeting required fire separation requirements of the State Structural Specialty Code and Fire and Life Safety Code.

(d) Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.

(e) See Veneta Tree Preservation and Protection Ordinance for possible setback exemptions for the preservation of heritage trees.

(6) Lot Coverage. One hundred percent lot coverage will be allowed when minimum parking standards, loading space and required yards are provided and all performance standards are met.

(7) Off-street Parking and Loading. Off-street parking shall be provided as specified in Section 5.20 of this ordinance.

(8) For additional requirements, see Article 5 - Supplementary Provisions.

SECTION 4.11 PUBLIC FACILITIES AND PARKS (PFP)

In a PFP zone, the following regulations shall apply:

(1) Purpose. To provide for public facilities and parks, and allow for construction of new facilities as the community grows.

(2) Uses Permitted Subject to Site Plan Review. In a PFP zone, the following uses and their accessory uses are permitted subject to the site plan review provisions of Article 6:

(a) Educational institutions.

(b) Government buildings.

(c) Parks.

(d) Low impact recreation and transportation facilities such as playgrounds, sports fields, bicycle and pedestrian ways.

(e) Nature preserves.

(f) Cemeteries.

(g) Community centers.

(h) Museums and interpretive centers.

(i) Commercial horticulture.

(j) Public structures or uses of land for public utilities such as:
1. Electric substations or transformers.
2. Public or community sewage disposal plant or pumping station.
3. Radio, television, or cell tower or transmitter.
4. Telephone exchange.
5. School bus garage.
6. Shop or storage yard.

(k) Uses similar to the above permitted uses as provided by Section 2.05.

(3) Conditional Uses Permitted. In a PFP zone, the following uses and their accessory uses may be permitted subject to the provisions of Article 6, Site Plan Review and Article 8, Conditional Uses:

(a) High impact recreation facilities such as sports complexes, stadiums, equestrian arenas, golf courses, and swimming pools.

(b) High impact transportation facilities such as heliports, helistops and bus or train terminals.

(c) Uses similar to the above conditional uses as provided by Section 2.05.

(4) Lot Size and Width. There are no minimum lot sizes in the PFP zone.

(5) Yards. Except as provided in Articles 5, 6, and 8, in a PFP zone, yards shall be as follows:

(a) Front yards abutting a residential zone shall be a minimum of twenty (20) feet.

(b) Back and side yards abutting a residential zone shall be a minimum of five (5) feet.

(c) Yards shall be landscaped as provided in Section 5.12.

(d) See Section 5.09 for additional setbacks on designated streets.

(e) Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets, or construction of new streets.

(f) See Veneta Tree Preservation and Protection Ordinance for possible setback exemptions for the preservation of heritage trees.

(6) Pedestrian Access. If a building is open to the public, a sidewalk shall provide safe, convenient pedestrian access from the street to the building entrance. If the

sidewalk crosses the driveway, it shall be raised or marked in a manner that calls attention to the sidewalk.

(7) For additional requirements, see Article 5 - Supplementary Provisions.

SECTION 4.12 GREENWAY - OPEN SPACE SUBZONE (/GW)

In the GW subzone, the following regulations shall apply in addition to those of the basic zone. If the requirements of the subzone are stricter than the basic zone, the requirements of the subzone shall apply:

(1) Purpose. To implement the Open Space - Greenway Overlay in the Veneta Comprehensive Plan.

(2) Boundaries.

(a) The boundaries of the GW subzone are shown on the Veneta Zoning Map, updated November 23, 2009, and hereby adopted by reference. In instances where the Greenway boundary shown on the Veneta Zoning Map and the boundary as defined herein are different, the language of this section shall take precedence.

(b) Upon receiving a new wetland delineation and concurrence from the Division of State Lands (DSL), the GW boundary shall be located a minimum of fifty (50) linear feet from the edge of all significant wetlands. Wetlands whose status has not yet received concurrence from the Department of State Lands shall also have a buffer of 50 ft.

(c) In cases where areas not associated with wetlands are necessary to provide for pedestrian/ bicycle connectivity, protection of other natural resources, or to provide a buffer between uses, the boundaries of the Greenway shall be as shown on the Veneta zoning map.

(3) Permitted Uses. In a GW subzone, the following uses are permitted subject to compliance with all state and local requirements, including the development standards of Section 4.12(6) of this ordinance.

(a) Public accesses such as bicycle and walk ways, streets, lookout points, and access roads for maintenance of channels, wetlands, and other natural resource areas.

1. A path, walkway or running trail shall be constructed as far from significant wetlands as practicable with the toe of slope falling no closer than 15 feet from the boundary of a significant wetland.

2. All paths shall be designed and constructed according to City standards.

3. Streets shall be constructed as far from significant wetlands as practicable with the toe of slope falling no closer than 15 feet from the boundary of a significant wetland.

(b) Stormwater facilities.

1. All stormwater facilities constructed in the Greenway must be designed according to City standards and shall be designed to enhance the water quality, habitat, and aesthetic values of the Greenway as determined by the City.

2. Stormwater detention and pre-treatment facilities excluding piping and outfall structures may be located no closer than 15 ft from any significant wetland unless the facility will enhance wetland values as defined in VMC 18.10 as determined by the City.

(c) Utility installations.

(d) Mitigation of development activities.

(e) Restoration of previously disturbed or degraded areas.

(f) Removal of vegetation

1. Vegetation removal is limited to the removal of:

a. Native vegetation for the purpose of facilitating or encouraging the growth of native vegetation, or enhancement of habitat values and/or other natural resource values.
b. Nonnative or invasive plant species
c. Dead or dying trees or shrubs that are an imminent danger to public health and safety as determined by the City.
d. Dead or dried native plants or grasses only when they constitute an imminent fire hazard as determined by the City

(g) Planting and Replanting

1. Replanting of areas cleared of existing vegetation must be completed within 90 days unless otherwise approved by the City.

2. Planting and replanting with seed shall be timed so that germination occurs prior to November 15, unless the specific seed used requires

otherwise, in which case germination shall be accomplished at the earliest date practicable.

(h) Removal of fill and any refuse that is in violation of local, state, or federal regulations. Removal of fill must be consistent with state of Oregon removal-fill regulations.

(i) Channel maintenance to maintain storm water conveyance and flood control capacity, as required and/or allowed by local policies, state and federal regulations, or intergovernmental agreements.

(j) For lots with residential development existing prior July 2006, maintenance, additions, alterations, rehabilitation and replacement of existing lawful structures, private accesses, or other associated development and construction of new accessory structures, decks, and other development incidental to the residence are permitted provided that:

1. The proposed improvements cannot be located outside of the Greenway because of topographic or physical constraints or required compliance with other regulations.

2. No new development shall occur on previously undeveloped areas of greenway within 15 ft of significant wetlands. For the purposes of this subsection, undeveloped shall be defined as retaining a natural grade and vegetation.

(k) Structures or development granted a variance to Veneta's Wetland Protection Ordinance found in VMC Section 18.10. Impacts to the Greenway shall be the minimum necessary to construct those improvements for which the wetlands variance was granted.

(4) Conditional Uses Permitted. Subject to the criteria found in Article 8 of this ordinance

(5) Prohibited Uses.

(a) Any new structures or development (including fences), other than those allowed as permitted uses or approved as conditional uses, construction or ground disturbing activities, gardens, lawns, dumping of materials of any kind, and operation of heavy machinery.

(b) Storage of hazardous materials as defined by the Department of Environmental Quality.

(c) Application of herbicides, pesticides, fertilizer or other chemical products without first contacting City Hall.

(d) Removal of existing vegetation except as specified in 3(f) of this Section.

(e) Planting or establishment of nonnative or invasive species.

(f) Removal of trees without an approved permit. Standards for granting a permit to remove trees within the Greenway shall be those found in Veneta Municipal Code 8.10.080. These standards shall apply to the removal of any tree within the boundaries of the Greenway. When practicable, trees removed under this section shall be replaced by planting an equal number of native trees within the remaining greenway.

(6) Application and Construction Standards.

No ground disturbing activities shall take place in the greenway without City approval. In order to limit disturbance to the Greenway, the following activities shall take place prior to any ground disturbing activities,

(a) The applicant shall submit a revegetation plan containing the following information:

1. A description of adverse impacts that will be caused as a result of development.

2. An explanation of how disturbed areas, including cut and fill slopes will be revegetated with native species to the degree necessary to control erosion and reduce the impacts of the development to the maximum extent practicable.

3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for revegetation work on the development site.

4. An implementation schedule, including timeline for construction, revegetation, monitoring, and reporting.

(b) Prior to construction, construction areas and areas to remain undisturbed shall be flagged, fenced, or otherwise clearly marked. Such markings shall be maintained until construction is complete.

(c) To the maximum extent practicable, native vegetation shall be protected and left in place. Trees in the Greenway shall not be used as anchors for stabilizing construction equipment.

(d) Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated with native vegetation as approved by

the City, and the vegetation shall be established as soon as practicable. Interim erosion control shall be used to avoid erosion on bare areas during revegetation.

(7) Enforcement. No prohibited use, construction activity including grading and/or excavation, clearing of vegetation, or stockpiling of fill shall be permitted prior to approval of proposed development. If any development generates an unauthorized disturbance within the Greenway-Open Space overlay zone, the development project shall revegetate the disturbed area with native plants. Revegetation shall be conducted according to a plan developed by a qualified biologist, landscape architect, or engineer, and submitted to the City for review and approval. Revegetation plans shall include provisions for monitoring and reporting on a yearly basis until such time that full restoration can be confirmed by a qualified biologist, landscape architect, or engineer and approved by the City. Violations are also subject to the provisions of Section of 2.10 of this ordinance.

SECTION 4.13 FLOOD PLAIN SUBZONE (/FP)

(1) Purpose. The purpose of the Flood Plain Subzone is to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas through provisions designed to:

(a) Protect human life and health;

(b) Minimize the expenditure of public money on costly flood control projects;

(c) Minimize the need for rescue and relief efforts associated with flooding, generally undertaken at the expense of the general public;

(d) Minimize prolonged business interruptions;

(e) Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;

(f) Ensure that potential buyers are aware, if property is within an area of special flood hazard; and

(g) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

The Flood Plain Subzone shall be applied in any zone hereinafter set forth where the area is subject to inundation by flooding or surface water. The area subject to flooding shall be shown on the Lane County, Oregon and Incorporated Areas Flood Insurance Rate Map, which designate regulated floodways and areas subject to a 1% or 100-year flood.

(2) Methods. In order to accomplish such purposes, this subzone includes methods and provisions for:

(a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(d) Controlling filling, grading, dredging, and other development which may increase flood damage;

(e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas;

(f) Establishing requirements for the placement and construction of buildings and development site improvements in areas that may be subject to flooding or surface water;

The Flood Plain subzone shall be any zone in combination with the symbol "/FP" as an overlay district of special concern. For example, SFR/FP means a single family residential zone (SFR) which is also subject to Flood Plain subzone Regulations. The regulations governing the "/FP" subzone shall be those of the zone in which it lies and, additionally, the provisions of this Section applicable to the development. In cases of conflicts between standards of the basic zone and the "/FP" subzone, the standards of the "/FP" subzone shall apply.

(3) Flood Plain Definitions. Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"AREA OF SPECIAL FLOOD HAZARD" means the land in the flood plain within the City subject to a one percent (1%) or greater chance of flooding in a given year. Designation on the Flood Insurance Rate Map always includes the letters A or V.

"BASE FLOOD" means the flood has a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the 100- year flood. Designation on maps always includes the letters A or V.

"DEVELOPMENT" means any human made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging,

filling, grading, paving, excavating or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

"FLOOD" or "FLOODING" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters and/or

(b) The unusual and rapid accumulation of runoff or surface waters from any source.

"FLOOD INSURANCE RATE MAP (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"FLOOD INSURANCE STUDY" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

"LOWEST FLOOR" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found in Section 4.12 (7) (a) 2.

"MANUFACTURED DWELLING" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured dwelling" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured dwelling" does not include park trailers, travel trailers, and other similar vehicles.

"NEW CONSTRUCTION" means structures for which the start of construction commenced on or after the effective date of this ordinance.

"START OF CONSTRUCTION" includes substantial improvement, and means the date of the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of

accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"STRUCTURE" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

"SUBSTANTIAL IMPROVEMENT" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(4) General Provisions.

(a) Lands to Which the Flood Plain Regulations Apply: The "/FP" subzone regulations shall apply to all areas of special flood hazards within the jurisdiction of the City of Veneta.

(b) Basis for Establishing the Areas of Special Flood Hazard: The areas of special flood hazard identified by the Flood Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Lane County, Oregon and Incorporated Areas," dated June 2, 1999, and as amended, with accompanying Flood Insurance Maps, as amended, are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the City Administrative Center. The best available information for flood hazard identification as outlined in Section 4.12(5)(d)2 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 4.12(5)(d)2.

(c) Compliance. No structure or land within the flood plain subzone shall hereafter be constructed, located, extended, converted, or altered without full

compliance with the terms of this ordinance and other applicable regulations.

(d) Interpretation. In the interpretation of this subzone, all provisions shall be considered as minimum requirements.

(d) Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Veneta, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(5) Administration.

(a) Development Permit Required: A development permit shall be obtained before construction or development begins within the flood plain subzone. The permit shall be for all structures including manufactured dwellings, as set forth in the "Definitions," Section 4.13 (3), and for all development including fill and other activities, also set forth in the definition Section 4.13 (3).

(b) Application for Development Permit: Application for a development permit shall be made on forms furnished by the City of Veneta and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure will be flood proofed;
3. Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Section 4.13 (7) (b); and
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(c) Designation of Local Administrator: The Building and Planning Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

(d) Duties and Responsibilities of the Building and Planning Official: The duties of the local administrator shall include, but not be limited to:

1. Permit Review:

   a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

   b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local government agencies from which prior approval is required.

2. Use of Other Base Flood Data: When base flood elevation data has not been provided in accordance with Section 4.13 (4) (b), "Basis for Establishing the Areas of Special Flood Hazard," the Building and Planning Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section 4.13 (7), "Specific Standards".

3. Information to be Obtained and Maintained:

   a. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 4.12 (5) (d) 2, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

   b. For all new or substantially improved flood proofed structures:

      (i) Verify and record the actual elevation (in relation to mean sea level), and
      (ii) Maintain the flood proofing certifications required in Section 4.13 (5) (b) 3.

   c. Maintain for public inspection all records pertaining to the provisions of this ordinance.

4. Alteration of Watercourses:

   a. Notify adjacent communities, the Department of Land Conservation and Development, and the Division of State Lands prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal

Insurance Administration.

b. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

5. Interpretation of FIRM Boundaries: Make interpretations where needed, as to exact location of the boundaries of the area of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program (44CFR 59-76).

(6) Provisions for Flood Hazard Reduction-General Standards. In all areas of special flood hazards, the following standards are required:

(a) Anchoring.

1. All new construction and substantial improvement shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2. All manufactured dwellings must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

(b) Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

3. On-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) Land Division Proposals.

1. All land division proposals shall be consistent with the need to minimize flood damage.

2. All land division proposals shall have public utilities and facilities such as sewer, electrical, and water systems located and constructed to minimize flood damage.

3. All land division proposals shall have adequate drainage provided to reduce exposure to flood damage; and

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for all partition and subdivision proposals and other proposed developments which contain at least five (5) acres.

(e) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source Section 4.12 (5) (d) 2, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two (2) feet above grade in these zones may result in higher insurance rates.

(7) Provisions for Flood Hazard Reduction--Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 4.13 (4) (b), Basis for Establishing the Areas of Special Flood Hazard, or Section 4.13 (5) (d) 2, Use of Other Base Flood Data, the following provisions are required:

(a) Residential Construction.

1. New construction and substantial improvement of any residential

structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

   a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed are subject to flooding shall be provided.
   b. The bottom of all openings shall be no higher than one foot above grade.
   c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(b) Non-residential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided as set forth in Section 4.13 (5) (d) 3.b.

4. Non-residential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 4.13 (7) (a) 2.

5. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood elevation will be rated as one foot below that level).

(c) Manufactured Dwellings. All manufactured dwellings to be placed or substantially improved shall be elevated on a permanent foundation such that the underside of the lowest floor of the manufactured home is elevated one foot above the base flood elevation or as is required by the Oregon Manufactured Dwelling Standard. The manufactured home shall be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

(d) Recreational Vehicles. Recreation vehicles placed within the floodplain shall either:

1. Be on the site for fewer than 180 consecutive days;
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the requirements above for manufactured dwellings.

(8) Encroachments.

The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

SECTION 4.14 PLANNED DEVELOPMENT SUBZONE (/PD)

(1) Purpose. The purpose of the /PD subzone is to provide opportunities to create more desirable environments such as co-housing through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The /PD subzone is intended to be used to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems and utility networks while providing building groupings for privacy, usable and attractive open spaces, safe circulation and the general well-being of the inhabitants and to acquire and protect solar access.

(2) Establishment of a /PD Subzone in Combination with a Basic Zone. A /PD subzone may be established in combination with any basic zone. In cases of conflict between standards of the basic zone and the /PD subzone, the standards of the /PD subzone will apply.

(3) Procedure for Preliminary Approval. The applicant shall submit at least fifteen (15) copies of a preliminary development plan to the Planning Commission for approval of the project in principle. The plan shall be submitted to the Building and Planning

Official at least 30 days prior to the Planning Commission meeting, at which time the proposal shall be first discussed. The proposal shall consist of a preliminary plan in schematic fashion and a written program with consideration given to the following elements:

(a) Elements of the Plan.

1. Vicinity map showing location of streets and lots in the area within 500 feet of the proposed development.

2. Existing land uses and zoning of property and vicinity.

3. Proposed land uses including housing unit densities (number of units per acre, type of residence and number of bedrooms by type of residence).

4. Building types and approximate bulk.

5. Vehicular and pedestrian access, circulation and parking pattern. Status of street ownership.

6. Parks, playgrounds and open spaces.

7. Existing natural features such as trees, streams and topography. If the plan calls for tree removal which would require a tree removal permit pursuant to Veneta Municipal Code Chapter 8.10.030, a tree removal permit, together with the required filing fee, must be submitted.

8. Landscaping, screening and fencing proposals.

9. Proposed method of solid waste disposal.

10. Proposed method for provisions of water supply and sewage disposal.

11. Proposed method for the handling of surface water drainage.

12. Proposed grading patterns.

13. Street and open space lighting proposals.

(b) Elements of the Program.

1. Proposed ownership pattern; verification of ownership.

2. Operation and maintenance proposal, such as condominium, co-op or Homeowner's Association.

3. Commercial facilities such as shopping; community facilities such as schools or parks.

4. Timetable of the development, to include expected starting dates, projection of completion time and project phasing, if anticipated.

5. Method of public improvements financing, if any.

6. The proposal shall be prepared by one or more persons with professional qualifications in such design-related fields as Architecture, Landscape Architecture, Urban Planning and Civil Engineering. Names(s) of professional persons should be provided.

(c) Planning Commission Review of Preliminary Development Plan.

1. The Planning Commission shall informally review the Preliminary Development Plan and Program and may recommend either preliminary approval in principal, with or without modifications or denial. Such action shall be based upon the City's Comprehensive Plan, the standards of this ordinance and other regulations and the suitability of the proposed development in relation to the physical characteristics of the area and the development characteristics of the neighborhood.

2. Approval in principle of the Preliminary Development Plan and Program shall be limited to the preliminary acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse the precise location of uses nor engineering feasibility. The Planning Commission may require the submission of other information than that specified for submittal as part of the General Development Plan and Program.

3. Informal review of the Preliminary Development Plan and Program shall be held at a regular Planning Commission meeting but does not require a public hearing.

4. The Planning Commission shall evaluate design team needs and may recommend additional members, depending upon the scope of the proposal, to facilitate preparation of the General Development Plan and Program.

5. The Planning Commission shall determine the extent of any environmental assessment to be included in the General Development Plan and Program.

(4) General Development Plan and Program.

(a) After receiving approval in principle of the Preliminary Development Plan and Program, the applicant shall submit a General Development Plan and Program to the Building and Planning Official at least 45 days prior to the date of public hearing.

(b) The applicant shall petition for an amendment to the zoning map as specified in Article 11. Ten (10) copies of the General Development Plan and Program shall be submitted to the Building and Planning Official at least 45 days prior to the date of public hearing. The Building and Planning Official shall notify Lane County about applications that may have a potential impact or effect on lands, services or facilities outside the City limits.

(c) Upon receipt of the re-zone petition accompanied by the General Development Plan and Program, the Planning Commission shall hold a public hearing in accordance with the provisions of Article 11. At the public hearing the applicant shall present the General Development Plan and Program.

(d) The General Development Plan and Program shall contain the following elements:

1. Plan Elements.

a. General development plan in conformance with the approved preliminary plan, including a vicinity map showing the circulation pattern within and adjacent to the proposed development, integration of water, sewer and other underground utilities with existing utilities and the integration of proposed sites drainage with existing drainage systems.

b. Existing and proposed contour map of the site to a scale commensurate with the size of the development.

c. Location, widths and names of all existing or platted streets or other public ways, railroad and utility rights-of-way, parks or other public open spaces and land uses within 500 feet of the development.

d. Existing sewer, water and other underground utilities within and adjacent to the development and their certified capacities.

e. Proposed location and capacity of sewers or other disposal facilities, water mains and other underground utilities.

f. Proposed system for the handling of storm drainage.

g. A preliminary subdivision plan if the property is proposed to be subdivided.

h. A land use plan indicating the uses planned for the development.

i. Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings, bikeways or other uses dedicated or reserved to the public, if any.

j. Open space that is to be maintained and controlled by the owners of the property and the proposed users thereof.

k. A traffic flow map showing the circulation pattern within and adjacent to the proposed development, including fire equipment access and turnarounds.

l. Location, and dimensions of bikeways, pedestrian walkways, malls and trails or easements.

m. Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays and angle of parking.

n. Location, arrangement and dimensions of truck loading and unloading spaces, if any.

o. Preliminary architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units.

p. A preliminary tree planting and landscaping plan. All existing trees over six (6) inches in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.

q. The approximate location, height, materials of all walls, fences and screen planting. Elevation drawings of typical walls and fences shall be included.

r. Location, size, height and means of illumination of all proposed signs.

s. The stages, if any, of development construction. Such stages

shall be clearly marked on the General Development Plan.

t. Specifications of the extent of emissions and potential hazard or nuisance characteristics caused by the proposed use, including approvals of all regulatory agencies having jurisdiction.

Uses which possess nuisance characteristics or those potentially detrimental to the public health, safety and general welfare of the community such as noise, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference shall not be permitted unless additional safeguards are specified by the Planning Commission. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use. Misrepresentation or omission of required data shall be grounds for termination of a Certificate of Occupancy.

u. Any such other data as may be necessary to permit the Planning Commission to make the required findings.

2. Program Elements.

a. Narrative statement of the basic purposes of the planned development.

b. A completed environmental assessment if required by the Planning Commission.

c. Tables showing the total number of acres and the percentage of the total area which is designated for each type of use including each dwelling type, off-street parking, streets, parks, playgrounds, schools and open spaces as shown on the proposed development plan.

d. Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitation of density.

e. Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common open space or required dedications or reservations of public open spaces and of any dedications of development rights.

f. A timetable indicating when utility and drainage facilities intended to serve the development are to be installed. If the

development is to be constructed in stages, the timetable shall reflect this.

(5) Action and Findings by Planning Commission and Council.

(a) Planning Commission Action. The Planning Commission, after public hearing on an amendment to the zoning map in accordance with the provisions of Article 11, may recommend approval of the /PD subzone and the General Development Plan and Program, with or without modifications or may deny the application. A decision to recommend approval of a /PD subzone shall be based on the following findings:

1. That the proposed development is in substantial conformance with the Veneta Comprehensive Plan.

2. That exceptions from the standards of the underlying zone are warranted by the design and amenities incorporated in the development plan and program.

3. That the system of ownership and the means of developing, preserving and maintaining open spaces is suitable to the proposed development, to the neighborhood and to the City as a whole as required in Section 4.15 (7) (g) "Ownership and Maintenance of the Planned Development" and in accordance with restrictive covenants or improvement agreements approved by the City Attorney and Veneta Planning Commission.

4. That the proposed development or a unit thereof can be substantially completed within one year of final approval or completed in accordance with an approved development plan timetable.

5. That the streets are adequate to support the anticipated traffic and that the development will not overload the streets outside the planned development area.

6. That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem outside the planned area. That the timing of installation of utility and drainage facilities will be closely coordinated with development construction and that it will not create a hardship to residences either within or outside the planned area.

7. That the density in the proposed development will not result in any substantial negative impact on any public facility or utility.

(b) City Council Action. After receiving the recommendation from the Planning

Commission, the City Council shall hold a hearing on the proposal for a /PD subzone and the General Development Plan and Program, in accordance with the provisions of Article 11. The City Council shall either approve the application, with or without modifications, or deny it.

(c) Conditions for Approval. The Planning Commission or City Council may require conditions for approval which may include but are not limited to the following:

1. Increasing the required setbacks.

2. Limiting the height of buildings.

3. Controlling the location and number of vehicular access points.

4. Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks and, in general, improving the traffic circulation system.

5. Requiring additional improvements for utilities or storm drainage facilities.

6. Increasing the number of parking spaces and improving design standards for parking areas.

7. Limiting the number, size, location and lighting of signs.

8. Designating sites for open space and recreation and, in general, improving landscaping requirements.

9. Requiring additional view-obscuring screening or fencing.

10. Establishing any special time limits for completion of all or any portion of the project, including, but not limited to, utilities, drainage facilities, streets, curbs, gutters, sidewalks, parking areas, landscaping, fencing, screening, recreation areas or community buildings.

11. Requiring a special contractual agreement with the City to assure development of streets, sidewalks, drainage facilities, utilities and other improvements to standards which are acceptable to the City.

(d) Any condition specified shall be placed on the official design plan and signed by the owners. Where applicable, the requirements may be made part of any existing or future deed as a covenant.

(6) Final Plan and Program.

(a) Following approval of the /PD subzone by the City Council, the applicant shall prepare a Final Plan and Program and shall submit five (5) copies to the Building and Planning Official to check for compliance with the approved General Development Plan and Program.

(b) If the Final Plan and Program is found to be in compliance, it shall be so certified by the Planning Commission Chairman and recorded by the applicant in the office of the City Recorder as the Final Development Plan along with all documents relating to dedications, improvements, agreements, restrictions and associations which shall constitute the Final Program.

(c) The procedures set forth in the City's Land Division Ordinance shall be followed if the property is to be divided or streets are to be dedicated unless exceptions have been formally granted by the Planning Commission and City Council.

(d) All public site dedications, development rights to open spaces or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any building permits.

(e) Final copies of all approved articles governing operation and maintenance shall be placed on file with the City Recorder's office prior to the issuance of any building permit.

(f) After an area has been placed in the /PD subzone, all building permits shall only be issued on the basis of the Final Plan and Program as recorded in the office of the City Recorder. The area shall henceforth be shown on the official zoning map as a /PD subzone in addition to the basic zone.

(7) Development Standards.

(a) Minimum Site Size. A /PD subzone shall not be established on less than two (2) acres unless the Planning Commission and City Council find less area suitable by virtue of its unique character.

(b) Compatibility with Neighborhood.

1. The plans and programs shall present an organized arrangement of buildings, service facilities, open spaces and improvements such as recreation facilities and fencing to insure compatibility with the Veneta Comprehensive Plan and the character of the neighborhood.

2. Periphery yards of a /PD subzone shall be at least as deep as those required by the yard regulations of the underlying zone unless the Planning Commission finds that equal protection will be accorded

through specific features of the approved plan.

(c) Lot Coverage and Building Height. Lot coverage and building height shall be no greater than for the underlying zone unless the Planning Commission finds that an exception is warranted in terms of the character and amenities proposed in the total development.

(d) Open Space. Open space in a /PD subzone means the land area to be used for scenic or open recreational purposes within the development.

1. Open space does not include street right-of-way, driveways, parking areas, required setbacks or public service easements unless these areas have some special recreational design or purpose.

2. Open space shall be adequate for the recreational and leisure use of the population occupying the planned unit development and designed to enhance the present and future value of the development.

3. To the maximum extent possible, the plan and program shall assure that natural features of the land are preserved and landscaping is provided.

4. In order to assure that open space will be permanent; dedication of development rights to the City for other than open space may be required.

5. Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the Planning Commission. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the City Attorney.

(e) Density. Greater overall density, may be allowed under a /PD subzone but only by recommendation of the Planning Commission and approval of the City Council based on the entire development design. Areas dedicated to the public shall be excluded when determining the net density of the development. In any PUD subzone, established in a SFR basic zone, the net density shall not exceed 3,000 square feet of site area per dwelling unit. In any PUD subzone, established in a GR basic zone, the net density shall not exceed 2,200 square feet of site area per dwelling unit.

(f) Subdivision Lot Sizes. Minimum area, width, depth and frontage requirements for subdivision lots in a /PD subzone may be less than the minimum specified in the basic zone if in accordance with the approved General Development Plan and Program and the density standards of this section.

(g) Ownership and Maintenance of the Planned Development. Except as provided herein, the area in a proposed planned development must be in single ownership or under the development control of a joint application of owners or option holders of the property involved. Dwelling units or individual portions of a planned development may be transferred to additional parties provided:

1. The Planning Commission finds that the purpose of the planned development regulations and the findings and conditions of approval at each step have been satisfied and approves of the transfer based thereon; and

2. Documents necessary to assure permanent maintenance of buildings, common use facilities, landscaping, open space and outdoor living areas at no expense to the City have been approved by the City Attorney.

(8) Phased Development.

(a) The applicant may elect to develop the site in successive stages in a manner indicated in the General Development Plan and Program. Each such stage shall be substantially complete within itself.

(b) The Planning Commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

(9) Permitted Uses in Residential Zones Combined with /PD Subzone. The following uses and their accessory uses are permitted in a /PD subzone which has been combined with a residential zone.

(a) Residential use of land.

(b) Related commercial uses which are designed to serve the development of which they are a part, when approved by the Planning Commission and City Council.

(c) Related community service uses which are designed to serve the development of which they are a part, when approved by the Planning Commission and City Council. Such community service uses may also be designed to serve the adjacent area if considered desirable upon review of the overall proposal.

(10) Bonding.

(a) A developer may be required to post one of the following instruments, to

assure full and faithful performance in completion of the approved plan:

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon. The bond shall be in a form approved by the City.

2. In lieu of said bonds:

   a. The developer may deposit with the City Recorder cash money in an amount fixed by the Building and Planning official and the City Engineer.

   b. The developer may provide certification by a bank or other reputable lending institution that money is being held to cover the cost of the improvement and that it will be released only upon authorization of the City Engineer.

(b) If the developer fails to carry out the project as approved and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursements. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the developer shall be liable to the City for the difference.

(11) Proposed Changes in Approved Plans.

(a) Major Changes. Major changes in the General Development Plan and Program after it has been adopted shall be considered as a new petition and shall be made in accordance with the procedures specified above.

(b) Minor Changes. Minor changes in an approved General Development Plan and Program may be approved by the Building and Planning Official provided that such changes:

1. Do not change the character of the development or the population density.

2. Do not change the boundaries of the /PD subzone.

3. Do not change any use, such as residential to commercial.

4. Do not change the location or amount of land devoted to a specific land use.

5. Do not relax dimensional standards or other specific requirements established by the Planning Commission or City Council as a condition of approval.

(12) Expiration.

(a) If substantial construction or development has not taken place within one (1) year from the date of final approval by the City Council of the General Development Plan and Program the /PD Subzone shall become null and void.

(b) Upon abandonment of a particular Planned Development or if it is specified in the General Plan and Program, it may be determined by the Planning Commission and the City Council, after the appropriate public hearings, that the granting of approval be nullified and the re-zone repealed and further use of the property and structures thereon shall be in accordance with the existing basic zone, unless a request to extend the time limit is approved.

SECTION 4.15 SPECIFIC DEVELOPMENT PLAN SUBZONE (/SDP)

(1) Purpose**.** The purpose of the "/SDP" subzone is to allow the development and approval of specific development plans in the City of Veneta. A specific development plan is a master plan applied to one or more parcels to coordinate and direct development in terms of transportation, utilities, open space, and land use. The purpose is also to streamline the land use review process and encourage development that is consistent with the specific development plan. Specific development plans are intended to promote coordinated planning and pedestrian-oriented mixed-use development.

(2) Plan Development and Approval Process.

(a) Initiation. The process to establish a specific development plan shall be initiated by the City Council. The Planning Commission or interested property owners may submit requests to the City Council to initiate the specific development plan process. If owners request initiation of a specific development plan process, the City Council may require an application fee to cover the cost of creating the plan.

(b) Steering Committee. The City Council shall appoint a steering committee to guide development of the plan. The steering committee should include persons representing affected property owners, agencies, and the community at large.

(c) Draft Specific Development Plan. The Steering Committee shall develop a draft plan to submit to the Planning Commission and City Council for review, modification, and approval.

(d) Specific Development Plan Components. A specific development plan shall include text and a diagram or diagrams which specify all of the following in

detail:

1. Plan Objectives. The narrative shall set forth the goals and objectives of the plan.

2. Site and Context. A map of the site and context shall indicate existing land use, slope, natural features and property ownership.

3. Land Use Plan. The distribution, location and extent of the uses of land, including open space and parks, within the area covered by the specific development plan.

4. Circulation Plan. The proposed street pattern, including pedestrian pathways and bikeways. Design standards and street cross-sections shall be included.

5. Development Standards. Description and illustration of key development standards such as housing types, lot sizes, setbacks, building orientation, etc.

6. Infrastructure Plan. The proposed location and extent of major components of sewage, water, drainage and other essential facilities needed to support the land uses described in the plan.

(e) Public Hearings and Decisions. The Planning Commission shall hold a public hearing on the specific development plan and shall make a recommendation to the City Council. The City Council shall have final approval authority. The hearing process to be followed shall be the same as that set forth for zoning map amendments in Section 11.02 of this Ordinance.

(3) Approval Criteria. Adoption of the specific development plan and its related overlay district shall be based on compliance with the following approval criteria:

(a) The specific development plan is consistent with the general land uses and potential gross density allowed by the Comprehensive Plan designation, or a plan amendment is approved in conjunction with the specific development plan.

(b) The specific development plan will increase the efficiency of land use and provide for compact development.

(c) The specific development plan will provide a mix of compatible land uses offering a variety of activities and destinations within the project area that respond to existing and future market conditions.

(d) The specific development plan will create a pedestrian friendly environment

that provides direct, safe, and convenient access to public spaces and transit while maintaining access for automobiles and bikes. The circulation plan includes connections to surrounding properties.

(e) The specific development plan provides adequate public spaces such as small parks, greenways, or plazas where people can meet or relax.

(f) The specific development plan incorporates natural features such as creeks, wetlands, and large trees into the plans for the site.

(g) The specific development plan promotes building and site design that contributes positively to a sense of community and to the overall streetscape.

(4) Plan Implementation.

(a) Subzone. The specific development plan shall be implemented as a subzone. The specific development plan (including the land use plan, circulation plan and illustrative plan) shall be adopted by reference as an exhibit to the /SDP subzone.

(b) New Construction. New construction under Site Plan Review or building permit review shall meet the special development and design standards of the specific development plan.

(c) Priority of Standards and Procedures. Unless otherwise noted, the standards and procedures of the specific development plan subzone shall supplement and supersede the standards and procedures of the Land Development Ordinance and the Land Division Ordinance.

(5) Amendments to the Specific Development Plan. Amendments to the specific development plan are classified as minor or major amendments as follows:

(a) Minor amendments are those which result in any of the following:

1. Changes in the circulation plans that require a public street, easement, or pathway to be shifted by up to 100 feet in any direction.

2. A change in the land use plan that requires a shift in land uses (including park sites) by up to 100 feet in any direction.

3. A modification in the street or utility plan that is required on the basis of more detailed engineering and grading plans. Overall connections identified in the specific development plan are maintained.

(b) Major amendments are those which result in any of the following:

1. A change in the development standards.

2. Changes in the circulation plan that results in a shift of a public street, easement, or pathway by more than 100 feet, or result in the elimination of any public street, easement, or pathway.

3. A change in the land use plan that results in the elimination or reduction of a proposed land use or a shift in land uses (including park sites) by more than 100 feet in any direction.

(c) The Building and Planning Official may approve a minor amendment to a specific development plan. The Building and Planning Official's decision shall include findings that demonstrate that the change will not adversely affect the purpose, objectives, or function of the specific development plan.

(d) A major amendment to a specific development plan shall be approved by the City Council following a public hearing. The Planning Commission shall make a recommendation to the Council following a public hearing based on findings demonstrating that the change will not adversely affect the purpose, objectives, or function of the specific development plan.

(6) Interim Development. To encourage platting in conformance with the specific development plan, the Building and Planning Official may grant the following modifications to land division standards:

(a) Temporary Dead-ends. The Building and Planning Official may authorize temporary cul-de-sacs or vehicle turn-around where a through street will eventually be provided. Due to their temporary nature, the dimensions and improvement requirements may vary from standards set forth in the Land Division Ordinance.

(b) Half-Street Improvements. Half-width streets may be provided temporarily to access lots where a full street will eventually be provided when all abutting lots are developed.

(7) Specific Development Plan Standards. Standards for specific development plans are listed below. The standards shall be utilized in conjunction with the specific development plan adopted as an exhibit to the "/SDP" subzone. This section will be amended as new specific development plans are adopted.

(a) Northeast Employment Center

1. Report Adopted. The Northeast Employment Center Specific Development Plan Final Report, dated June 1999, and Thomas Alternative Veneta Mixed use Employment Center map dated March

2000, is hereby adopted by reference.

2. Permitted Uses and Conditional Uses. All uses permitted under the base zoning districts are also permitted in the "/SDP" subzone. Other uses are allowed only in the area designated as the Northeast Employment Center on the zoning map as follows:

   a. Hotels and motels are allowed in the CC zone.

   b. In the I/C zone and CC zone, retail stores or shops limited to 60,000 square feet in one building.

   c. In the I/C zone, permitted uses are the same as in the HC. zone, but maximum building square footage is 60,000 square feet per building.

3. Streets and Pedestrian Path Standards. Streets and paths shall be designed in compliance with the Circulation Plan and street sections.

4. Setbacks. The following setbacks are shown on the Plan and supersede conflicting setback requirements elsewhere in ordinance.

   a. East end landscape buffer: 30' building setback, twenty (20)' landscaping consisting of evergreen plants forming a continuous hedge or treed buffer reaching a height of at least 8' within 3 years of establishment. All plants must be watered with automatic irrigation systems until established.

   b. Highway 126 tree preservation setback: thirty (30) foot building setback, twenty (20) foot tree preservation area in which trees greater than eight (8) inch diameter at four (4) foot from the ground will be preserved unless deemed to be impracticable. Cleared "windows" no greater than 100 foot in length are allowed. "Windows" shall be spaced to provide at least 300 foot of tree canopy between "windows" unless exempted as part of site review.

5. Signage. Monument signs for Employment Center at the intersection of Hope Lane and Highway 126 allowed in addition to other signage allowed in the Highway 126 Corridor District. Monument signs for Employment Center at intersections of Jeans Road and Hope Lane allowed in addition to other signage allowed in the Business District.

6. Street Trees. Deciduous street trees (minimum two (2) inch diameter at time of installation) shall be planted every 40 foot (or the equivalent number for each property) with ground cover or unobstructing

vegetation as under story.

7. Design Theme for Improvements. As part of site review, Building and Planning Official or Planning Commission must approve plan for public improvements and site amenities to ensure they establish or support a design theme throughout the area. Relevant public improvements and amenities include signage, pedestrian crosswalks, lighting, transit stops, landscaping in public right-of-way, and on-street parking.

8. Parking Area Landscaping. A minimum of one shade tree per sixteen (16) parking spaces shall be provided in planter islands distributed throughout the lot. A maximum of twenty (20) spaces shall be allowed between planter islands.

9. Building Facades. The following design standards shall apply:

   a. Commercial and industrial front building facades must not extend for more than 300 feet without a pedestrian connection between or through the building.

   b. Commercial and industrial buildings facing a public street shall have no more than 100 feet without providing variation in building material or articulation.

10. Cross Connections. Development sites shall be designed to allow for internal connections between parking lot drive aisles and between abutting developments without requiring access to a public street.

11. Exterior lighting. All exterior lighting shall be shielded and reflected downward to minimize glare on adjacent parcels, other land uses, and street rights-of-way.

12. Transportation Impacts. Prior to the City granting site plan approval or any other type of construction approval within the Northeast Employment Center, a Transportation Impact Study shall be conducted, if deemed necessary by the City's Building and Planning Official. The study shall identify traffic impact and needed mitigation measures to the impacted street intersections, and shall describe the location, type and thresholds (vehicle trips) for street improvements necessary to mitigate identified traffic impacts. The study assumptions, which shall be established on a case-by-case basis upon submittal of the application, shall meet all requirements of the City and ODOT. The study shall include a funding mechanism, approved by the City, to assure that adequate funding is available to pay the developer's proportional share of the state, county and city

street improvements, as identified in the traffic impact study. Possible mechanisms may include:

City adoption of transportation impact fees;
A development agreement encompassing the funding mechanism set forth in the applicant's Transportation Impact Study must be entered into between the City and the developer that will run with the land;
Formation of a local improvement district; or
Some combination of the above.

(b) Southwest Neighborhood Center

Plan Adopted: The Southwest Area Specific Development Plan and Plan Map dated April 10, 2006 is hereby adopted by reference. All development within the boundaries shown on the Plan Map shall be in substantial conformance with the objectives and standards described in the Plan.

ARTICLE 5 - SUPPLEMENTARY PROVISIONS

SECTION 5.01 GENERAL PROVISIONS REGARDING ACCESSORY USES

An accessory use shall comply with all requirements for a principal use, except where specifically modified by this section. Accessory uses shall not be used for human habitation. Accessory uses shall comply with the following standards.

(1) Fences, hedges and walls may be located within required yards but shall not exceed 48" (four (4) feet) in height in any required front yard which abuts a street other than an alley nor 2-1/2 feet in height in a vision clearance area. Elsewhere, fences, hedges and walls shall not exceed six (6) feet in height in residential and commercial zones and eight (8) feet in height in industrial zones. Swimming pools, tennis courts, and other accessory recreational structures may have fences that exceed six (6) feet, provided they are not located within the front yard, but may be allowed within the side and rear yards.

(2) No sales shall be made from a greenhouse or hothouse maintained as an accessory to a dwelling in a residential zone unless the sales have been approved as a home occupation.

(3) The highest point of the roof of an accessory or structure shall not exceed a building height of 24 feet in a residential zone.

(4) A garage shall be located a minimum of twenty (20) feet from front lot line in a residential zone except in an RC zone and as specified in Section 5.09(1). Parking requirements as specified in Section 5.20 continue to apply to lots with reduced setbacks. Garages must also meet the requirements of Article 13, Section 13.02 Dwelling, Single-Family (8).

(5) Except for garages and carports, accessory structures in the SFR, GR, and RC zones, including those not requiring a building permit, shall not be located between any front or side street and a principal building and must comply with the minimum yard setbacks for the zone in which they are located.

(6) Boats, trailers, detached campers, motorized dwellings and similar recreation equipment may be stored, but not used for human habitation, on a lot as an accessory use to a dwelling provided that storage shall not be permitted in a front yard.

(7) All buildings that are accessory structures shall have a minimum roof pitch of 2:12.

SECTION 5.02 ACCESS

All lots shall be provided with access according to the standards of Article 6, Section 6.04 of the Veneta Land Division Ordinance.

SECTION 5.03 CLEAR VISION AREAS

In all zones except the BC zone a clear vision area shall be maintained on the corners of all property at the intersections of two (2) streets, a street-alley or street-railroad.

(1) Corner lots shall maintain a triangular area at street intersections, railroad-street intersections alley-street intersections, and flag lot-street intersections for safety vision purposes. Two (2) sides of the triangular area shall be exterior property lines, 20 feet in length at street intersections and fifteen (15) feet leg lengths at alley-street intersections and flag lot-street intersections. When the angle of the portion of the intersection between streets is less than 30 degrees, the visual distance shall be 20 feet along the property line from the point of intersection. The third side of the triangle shall be an interior line connecting the two (2) exterior sides. See Figure 5.03(a)

Figure 5.03(a)

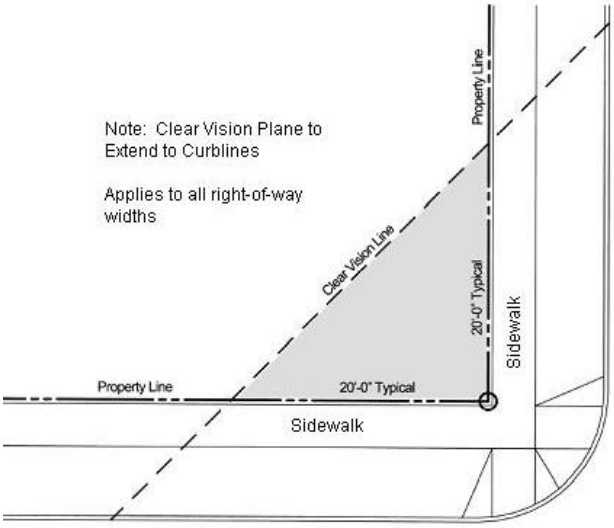
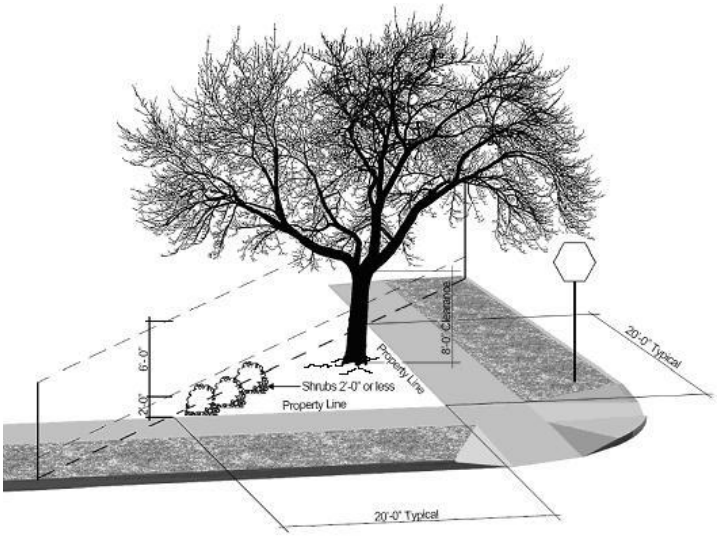


Figure 5.03(b)



(2) A clear vision area shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstruction exceeding 2 ½ feet in height, measured from the top of the curb or where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight (8) feet above grade. See Figure 5.03(b).

SECTION 5.04 RESERVED SECTION

SECTION 5.05 SETBACKS FOR AUTOMOBILE SERVICE STATIONS

In a zone where automobile service stations are permitted, freestanding gasoline pumps and pump stands may occupy a required front yard, provided they are a minimum of fifteen (15) feet from the property line.

SECTION 5.06 USE OF RESIDENTIAL STRUCTURES IN COMMERCIAL ZONE

In commercial zones, pre-existing residential structures may be occupied by nonresidential uses permitted in the zone provided the structure meets minimum building and safety standards as outlined in the building code. Site Plan approval subject to Article 6 is required. If a residential structure is converted to a commercial use, further use of the structure shall conform to the zone in which the property is located.

SECTION 5.07 FUTURE DEVELOPMENT POTENTIAL

Buildings must be placed on a site to allow for future street extensions and appropriate setbacks. When a residential property is larger than twice the minimum lot size and has potential for division, the applicant must submit a shadow plat showing how that future land division could take place and site the residence(s) accordingly.

SECTION 5.08 EXCEPTIONS TO LOT SIZE REQUIREMENTS

(1) If a lot or the aggregate of contiguous lots held in a single ownership as recorded in the office of the Lane County Assessor prior to 1989 has an area or dimension 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 lot area per dwelling unit requirement of the zone.

(2) The minimum lot size for flag lots shall be calculated in accordance with Article 6, Section 6.04 of the Veneta Land Division Ordinance.

SECTION 5.09 EXCEPTIONS TO YARD REQUIREMENTS

The following are authorized exceptions to yard requirements:

(1) In the General Residential (GR) zone, the front yard setback of a building may be reduced to a minimum of ten (10) feet for any lot that is entirely within the following geographical area:

   (a) West of 3rd Street and
   (b) North of Hunter Avenue and
   (c) East of 8th Street and
   (d) South of Dunham Avenue.

(2) In any residential zone, the minimum front yard set-back for a part of the building may be modified by not more than five (5) feet, provided the average front yard

depth shall not be less than the standard of the zone. Garage and carport front yard set-backs shall not be reduced below twenty (20) feet, except when permitted under Section 5.09(1). Accessory structures not requiring a building permit are not required to have back or side yard setbacks provided that stormwater from the roof of the structure does not flow onto the neighboring property.

(3) In order to permit the eventual widening of streets, every lot abutting a portion of a street hereinafter named shall have an additional setback over the required yard dimension specified in the zone so that the minimum distance from the center line of the street right-of-way to the front setback line shall be listed as below:

Street Name	Setback from Center Line of Right-of-Way
Highway 126	50 feet
Territorial Highway	40 feet - West side only
Bolton Hill Road	35 feet
Hunter Road	30 feet

The required front yards specified for each zone shall be in addition to the setbacks specified above.

SECTION 5.10 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 shall not be subject to the building height limitations of this ordinance.

SECTION 5.11 RESERVED SECTION

SECTION 5.12 LANDSCAPING

All yards, required screening areas, and parking areas shall be landscaped in accordance with the following requirements:

(1) Provisions for landscaping, screening and maintenance are a continuing obligation of the property owner and such areas shall be maintained in a clean, weed free manner.

(2) Site plans indicating landscape improvements shall be included with the plans submitted to the Building and Planning Official or Planning Commission for approval. Issuance of a Building permit includes these required improvements which shall be completed before issuance of a Certificate of Occupancy.

(3) Minimum Landscaped Area**.** The minimum percentage of required landscaping is as follows:

(a) Residential and Residential-Commercial Zones. 20 percent of each lot for residential developments, 10 percent for commercial or mixed use.

(b) Community Commercial and Broadway Commercial Zones. 10 percent of the site.

(c) Highway Commercial Zone. 10 percent of the site.

(d) Industrial Zones (IC,LI, MI). 5 percent of the site.

(e) When the above requirements conflict with landscaping requirements found elsewhere in this ordinance, the standard which maximizes landscaped area shall apply.

(4) Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:

(a) One tree, minimum 2" caliper.

(b) Four 5-gallon shrubs or accent plants.

(5) Minimum percentage Ground Cover. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (subsections (6)(f) & (g), below), shall have ground cover plants that are sized and spaced to achieve 75 percent coverage of the area not covered by shrubs and tree canopy.

(6) Landscape Materials**.** Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting.

(a) Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements.

(b) Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, soil, exposure, water availability, and drainage conditions. Applicants are encouraged to select native plants which are drought tolerant to reduce the demand on the City's water supply.

(c) Plant Establishment. Unless a certified landscape architect specifically recommends otherwise, all new landscaping shall be irrigated for a minimum of two (2) years to ensure viability.

(d) Soil amendment. When new vegetation (including sod) is planted, topsoil shall be added and/or soils amended or aerated as necessary, to allow for healthy plant growth. Compaction of the planting area shall be minimized whenever practical and compacted soils shall be amended and/or aerated as necessary prior to planting.

(e) "Invasive" plants, shall be removed during site development and the planting of new invasive species is prohibited. Lists of locally invasive species are available through the local USDA extension office.

(f) Hardscape features, May cover up to ten percent (10%) of the required landscape area; except in the Downtown Area where publicly accessible hardscape features may cover up to eighty percent (80%) of the required landscape area, subject to approval through Site Plan Review. Swimming pools, sports courts, and similar active recreation facilities, as well as paving for parking and access, may not be counted toward fulfilling the landscape requirement.

(g) Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.

(7) Multi-family sites and parking lots shall be screened from abutting single-family land uses by a combination of sight-obscuring fences, walls and landscaping adequate to provide privacy and separation for the abutting land use.

(8) Garbage collection areas, service facilities and air conditioning facilities located outside the building shall have sight-obscuring screening. Mechanical equipment, lights, emissions, shipping/receiving areas, and garbage collection areas for industrial, commercial, and public facility uses shall be located away from residential areas, schools, and parks.

(9) When a sight-obscuring fence, wall, or hedge is required under the provisions of this ordinance, it must meet the following provisions:

(a) In order to be "sight-obscuring", fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges shall be of an evergreen species which will meet and maintain year-round the same standard within three (3) years of planting. Creative use of deciduous hedge materials may be proposed to provide screening in conjunction with wider planting areas. Deciduous hedges may be approved on a case by case basis as the sole discretion of the Planning Official.

(b) Fences and walls must be maintained in a safe condition and opacity must be maintained. Wooden materials shall be protected from rot, decay and insect

infestation. Plants forming hedges must be replaced within six (6) months after dying or becoming diseased to the point that the opacity required is not met.

(10) When adjacent land uses are of a different type and the proposed use may impact the adjacent land uses, the Building and Planning Official or Planning Commission may require sight-obscuring fencing, walls, and/or landscaping. In order to provide appropriate buffering and screening, the Building and Planning Official or Planning Commission may increase the required yard dimension.

(11) All stormwater detention facilities shall be landscaped according to City standards.

SECTION 5.13 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

(1) Purpose and Applicability. The following standards are minimum requirements for new developments that are subject to Site Plan Review or Planned Unit Development approval in the RC, BC and CC zones. The standards are intended to protect and enhance the appearance, safety, and economy of Veneta through appropriate building and site plan regulations. The standards may be adjusted by the Planning Commission through the Track 2 Site Plan Review process (see Section 6.05(2))

(2) Standards. This section provides minimum standards for site and building design in the RC, BC and CC zones. The standards are administered through Site Plan Review under Article 6. Graphics labeled “RC,”, “BC”, and “CC” respectively, apply to the RC, BC, and CC zones. The graphics serve as references only; they are conceptual and are not intended to prescribe a particular architectural style. Examples of compliant development, and guidelines for adjustments, are contained in subsection 5.13 (3).

(a) New commercial and mixed use buildings in the BC or RC zone shall have their primary entrances facing and within twenty (20) feet of a street right-of-way; except the standard does not apply to: individual residential units in a mixed-use building; buildings where the primary entrance orients to a pedestrian plaza between a building entrance and street right-of-way; or where additional setback is required under other code provisions (e.g., clear vision areas).

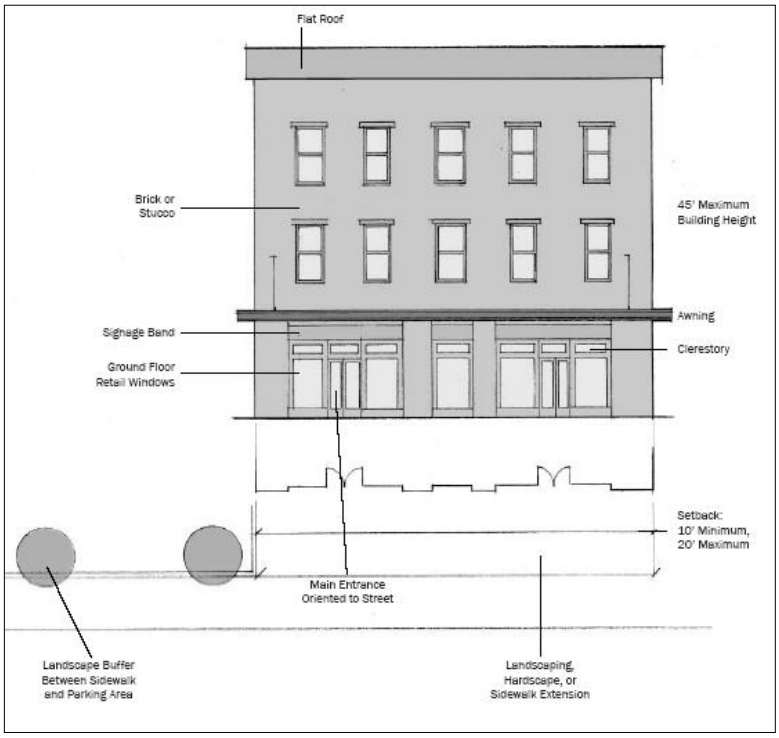
(b) Commercial, mixed-use, and public buildings on corner lots along West Broadway Avenue shall have their primary entrances oriented to the street corner; or where corner entrance placement is not practical due to internal building functions, existing conditions of the site, or other relevant circumstances unique to the proposed use, the decision making body may approve an alternative design without requiring approval of a separate adjustment. In such case, the

building corner shall be chamfered or have other architectural detailing that appropriately emphasizes the corner location.

(c) Building entrances shall incorporate pedestrian shelters (e.g., recessed entrance, porch, stoop, eave overhang, or similar feature) that provide adequate weather protection (e.g., shelter from rain over a portion of the sidewalk); individual pedestrian shelters shall be at least forty-eight (48) inches in width and thirty-six (36) inches in depth.

(d) The design of multi-story commercial and mixed-use buildings shall clearly define the building's base, middle and top (see figure 5.13(a) below). This may be accomplished with changes in materials, placement of windows, porches, canopies, dormers, eaves, bellyband, cornice, parapet or similar features, with appropriate detailing such as changes in patterns, and/or textures on exterior elevations. The design of single story buildings need not separately define the building base and middle but the top of the building shall be defined and distinguished from the rest of the building, for example, with eaves, parapet, cornice, or similar detailing.

Figure 5.13(a)



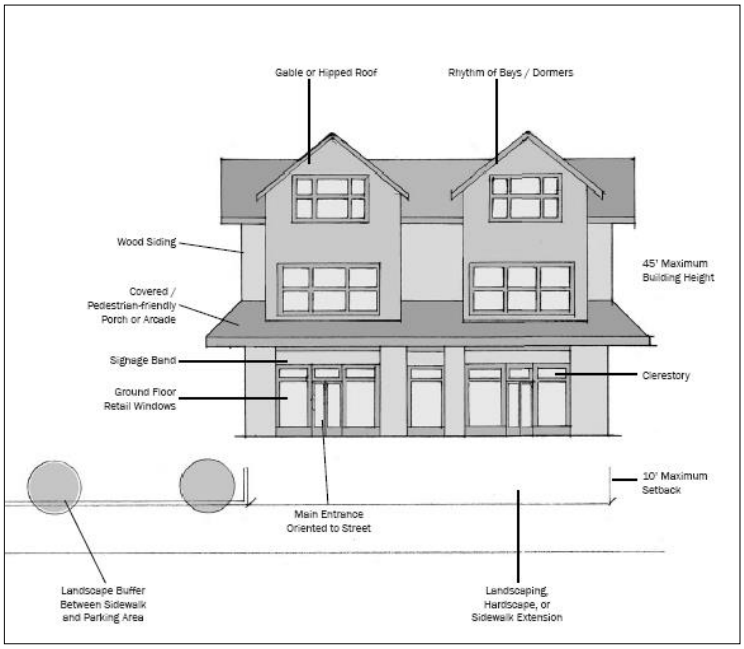
(e) Designs for buildings longer than fifty (50) feet shall incorporate varying roof lines, such as gables, sheds or dormers on pitched roofs, and stepped parapets, cornices or similar features on flat roofs, to break down the elevation into smaller modules and to reduce the perceived scale of the building.

(f) Building height shall transition from taller buildings to adjacent shorter buildings. For buildings sharing a common wall, this standard is met when the height of the taller building does not exceed the height of the shorter building by more than ten feet (10 ft) within a horizontal distance of ten feet (10 ft) from where the two buildings share a common wall. Beyond the ten-foot area, the taller building may increase in height one foot (1 ft) for every one foot (1 ft) of additional distance separating the two buildings. For example, at a distance of twelve feet (12 ft) from the common wall, the taller building may be twelve feet (12 ft) taller than the abutting building.

(g) Roof-mounted equipment shall be screened so that it is not visible, or is visually subordinate to the primary roof form, as viewed from adjacent public ways. Solar panels and mini-wind turbines may project beyond roof elevations when approved through Site Plan Review. See also, Section 5.10 Exceptions to Building Height Limitations.

(h) Building elevations facing a street, plaza, or similar public or quasi-public space shall be broken down into smaller planes to promote pedestrian scale and compatibility with adjacent uses. Building planes shall not exceed 500 square feet of uninterrupted surface area in the RC, CC, and/or BC zones. A break in plane is an offset, projection or recess of at least one (1) foot in depth over a width of at least four (4) feet of horizontal distance. Such breaks shall occur at least once every 30 lineal feet of a building's street-facing elevation(s). A break may occur in one or more of the following ways, as appropriate to the overall composition and design of the building: offsets, projections, overhangs; bays, arcades, alcoves; entries, balconies, porches, window reveals; dormers, towers, cupolas; pergolas, arbors or similar planter boxes integrated into a building elevation; belt course, eaves, pillars, posts, and base materials; or similar features and detailing that contribute to the building's overall composition (see figure 5.13(b) below).

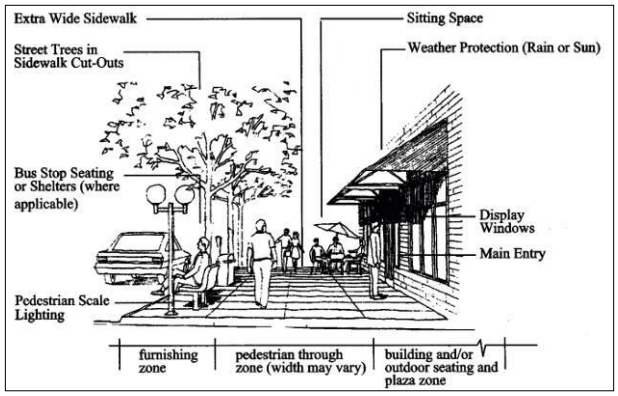
Figure 5.13(b)



(i) All commercial building elevations in the RC, BC, and CC zones facing a street, plaza, or other public or quasi-public space shall have openings (transparent windows, doors, balconies, etc.) covering not less than sixty percent (60%) percent of such elevations. Windows shall be sized/proportioned, shaped, placed/spaced, and trimmed consistent with the building's overall architecture; and meet the intent, which is to provide visual interest from the outside of a building and natural surveillance from the inside, at a pedestrian level. Exception: Where a building faces more than one street, as on a corner, the above standard applies only on the elevation facing the primary street (i.e., Broadway, Territorial, or an internal driveway designed to substitute for a street). The standard is reduced by one-half for an elevation facing a secondary street.

(j) In the RC, BC and CC zones, a weather-protection canopy, awning, overhang, eave, or similar feature with a depth of not less than four (4) feet shall extend across at least seventy-five percent (75%) of all building elevations that are adjacent to a sidewalk, outdoor seating area, walkway, plaza or similar pedestrian space, as determined by the Building and Planning Official. The pedestrian shelter must be placed at a height that achieves the intended purpose of providing weather protection, summer shade and shelter from the rain (see figure 5.13(c) below).

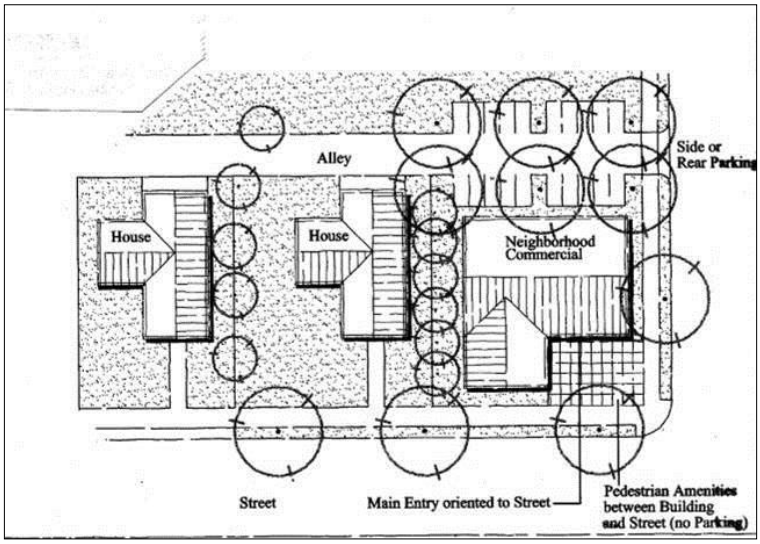
Figure 5.13(c)



(k) Primary exterior materials shall be consistent with the overall design composition and intent of a building design. Materials shall consist of durable wood, composites (e.g., concrete fiber-board or similar materials that has a wood appearance), brick, split-face or rusticated concrete block (must be tinted), natural stone, or materials of similar appearance and durability. Vinyl or metal may be used on the exterior, but may not be used as the primary cladding material. Where metal is used, it shall be non-reflective split seam or similar metal. Metal may also be used for exterior detailing (e.g., wainscoting, flashing, brackets, etc.) and for renewable energy, energy efficiency, or water conservation systems (e.g., solar panels and cells, mini-wind turbines, rainwater harvesting, etc.), subject to Site Plan Review.

(l) Where new off-street parking is to be provided in the RC and BC zones, it shall not be located between a buildings' primary entrance and any street (see figure 5.13(d) below).

Figure 5.13(d)



(m) Where alleys exist or can reasonably be extended to serve development, parking areas shall be accessed from alleys. Where alley access is not feasible, access may be provided from a private driveway (see figure 5.13(d) above). Curb openings shall be minimized by combining and sharing driveways to the greatest extent practicable. See also, Section 5.24 Access Management.

(n) Drive-Up/Drive-In/Drive-Through Uses and Facilities, where permitted, shall conform to the provisions of Section 8.20 (16).

(3) Design Guidelines. The following guidelines are to be applied by the Building and Planning Official in evaluating Site Plan Review applications for compliance with the design standards in subsection 5.13(2), and by the Planning Commission in evaluating adjustments (Track 2 Site Plan Review) for consistency with the intent of this section.

Guideline #1: Primary Entrances

Corner entrance

Entrances oriented to plaza

Typical entrance

Orienting primary building entrances close to the street, or adjacent to a pedestrian plaza that is connected to a street, creates a comfortable human scale at the street edge, encourages linked walking trips between multiple destinations and allows for natural surveillance of public spaces for security. Adjustments to subsection 5.13(2)(a)-(b) should be allowed only where orienting primary entrances in this way would be detrimental to pedestrian comfort or safety. In such cases, the design must provide features that achieve the above purpose and compensate for any out-of-direction travel that pedestrians will experience.

Guideline #2: Covered Entrances

Upper story projection

Awnings

Recessed entry & canopy or eave overhang

Covered building entrances provide shade in summer months and shelter from the rain. Even small shelters can improve the walking environment, or provide a refuge from a downpour while drivers search for their car keys. Pedestrian shelters should be designed based on an understanding of prevailing winds, sun exposure, storm drainage, and building maintenance considerations. Adjustments to subsection 5.13(2)(c) should be allowed only where adequate protection from the elements is provided by other means immediately adjacent to a building's primary entrance. Examples of such features may include bus waiting shelters, covered bicycle parking areas, and similar weather protection shelters.

Guideline #3: Building Base/Middle/Top

Simple concrete base differentiated from brick veneer

Mid-section defined by storefronts, awning and building story divisions; cornice defines top

Example of potential Adjustment for lack of clearly defined base & top

A clearly defined base, middle, and top to a building creates a rhythm or coherence along the street and promotes a human-scale by anchoring the building to its site. Alternatives to providing a distinct base, middle and/or top treatment may be approved through an Adjustment to subsection 5.13.(2)(d) where the design incorporates other elements that achieve the same purpose (e.g., large rollup windows and balconies pictured above achieve that purpose.)

Guideline #4: Varied Roof Lines and Building Height Transitions

Varied roof lines and transitions

Tallest feature at the corner; strong base treatment draws attention to street level

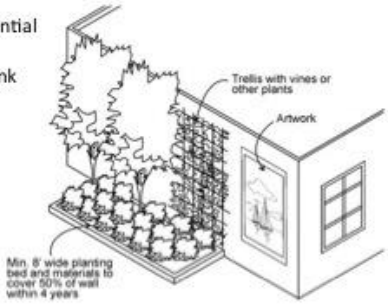
Appropriate height transitions

Varying roof lines that provide transitions in building height and screen mechanical equipment are important to creating an appropriate building scale and sense of place. Where abrupt changes in building height are unavoidable, and an Adjustment to one or more of the standards in subsections 5.13(2)(e)-(g) is sought, taller buildings should have features that draw attention down to the street level and reduce the perception of height, such as additional detailing around windows, strong base treatments, large storefront windows with awnings or canopies, and similar features. Where practical, the tallest feature on a building (e.g., tower or cupola) should be oriented toward a street corner or plaza and the design of the building should emphasize the importance of such public spaces.

Guideline #5: Building Planes (Avoid Blank Walls)

Optimal compliance, with vertical & horizontal building plane divisions, per subsection 5.13(2)(h)

Example of potential Adjustment for unavoidable blank wall; see also examples under Guideline #6



Large exterior building surfaces are to be broken down into smaller planes to provide a human-scale, and to create a sense of place that is different in downtown Veneta than in the city's industrial and highway commercial areas. In general, the larger a building is, the more important it is that the design incorporates visual relief by breaking up large building planes that are visible from adjacent streets, plazas, and other public or quasi-public spaces. The code is intended to prevent designs with large, blank walls in those areas. Building planes should be divided vertically and horizontally to create a rhythm along the street. Where an applicant requests an Adjustment to subsection 5.13(2)(h), the planning commission is afforded wide latitude in interpreting this guideline and may require additional design features (e.g., windows, landscaping, artwork, applied roof forms, brackets or other ornamentation, changes in materials and/or textures, patterns or colors) to mitigate the aesthetic impacts of large uninterrupted wall planes. In this case, the applicant must provide a higher level of design detailing that otherwise required under the base code.

Guideline #6: Wall Openings

Upper photo shows optimal compliance per subsection 5.13(2)(i). Lower photo shows potential Adjustment with display cases & trellises as mitigation for reduced window area on first floor

Wall openings such as windows, doors, balconies and similar features provide a human-scale, create a sense of place that is welcoming to pedestrians, and promote visual surveillance of public spaces from inside buildings for security. In general, the more pedestrian traffic that is expected in an area, the more important it is that the design incorporates transparent windows and building entrances close to adjacent streets, walkways, and plazas. The code is intended to prevent designs with large, blank walls in those areas. Where an applicant requests an Adjustment to the window transparency standards in subsection 5.13(2)(i), the planning commission is afforded wide latitude in interpreting this guideline and may require additional design features (e.g., display cases, artwork, landscaping, brackets or other ornamentation, changes in materials and/or textures, patterns or colors) to mitigate the aesthetic impacts of large uninterrupted wall planes and to ensure visual surveillance or to provide appropriate screening on the backs of buildings. In this case, the applicant must provide a higher level of design detailing that otherwise required under the base code.

Guideline #7: Pedestrian Weather Protection

Left photo: Optimal compliance per subsection 5.13(2)(j). Right photo: Non-compliant; however, Middle photo shows potential Adjustments where additional weather protection is provided on side of building with greatest pedestrian use

Pedestrian weather protection at building entries and along sidewalks and shopping center walkways help to create environments that are safe and comfortable for walking, which promotes public health (physical exercise) and safety. In general, the more pedestrian traffic that is expected in an area, the more important it is that the design incorporates weather protection (summer shade and protection from downpours) in that area. The code is intended to provide the most weather protection in areas with the highest pedestrian use. Where an applicant requests an Adjustment to the weather protection standards in subsection 5.13(2)(j), the planning commission is afforded wide latitude in interpreting this guideline and may require additional design features, such as additional trees, covered bus waiting areas, covered bicycle parking areas, or other structures; or the commission may require larger weather protection features than required by the base code in areas where pedestrian activity is expected. In this case, the applicant must provide a higher level of design detailing than otherwise required under the base code.

SECTION 5.14 IMPROVEMENT REQUIREMENTS

All applicants for land development shall comply with all public improvement requirements specified in Article 7 of the Veneta Land Division Ordinance and shall install improvements in accordance with specifications approved by the City Engineer.

(1) Water and Sewer connections. All developments requiring water within the SFR, GR, RC, BC, CC, IC, and I zones shall be connected to City water and sanitary sewers. Developments in the RR zone and HC zone on Highway 126, east of Territorial Road, shall be required to hook up to city water and sanitary sewer when available, but connections are not required for development to occur.

(2) Agreement for Improvements.

(a) Before approval of a building permit, the land developer may be required to install required street, sidewalk, water, sewer, storm sewer, drainage and other required public facilities ("Improvements"), or execute and record against the property an agreement between the owner of land and the City specifying the period of time within which required Improvements and repairs shall be completed ("Improvement Agreement"). The Improvement Agreement shall provide that, if Improvements are not installed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorneys' fees necessary to collect said amounts from the land developer or lien the property in this full amount. In any event, the land developer shall repair existing streets or other public utilities damaged in the process of building the development.

(b) In the City's sole discretion, the City Administrator may substitute an irrevocable petition to install one or more required Improvements for the Improvement Agreement referenced in (2)(a) of this Section 5.14 after determining that immediate Improvement construction is not in the City's best interest. Such a determination may, but need not, be based on circumstances where the proposed development is not adjacent to a paved street with curbs and gutters. In conjunction with the irrevocable petition, the developer may be required to deposit with the City a cash payment, surety bond, or letter of credit in an amount determined by the City Administrator not exceeding the cost of Improvement construction, as based upon an estimate approved by the City Engineer ("Deposit"). The irrevocable petition shall reference the deposit and cover future Improvement installation to the extent actual installation costs exceed the Deposit amount.

(3) Specifications for Improvements. All improvements shall comply with the Public Improvement Specifications of Veneta Ordinances in addition to the standard of this ordinance. If the City does not have adopted standards or specifications, the developer shall submit proposed improvement standards and specifications to the City for approval by the City Engineer.

(4) Improvements within a Public Right-of-Way. A construction permit shall be required for all improvements constructed within a public right-of-way. The City Engineer shall have the authority to approve, disapprove, or modify construction permits and plans in accordance with Veneta Ordinances.

(5) Dedication of Street Right-of-Way. Before approval of a building permit, the City may require dedication of additional public right-of-way in order to obtain adequate street widths, in accordance with the Veneta Comprehensive Plan, Land Division Ordinance and any adopted street plans. Dedication shall be considered whenever the existing street width adjacent to or within a development is of inadequate width.

(6) Utility and Drainage Easements. Before approval of a building permit, the City may require that an easement agreement be executed between the city and the property owner for sewer, water, electric, drainage, storm sewer or other public utility easements wherever necessary. The easements shall be at least fourteen (14) feet wide and located adjacent to lot or parcel lines, except for utility pole tieback easements which may be reduced to six (6) feet in width.

SECTION 5.15 SIGNS

(1) Purpose.

(a) This section of the Veneta Land Development Ordinance will be referred to as the Veneta Sign Code.

(b) The general purpose of signs is to communicate. The public benefits from this expression of speech, particularly in identifying businesses. This benefit supports the Comprehensive Plan Goal of establishing Veneta as a service and retail center for the Fern Ridge area and an attractive residential community.

(c) The purpose of this section is to safeguard, preserve, and enhance economic, recreational, and aesthetic values through regulation of the size, number, location, illumination, construction and maintenance of signs; and thereby protect public health, safety and general welfare.

(2) Definitions.

SIGN: Any identification, description, illustration, symbol or device which is placed, painted, or affixed directly or indirectly upon a building, structure, flag or land visible from a public right-of-way.

(a) Alteration: Any change excluding content, and including but not limited to the size, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign.

(b) Area: The area included within the outer dimensions of a sign. In the case of a multi-faced sign, the area of each face shall be included in determining sign area, excepting double-faced signs placed no more than 24 inches back-to-back. The area of odd-shaped signs made up of individual letters mounted to the wall of a building shall be the area enclosed within the outline or perimeter around the sign or letters.

(c) Building Sign: A sign attached to, projecting from, erected against or painted on the building, or on the face of a marquee, awning, canopy or building fascia or to a wall or fence which is intended to be read from a public right-of-way.

(d) Blade Sign: Blade signs may be hung below roof overhangs, canopies or awnings over public or private pedestrian ways in accordance with Section 5.15 (10) (h). Such signs shall be uniform in size and placement in relationship to such signs on adjacent buildings, but in no case shall they be larger than 10 inches in height or three feet in length. Lettering shall not exceed six inches in height.

(e) Business: A commercial or industrial enterprise

(f) Construction Sign: A temporary, non-illuminated sign placed at a construction site which identifies the contractor, architect, lending institution and/or development project. The sign shall be removed once construction is complete.

(g) Directional Sign: A permanent sign which is designated and erected solely for the purpose of directing traffic.

(h) Election: The time designated by law for voters to cast ballots for candidates and measures.

(i) Election Signs: A temporary, non-illuminated sign erected for the purpose of advertising an election candidate or issue. All election signs must be removed within 30 days following an election. A candidate who intends to run again in the following election must still comply with this 30 day requirement. Such a candidate shall not re-erect election signs until either (1) 30 days has elapsed since that candidate's election signs were removed, or (2) until the filing deadline for the upcoming election, whichever is a shorter period of time.

(j) Flashing Sign: An illuminated sign, or a sign constructed of reflective material to simulate movement, on or within which light is not maintained stationary and constant in intensity and color at all times.

(k) Free-Standing Sign: A non-temporary sign erected on a free-standing frame,

mast or pole and not attached to any building. Signs shall comply with the size and height standards for the sign district in which the sign is located and with the Uniform Sign Code (USC).

(l) Garage, Yard or Estate Sale Sign: A temporary sign which advertises a public sale for the purpose of disposing of personal property.

(m) Grand Opening: A 30 day period which encompasses the date a newly established business opens to the public.

(n) Illegal Sign: A sign which is not authorized by or is erected in violation of the Veneta Sign Code.

(o) Illuminated Sign: Any sign which has characters, letters, figures, or designs with the source of illumination being on the surface of the sign or from within the sign.

(p) Indirectly Lighted Sign: A sign having a source of illumination directed toward the sign so that a beam of light falls upon the exterior surface of a sign.

(q) Logo: Pictures, figures, symbols, letters, sign copy or similar graphic design which advertises or identifies a business, building or use.

(r) Monument Sign: A low to the ground, free-standing sign mounted in a frame that is incorporated into the overall design of the sign. The total square footage of a monument sign shall include the supporting frame. Signs shall comply with the size and height standards for the sign district in which the sign is located and with the Uniform Sign Code (USC).

(s) Murals: Mosaic, wall decoration or painted scene, graphic art technique or combination or grouping of mosaics, murals, paintings or graphic art techniques applied, implanted or placed directly onto a wall or fence. With the exception of the artist's signature, the mural shall contain no printed text or logo and shall be intended as a decorative or ornamental feature or to highlight a building's architectural or structural features.

(t) Non-conforming Sign: An existing sign, lawful at the time of enactment of this ordinance, which does not conform to the requirements of the Veneta Sign Code.

(u) On-Site Information Sign: A sign used for the purpose of communicating to persons on the development site. Such a sign may be visible but shall not convey a message to persons not on the site. A sign which conveys a message where any portion of the message is easily legible or discernible to a person of ordinary vision from any location off the site commonly visited by members of the public shall not qualify as an on-site information sign. On-site

information signs may include but are not limited to menu boards and building directories.

(v) Portable Sign: A single or double surface painted or poster type sign which is not permanently attached to a building, structure or the ground which is to be displayed for more than 30 days per calendar year. It shall be constructed of weather-resistant paper, cloth, wood, plastic, or metal, or other material with sufficient structural integrity to withstand wind and moisture, so as to maintain appearance and service for the term of use.

(w) Public Sign: Any sign placed by a public officer or employee in the performance of a public duty, including but not limited to traffic signals and control signs, warning lights, street identification signs, directional signs, informational signs or legal notices.

(x) Real Estate Signs: A temporary, non-illuminated sign advertising the prospective sale, rental or lease of the building(s) or property on which the sign is located. The sign shall be removed once the property is sold or leased.

(y) Sign Band: A small rectangular space recessed into an exterior building wall that is designed for a building sign which may be engraved into the building façade or mounted onto the sign band. May have integrated lighting for the sign so that internal signage illumination is not necessary.

(z) Sign Copy: Any combination of letters or text which advertise or identify a business, building or use, including logos.

(aa) Sign Height: The vertical distance from grade to the highest point of a sign or a sign structure.

(bb) Subdivision Identification Sign: A sign placed at the entrance to a neighborhood development which identifies a subdivision by name.

(cc) Temporary Sign: A sign which is not permanently affixed to a building, structure or the ground, including all devices such as banners, pennants, sandwich boards, sidewalk signs, curb signs and balloons which will be displayed for less than 30 days per calendar year.

(dd) Unsafe Sign: Any sign or supporting structure which constitutes a hazard to the public health, safety or welfare by reason of structural design or construction, inadequate maintenance, lack of repair or dilapidation.

(ee) Vehicle Sign: Any sign permanently or temporarily placed on or attached to a motor vehicle, where the vehicle is used in the regular course of business for purposes other than the display of signs.

(ff) Wall Sign: See Building Sign.

(gg) Warning Signs: Signs which warn the public of the existence of danger, hazardous materials or relating to trespass and containing no advertising material.

(hh) Window Sign: Any sign attached to or painted on the inside surface of a window.

(3) Designated Sign Districts. Three sign districts have been established to ensure that sign size and location will provide the most visibility for each business while protecting the aesthetic qualities of surrounding uses. The size, height and distance allowed between signs vary by district, taking into account traffic speeds and types of uses in each district. Refer to Tables A and B for Permitted Signs to determine whether or not a sign is allowed in the following districts and what specific requirements may apply. In addition to specific requirements for each district, signs must comply with all other sections of the Veneta Sign Code.

(a) Highway 126 Corridor District: All property zoned commercial, industrial/commercial, industrial, and public facilities and parks which abut Hwy 126, except residential uses.

(b) Business District(s): All property zoned commercial, residential/commercial, industrial/commercial, industrial, and public facilities and parks which do not abut Hwy 126, except residential uses.

(c) Residential District: All property zoned rural residential, general residential or single-family residential. Also includes residential uses in the residential/ commercial zone.

If property is visible from a state highway, a permit from the Oregon Department of Transportation (ODOT) may be required in addition to any city permits.

(4) Authorization of Similar Signs. The Building or Planning Official may permit in a particular sign district a type of sign not specifically listed in the Veneta Sign Code, provided the sign is of the same general type as the signs permitted there by code. The decision of the building and planning official may be appealed to the Planning Commission using procedures specified in Section 2.07 of this ordinance.

(5) Prohibited Signs. Any sign not exempted or allowed pursuant to the Veneta Sign Code, except by approval of variance, is not permitted. The following signs are prohibited:

(a) Signs or devices that move; appear to move; have moving parts or can move by wind or other means; or display flashing, intermittent, scintillating or varying

degree of intensity lights including LCD and similar screen type displays (flags and time/temperature signs excepted).

(b) Strings of lights and "neon type" tubing used to outline or border any feature of the building are not permissible. (Neon tubing is allowed in the actual composition of a sign.) This type of sign may be allowed by the Building and Planning Official if the applicant provides substantial proof that the sign will not provide a distraction to the operator of a motor vehicle.

(c) Strings of pennants, tinsel and lights except for grand openings and holiday lights (from November 15 to January 15).

(d) Signs which project more than six (6) inches above the roof of a building.

(e) Signs that may be confused with public traffic signs or highway identification signs, or graphically appear similar to these types of signs. This includes, but is not limited to, signs which use the words "stop, slow, caution, look, danger" or any other word, phrase, symbol or character that may mislead or confuse vehicle operators.

(f) Any signs (except blade signs) located on or above public rights-of-way without written consent of the applicable jurisdiction.

(g) Signs placed on, affixed to, or painted on any motor vehicle, trailer or other mobile structure which is inoperable or not registered, licensed and insured for use on public highways.

(h) Unsafe or illegal signs as defined by the Veneta Sign Code.

(i) Internally illuminated signs in the residential district, except address or name plates.

(j) Signs which exceed this Code's size, distance, or height restrictions, or conflict with any other provision of the Veneta Sign Code.

(6) Temporary Signs. There is no limit to the size or number of temporary signs allowed on a lot or parcel, except as indicated in Table 5.15 for specific types of temporary signs (such as election signs, real estate signs and garage sale signs). Unless otherwise specified, a temporary sign may only be displayed for up to 30 days per calendar year. Signs that will be displayed for more than 30 days per year are considered "portable signs" and require a permit (see Table 5.15). Although no permit is required for a temporary sign, the Building and Planning Official must be notified of any temporary signs not listed in Table 5.15, for tracking purposes. The placement of temporary signs must conform to the requirements listed in the Veneta Sign Code.

(7) Permitted Signs. Table 5.15 below list the types of signs which are allowed within the three designated sign districts. In addition to the conditions listed in these tables, all signs must comply with all other applicable sections of the Veneta Sign Code.

Table of Permitted Signs

Type of Sign	Hwy 126		Business District		Single Family Residential		Multi Family Residential	
	Permitted	Requires Permit	Permitted	Requires Permit	Permitted	Requires Permit	Permitted	Requires Permit
Free-standing or Monument Signs	Y	Y	Y	Y	N	N/A	Y	Y
	1 per lot or parcel Max Height: 35' - Max Size: 100 sq.ft.		1 per lot or parcel Max Height: 20' - Max Size: 64 sq.ft.				1 per lot or parcel Max Height: 20' - Max Size: 64 sq.ft.	
Building Signs	Y	Y	Y	Y	N	N/A	Y	Y
	Total area of all builidng signs shall not exceed 6% of buildings footprint (sq.ft.)		Total area of all builidng signs shall not exceed 6% of buildings footprint (sq.ft.)				Total area of all builidng signs shall not exceed 6% of buildings footprint (sq.ft.)	
Subdivision Identification Signs	N	N/A	N	N/A	Y	Y	N	N/A
					1 Free-standing or monument sign Max Height: 20' Max Size: 32 sq.ft.			
Portable Signs	Y	Y	Y	Y	N	N/A	Y	Y
	Total area of all builidng signs shall not exceed 6% of buildings footprint (sq.ft.)		Total area of all builidng signs shall not exceed 6% of buildings footprint (sq.ft.)				Total area of all builidng signs shall not exceed 6% of buildings footprint (sq.ft.)	
Flags	Y	N	Y	N	Y	N	Y	N
	Maximum Height: 35' Maximum Size: 20 sq.ft		Maximum Height: 35' Maximum Size: 20 sq.ft		Maximum Height: 35' Maximum Size: 20 sq.ft		Maximum Height: 35' Maximum Size: 20 sq.ft	
Election Signs	Y	N	Y	N	Y	N	Y	N
	Time Limit (see definition) Maximum Size: 32 sq.ft		Time Limit (see definition) Maximum Size: 12 sq.ft		Time Limit (see definition) Maximum Size: 4 sq.ft		Time Limit (see definition) Maximum Size: 4 sq.ft	
Real Estate or Construction Signs	Y	N	Y	N	Y	N	Y	N
	Time Limit (see definition) 1 per lot - Maximum Size: 36 sq.ft		Time Limit (see definition) 1 per lot - Maximum Size: 36 sq.ft		Time Limit (see definition) 1 per lot - Maximum Size: 4 sq.ft		Time Limit (see definition) 1 per lot - Maximum Size: 36 sq.ft	
Driveway Entrance/Exit Signs	Y	N	Y	N	Y	N	Y	N
	Maximum Height: 2 1/2 ft.		Maximum Height: 2 1/2 ft.		Maximum Height: 2 1/2 ft.		Maximum Height: 2 1/2 ft.	
Address Plates	Y	N	Y	N	Y	N	Y	N
	Maximum Size: 1 sq.ft.		Maximum Size: 1 sq.ft.		Maximum Size: 1 sq.ft.		Maximum Size: 1 sq.ft.	
Directional Signs	Y	N	Y	N	Y	N	Y	N
	Maximum Size: 2 sq.ft.		Maximum Size: 2 sq.ft.		Maximum Size: 2 sq.ft.		Maximum Size: 2 sq.ft.	
Blade Signs	Y	N	Y	N	Y	N	Y	N
	1 per business entrance Maximum Size: 6 sq.ft		1 per business entrance Maximum Size: 6 sq.ft					
Public Sign	Y	N	Y	N	Y	N	Y	N
Window Signs	Y	N	Y	N	N	N	N	N
Holiday lights, decorations, and banners	Y	N	Y	N	Y	N	Y	N
On-site Information Signs	Y	N	Y	N	Y	N	Y	N
Murals	Y	N	Y	N	Y	N	Y	N
Garage, Yard or Estate Sale Signs	N	N	N	N	Y	N	Y	N
Warning Signs	Y	N	Y	N	Y	N	Y	N
Name Plates/Sign Bands	N	N	N	N	Y	N	Y	N

(8) Sign Permits.

(a) A sign permit is required in each of the following instances:

1. Upon the erection of any new sign except signs specifically listed in Table 5.15 as signs not requiring a permit.
2. To make structural or electrical alteration to an existing sign, including a change in the size, shape, materials or location.
3. To replace a pre-existing sign.

(b) Information required for a sign permit:

1. A drawing to scale shall be submitted which indicates fully the material, color, dimensions, size, shape and height above grade. The drawing shall show the structural elements of the proposed sign and supporting structure(s) and any other information needed to show that the sign will not interfere with traffic safety, public health, or general welfare.

a. Building Signs: The diagram shall show where the sign will be attached to the building, including the distance the sign will project from the wall to which it is attached and the height above the finished ground surface over which it is mounted.

b. Free-standing Signs: In addition to the diagram a site plan shall be submitted which shows the placement of the sign on the property with relation to property lines, driveways, sidewalks, parking areas and buildings.

2. The size and types of all other permitted signs located on the applicant's building or property.

3. For free-standing signs, the applicant shall show the distance, measured in feet, to free-standing signs on adjacent lots.

(c) In addition to a sign permit, all illuminated signs require a City of Veneta electrical permit.

(d) A permit shall expire if a sign is not installed, as approved, within 180 days from the date of approval. Reapplication shall include a new, fully completed application form and a new application fee.

(9) Permit Fees. Sign permit fees which are due and payable upon receipt of a permit shall be set by separate resolution adopted by the council.

(10) Placement of Signs. In addition to requirements of the sign district in which a sign is located, placement of signs must comply with the following:

(a) No signs in excess of 2½ feet in height shall be placed in the vision clearance area as described in Section 5.03 or within ten (10) feet of driveways. A portion of the sign area, excluding the base or supporting structure, may extend into the vision clearance area or within ten (10) feet of a driveway, provided it is at least eight (8) feet above grade.

(b) No sign or portion thereof shall be erected within a future street right-of-way unless and until an agreement is recorded stipulating that when street improvements are made the sign will be removed or relocated at no expense to the City.

(c) No sign or portion thereof shall be erected within public utility easements.

(d) No sign or portion thereof shall be placed where it obstructs ingress or egress through any door, window, fire escape, or like facility required or designated for safety or emergency use.

(e) No sign shall interfere with on-site traffic, bicycle or pedestrian circulation.

(f) No sign may be placed where it hides from view any official traffic sign or signal.

(g) No sign or portion thereof shall extend beyond any property line of the premises on which such sign is located.

(h) No sign projecting from a building may be less than eight (8) feet above the ground over which it projects and may not interfere with traffic circulation or public safety.

(11) Calculating Sign and Wall Areas. The total area for building signs shall not exceed the area permitted in this sign district in which the building is located. The area shall include all signs attached to, projecting from, erected against or painted on a wall or portion of a wall, including any fascia, awning, canopy or marquee attached to the wall, which is visible to the public. If any sign painted on a roof or attached to a fence is visible and intended to be read from a public right-of-way, the total area of the roof painting or fence sign shall be included in the total area permitted for building signs. The total area permitted for building signs may be divided into multiple signs or used for one single sign and may also be used for portable signs.

(12) Vehicle Signs. The City does not regulate signs placed on, affixed to, or painted on any operable motor vehicle, trailer or other mobile structure which is registered, licensed and insured for use on public highways.

(13) Illuminated Signs. Illuminated signs, except those listed in as Prohibited Signs, are permitted in all sign districts. In addition to the requirements of the sign district in which the sign is located, illuminated signs must comply with the following:

(a) No sign may be illuminated or use lighting where such lighting is directed at any portion of a traveled street or will otherwise cause glare or impair the vision of the driver of a motor vehicle or otherwise interfere with the operation thereof.

(b) No sign may be illuminated or use lighting which causes a direct glare on adjacent properties.

(c) External illumination shall be shielded so that the light source elements are not directly visible from a residential use which is adjacent to or across a street from the source of illumination.

(14) Sign Maintenance. Signs and supporting structures shall be maintained to protect public safety and to prevent deterioration. Sign maintenance includes copy changes, painting, repainting, cleaning and normal maintenance and repair but does not include a structural or electrical change.

(15) Unsafe or Illegal Signs. Any sign determined by the Building or Planning Official to be an unsafe or illegal sign is subject to the following:

(a) If the Building or Planning Official finds that any sign is unsafe or illegal, enforcement action shall be taken as prescribed in Section 2.10. Failure to remove or alter said sign as directed shall subject the permittee or property owner to the penalties prescribed in Section 2.10.

(b) The Building and Planning Official may remove or cause to be removed any sign which is so unsafe or insecure it constitutes a real and immediate danger to persons or property.

(c) Any sign removed because it has been determined to be unsafe or illegal shall not be re-established until a valid permit has been issued.

(16) Non-Conforming Signs.

(a) A non-conforming sign may continue to be used until altered, replaced, modified or moved at which time the sign shall be brought into conformance with all provisions of the Veneta Sign Code.

(b) General maintenance, repair and copy changes which do not add to the size or shape of the sign shall be permitted.

(c) If a non-conforming sign is totally or substantially destroyed, a future sign on the site shall comply with the provisions of the sign district in which the property is located.

(17) Variances. A request for a variance must comply with Article 10. Variances will not be granted where the following sign regulations are involved:

(a) Prohibited Signs

(b) Abatement of unsafe signs

(c) Construction and Maintenance standards of the Uniform Sign Code

(d) Placement of a sign in the Clear Vision Area

(18) General Exemption. All public signs are exempt from the Veneta Sign Code.

SECTION 5.16 STORMWATER DETENTION AND TREATMENT

As the City of Veneta develops, impervious surfaces create increased amounts of stormwater runoff, disrupting the natural hydrologic cycle. Without stormwater management, these conditions decrease groundwater recharge while increasing channel erosion and the potential for localized flooding. The City continues to use swales and other more natural methods to control and convey stormwater run-off, incorporating wetlands and other natural systems into stormwater drainage plans to the greatest extent possible rather than relying exclusively on pipes. Runoff from urban areas is a major source of pollution and watershed degradation. The City is currently a Designated Management Agency (DMA) under the Willamette Basin TMDL and as such, is responsible for reducing pollutant loads transported to surface waters from runoff. In order to protect and enhance watershed health and long-term livability, the City requires that development comply with the following stormwater management criteria.

(1) For all projects that create greater than or equal to 1000 square feet of new impervious surface, stormwater detention and treatment facilities shall be provided. Detention and treatment facilities shall be designed and sized according to the City of Portland Stormwater Management Manual, Revision #4, August 1, 2008 which is adopted as the City's Stormwater Management Manual. Where the manual and this section conflict, this section shall prevail.

(2) The intent of these requirements is as follows:

(a) To maintain runoff peak flows at predevelopment levels

(b) To provide treatment of runoff to limit the transport of pollutants to area waterways.

(c) To limit accumulation of ponded water by discouraging the use of detention ponds and other centralized stormwater facilities through the dispersal of small detention and treatment facilities throughout a development. Preference shall be given to detention and treatment systems designed to drain completely within 24 hours to limit standing water.

(d) To encourage the use of vegetated treatment systems over structural pollution control devices

(3) Exceptions or alternatives to the requirements and standards of the Stormwater Management Manual may be allowed by the City Engineer based on specific site conditions provided that detention and treatment requirements are met in conformance with the intent as stated above. Applicants are encouraged to use either the Simplified Approach or Presumptive Approach to size facilities.

(4) The following storm data (Eugene Airport) shall be used in sizing facilities.

24-HOUR RAINFALL DEPTHS

Recurrence Interval, Years	2	5	10	25	100
Flood Control, Destination: 24-Hour Depths, Inches	3.12	3.6	4.46	5.18	6.48

Pollution Reduction: 24-Hour Depths, 1.4 Inches

SECTION 5.17 RESERVED SECTION

SECTION 5.18 TIME LIMIT EXTENSION REQUEST

The applicant may submit a request in writing for up to a one (1) year extension for a land use approval. Unless the City Council or the original approval provides otherwise, a maximum of two (2) extensions may be granted.

1) Requests for extensions shall:

a. Be submitted to the City in writing prior to expiration of the approval, but no earlier than 90 days prior to the expiration of the approval; and

b. Explain any special or unusual circumstances that warrant an extension.

2) The City may deny a request for an extension if any Lane Use Ordinance requirements or laws have been adopted since the original approval that would clearly make the development unlawful to approve as of the date the approval would otherwise expire.

SECTION 5.19 RESERVED SECTION

SECTION 5.20 OFF-STREET PARKING REQUIREMENTS

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

(1) <u>Design and improvement requirements for residential parking for single-family and multi-family dwellings.</u>

(a) Except where the City Engineer has approved a porous paving system to

manage storm water runoff and water quality, all parking areas, driveways, and driveway approaches shall be surfaced with two (2) inches of asphaltic concrete or six (6) inches Portland Cement concrete over approved base or other materials approved by the City Engineer. Paved driveways are not required in situations approved by the Planning Commission or Building and Planning Official in which the driveway will be used temporarily until further land divisions or development occur.

(b) Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper so placed to prevent a motor vehicle from extending over the property line.

(c) Off-street parking areas shall not be located in a required front yard, except that driveways may be used for off-street parking.

(d) A house with one street frontage and at least one hundred feet of width, or any house with two local street frontages may be served by a circular drive. Driveways shall not cover more than fifty percent (50%) of the required front yard area. Driveways shall not be constructed in required clear vision areas. All City standards including but not limited to those relating to storage of RVs, trailers, or inoperable vehicles, shall continue to apply.

(2) Design and improvement requirements for parking lots (not including single-family or multi-family dwellings).

(a) All required parking lots, driveways, and driveway approaches shall be surfaced with two (2) inches of asphaltic concrete, six (6) inches Portland Cement concrete over approved base, or other materials approved by the City Engineer which are designed to reduce or slow rates of stormwater runoff. All parking lots shall be graded so as not to drain storm water over the sidewalk or onto any abutting property.

(b) Service drives and parking spaces on surfaced parking lots shall be clearly and permanently marked. Parking spaces, except for handicap spaces, shall have a minimum dimension of eighteen (18)' X nine (9)' exclusive of maneuvering and access area. The dimension includes the area in front of the curb stop over which the front of a vehicle would extend. Handicap spaces shall be provided as required by the Oregon State Structural Specialty Code.

(c) Parking lots shall be served by a service driveway so that no backing movements or other maneuvering within a street other than an alley shall be required. Design for parking arrangements and turning movements shall be approved by the Building and Planning Official. Two-way driveways shall have a minimum width of twenty (20) feet and a maximum width of 30 feet. One-way driveways shall have a minimum width of twelve (12) feet and a maximum width of sixteen (16) feet.

(d) Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper so placed to prevent a motor vehicle from extending over the property line.

(e) Service driveways to off-street parking lots shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site. The number of service driveways shall be limited to the minimum that will allow the property to accommodate and service the traffic anticipated.

(f) All off-street parking lots within or abutting residential districts or uses shall be provided with a sight-obscuring fence, wall or hedge as approved by the Building and Planning Official to minimize disturbances to adjacent residents.

(g) A grading structure and drainage plan shall be submitted to the City Building and Planning Official and approved by the City Engineer.

(h) Parking lots shall be provided with landscaping as provided in Section 5.12 and other suitable devices in order to divide the parking lot into sub-units to provide for pedestrian safety, traffic control and to improve the appearance of the parking lot. A minimum of one shade tree per sixteen (16) parking spaces shall be provided in planter islands distributed throughout the lot. A maximum of twenty (20) spaces shall be allowed between planter islands.

(i) Parking lot lighting must comply with Veneta Municipal Code Chapter 15.15

(3) <u>Location standards for parking lots</u>

(a) Off-street parking shall be provided for development in all zones. Off street parking areas may be located no farther than 400 feet from the building or use they are required to serve. Owners of two (2) or more uses, structures, or parcels of land may agree to use the same parking spaces jointly when peak demands do not occur at the same time periods, provided the subject owners enter into a written agreement with the City of Veneta, subject to review and approval by the Building and Planning Official, pertaining to the cooperative use of the parking facilities.

(b) Off-street parking areas for commercial or industrial developments shall not be located in a required front yard,

(c) Parking lots and loading docks for new commercial, public, and semi-public buildings shall be located to the side or rear of the building.

(4) Required parking spaces shall be available for the parking of operable motor vehicles for residents, customers, patrons and employees only and shall not be used for storage of vehicles, materials, or for repair or servicing.

(5) The provision and maintenance of off-street parking spaces are continuing

obligations of the property owner. No building or other permit shall be issued until plans are presented that show parking space. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking area required by this ordinance.

(6) Should the owner or occupant of a lot or building change the use of the property to a use which increases the off-street parking requirements, it shall be unlawful and a violation of this ordinance to begin to maintain such altered use until the required increase in off-street parking is provided. The Building and Planning Official or Planning Commission may require a Site Plan Review if the increase in parking significantly changes on-site circulation, creates additional impervious surface or requires additional landscaping.

(7) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. Where the uses have the ability to share parking and a shared parking agreement is approved through Site Plan Review, the total requirements for all uses and locations shall be computed. The decision making body may reduce the sum requirement based on off-peak parking demands (shared parking) under subsection 5.20 (3) (a).

(8) A system of joint use driveways, sidewalks, and cross access easements shall be established for commercial and office properties wherever feasible and shall incorporate the following:

(a) A design speed of ten (10) mph and a maximum width of twenty (20) feet to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles.

(b) A unified access and circulation plan for coordinated or shared parking areas.

Pursuant to this section, property owners shall:

1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways, sidewalks, and cross access or service drive;
2. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

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

(10) The Building and Planning Official or the Planning Commission may approve the use of on-street parking spaces in lieu of required off-street parking spaces in the Broadway Commercial, Community Commercial, Residential-Commercial, Industrial-Commercial and Public Facilities & Park zones.

(11) Space requirements for off-street parking shall be consistent with Table 5.20(a)

below. Fractional space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of all buildings but shall exclude any space within a building used for off-street parking, loading or service functions not primary to the use. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. A reduction in the number of required spaces not to exceed (fifty) 50% of the required spaces may be permitted by the Planning Commission. A reduction in excess of 50% may be permitted through a Track 2 Site Plan Review, pursuant to Article 6, if evidence is provided to show that a reduced amount of parking is sufficient and will not cause any detrimental impacts to on-street parking or other parking areas. For example, an employer working with Lane Transit District to provide bus passes to employees or who offers van pools or other transportation demand management measures may need fewer parking spaces for employees.

Table 5.20(a)

Use Categories	Vehicle Parking Requirement	Bicycle Parking Requirement	Type and % of Bicycle Parking
Residential			
One and two-family dwellings	Two (2) spaces per dwelling unit. See also zoning district regulations for ADUs	NA	NA
Multiple-family dwellings, spaces/units	Studio or 1 bedroom - One (1) 2 bedroom - One and one half (1 1/2) 3 bedroom - Two (2)	1 per unit	100% Long term
Rooming or boarding house	Space equal to 80 percent of the number of guest accommodations, plus one (1) additional space for the owner or manager	1 per guest room	100% Long term
Residential facilities	One (1) space per two (2) beds or living units plus one (1) space for each employee during peak work shift	1 per ten (10) employees	100% Long term
Residential Commercial			
Hotel/Motel	One (1) space per guest room, plus one (1) additional space for the owner or manager	1 per ten (10) guest rooms	100% Long term
Bed and Breakfast	One (1) space per guest room, plus one (1) additional space for the owner or manager	1 per ten (10) employees	100% Long term
Institutional			
Welfare or correctional institution	One (1) space per six (6) beds for patients or inmates	1 per twenty (20) beds	25% Long term 75% Short term

Convalescent hospital, nursing home, sanitarium, rest home, home for the aged, which do not include retirement units where care is not provided	One (1) space per four (4) beds for patients and residents	1 per ten (10) beds	25% Long term 75% Short term
Hospital	One (1) space per 200 square feet of floor area	1 per 3,000 square feet of floor area	25% Long term 75% Short term
Place of Public Assembly			
Church	One (1) space per four (4) seats or eight (8) feet of bench length in the main auditorium or one (1) space for each 35 square feet of floor area of main auditorium not containing fixed seats	1 per 20 fixed seats or 40 feet of bench length or every 200 square feet in main auditorium where no permanent seats or benches are maintained	100% Long term
Library, reading room	One (1) space per 400 square feet of floor area of main auditorium not containing fixed seats	1 per 500 square feet of floor area	25% Long term 75% Short term
Day care facility	One (1) space per staff person, based on the maximum staff at the facility during peak time	1 per ten (10) employees	100% Long term
Elementary or junior high school	One (1)space per classroom, plus one (1) space per administrative employee or one (1) space per four (4) seats or eight (8) feet of bench length in the auditorium or assembly room, whichever is greater	1 per eight (8) students	25% Long term 75% Short term
High School, college, commercial school for adults	One (1)space per classroom, plus one (1) space per administrative employee plus one (1) space per six (6) seats or eight (8) feet of bench length in the auditorium or assembly room, whichever is greater	1 per eight (8) students	25% Long term 75% Short term
Other public assembly	One (1) space per six (6) seats or eight feet of bench length, or one (1)space for each 35 square feet of floor area for assembly room not containing fixed seats	1 per 20 fixed seats or 40 feet of bench length or every 200 square feet in main auditorium where no permanent seats or benches are maintained	100% Long term
Entertainment/Recreational			
Stadium, arena, theater	One (1) space per four (4) seats or eight (8) feet of bench length	1 per 20 seats	25% Long term 75% Short term
Bowling alley	Three (3) spaces per alley, plus one (1) space per two (2) employees	1 per each lane	25% Long term 75% Short term
Dance hall, skating rink	One (1) space per 100 square feet of floor area, plus one (1) space per two (2) employees	1 per 400 square feet of floor area	25% Long term 75% Short term

Athletic/Sports facility			
Swimming Pools	One (1) space per 220 square feet of pool surface area	1 per 500 square feet of pool surface area	25% Long term 75% Short term
Athletic Field	10 per each field	4 per each field	100% Short term
Tennis, racquetball, basketball	Two (2) spaces per playing court	1 per playing court	25% Long term 75% Short term
Commercial			
Retail or grocery stores	One (1) space per 400 square feet of floor area designated for retail	1 per 3,000 square feet of floor area	25% Long term 75% Short term
Service or repair shop, retail store handling bulky merchandise such as automobiles and furniture	One (1) space per 660 square feet of floor area designated for retail	1 per 5,000 square feet of floor area	25% Long term 75% Short term
Bank, office (except medical and dental)	One (1) space per 330 square feet of floor area	1 per 3,000 square feet of floor area	25% Long term 75% Short term
Medical and dental clinic	One (1) space per 200 square feet of floor area	1 per 3,000 square feet of floor area	25% Long term 75% Short term
Eating or drinking establishments	One (1) space per 200 square feet of floor area	1 per 600 square feet of floor area	25% Long term 75% Short term
Mortuaries	One (1) space per six (6) seats or eight feet of bench length in chapels	1 per 280 square feet of auditorium floor area	100% Short term
Industrial			
Industrial uses which entail manufacturing, research, processing or assembling	One (1) space per 600 square feet of gross floor area	1 per 5,000 square feet of floor area	25% Long term 75% Short term
Industrial uses which are primarily warehousing and distribution	One (1) space per 800 square feet of gross floor area	1 per 5,000 square feet of floor area	25% Long term 75% Short term
Storage Facilities	One (1) space per 300 square feet of gross floor area of the office area or three (3) spaces, whichever is greater	NA	NA
Industrial uses shall provide space for patron and visitor use	Minimum of three (3) parking spaces in addition to the requirements listed.	NA	NA

(12) Accessible Parking Spaces. Parking shall be provided for disabled persons, in accordance with the Americans with Disabilities Act. Accessible parking is included in the minimum number of required parking spaces listed above.

Table 5.20(b) Minimum Accessible Parking Requirements			
Total Number of Parking Spaces Provided	Total Minimum Number of Accessible Parking Spaces (60" and 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
1 to 25	1	1	0
25 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of total Accessible Parking Spaces*	7/8 of total Accessible Parking Spaces**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of total Accessible Parking Spaces*	7/8 of total Accessible Parking Spaces**

(13) Unspecified uses. Any use not specifically listed in this section shall have a parking requirement determined by the Building and Planning Official, based on the parking space requirements for comparable uses listed in this section. The decision of the Building and Planning Official may be appealed to the Planning Commission, using procedures as spelled out in this ordinance.

(14) Off-Street Loading. Except as provided below, under subsection (b), in any zone, every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied for manufacturing, storage, warehousing, goods display, retail sales or as a hotel, hospital, mortuary, laundry, dry cleaning establishment or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained at least 1 off-street loading space, plus 1 additional such loading space for each additional 20,000 square feet of gross floor area.

(a) Said loading space shall be provided with access, driveways and surfacing in the same manner as for off street parking, except that each space shall be ten (10) feet wide and 25 feet long, with a height clearance of at least fourteen (14) feet. In the case where service vehicles of the truck and trailer category are utilized, the Planning Commission may require additional length for required off-street loading spaces to accommodate up to a maximum overall length of 50 feet.

(b) Uses located on lots with at least 25 feet of frontage onto Waldo Lane, West Broadway, or Second Street may utilize those rights-of-way for required loading space(s) if sufficient right-of-way is available, subject to a Track 2 Site Plan Review. The Planning Commission may impose conditions of approval on such right-of-way use to mitigate adverse impacts on traffic circulation, including measures to protect the operational safety and level of service on adjacent streets, pedestrian safety, and compatibility with adjacent land uses.

(15) Stacking and Queuing Areas. Apply to all developments that involve queuing of vehicles, loading and unloading of goods, materials, or people. All queuing areas are required to have an area for vehicle stacking to prevent or minimize congestion of public streets. Examples of uses include but are not limited to schools and drive-through services such as banks, car washes, and coffee stands.

A stacking space shall be a minimum of nine feet (9') in width and 20' in length and shall not be located within or interfere with any other circulation driveway, parking space, fire lane, or maneuvering area.

In all zoning districts where queuing of vehicles is necessary, vehicle stacking spaces shall be provided in the manner set forth in the following list of property uses:

Table 5.20 (c) Vehicle Stacking and Queuing Requirements

Use Category	Vehicle Stacking Requirements
Automated Teller Machine (ATM)	Three (3) stacking spaces.
Automobile Oil Change and Similar Establishments	Three (3) stacking spaces per bay.
Car Wash (Full Service)	Six (6) stacking spaces per bay.
Car Wash (Self-Service) - Open Bay	Two (2) stacking spaces per bay.
Car Wash (Self-Service) - Drying Areas/Vacuum Islands	Two (2) stacking spaces per drying/vacuum area.
Dry Cleaning, Pharmacy, or Other Retail Establishment with Drive-thru	Three (3) stacking space for first service window.
Financial Institution	Five (5) stacking spaces per window or service lane.

Elementary, Middle, Day Schools and Similar Child Training and Care Establishment	One (1) stacking space per 20 students provided on a through one-way drive.
Coffee Kiosk	Three (3) stacking spaces per window or service lane.
Food Service Kiosk	Five (5) stacking spaces for first window or other stopping point.
General Kiosk (without Food Service)	Two (2) stacking spaces for first window other stopping point.
Restaurant with Drive-thru	Five (5) stacking spaces for first window other stopping point.

Other uses not specifically listed above shall furnish stacking and queuing spaces as required by the Planning Commission. The Planning Commission shall use the above list as a guide for determining requirements for such uses.

An alternate number of required stacking spaces can be approved by the Planning Commission through a Track 2 Site Plan Review where the applicant demonstrates that the proposed plan meets applicable standards of the Land Development Code for pedestrian circulation, safety, and traffic operations.

(16) Parking of Recreational Vehicles on Private Property

(a) No person shall park or store a recreational vehicle, unless they meet 1-5 below or subject to approval of a Temporary Use permit for a second dwelling on property during construction or demolition, Section 7.04(3):

1. The recreational vehicle is maintained in structurally safe condition and not permitted to become unsafe or objectionable by reason of dilapidation, obsolescence or abandonment, or by reason of unsatisfactory or inadequate maintenance; and either

2. The recreational vehicle is located within a garage or carport; or

3. The recreational vehicle is parked or stored on a surface in such a manner that it does not obstruct the front or side views of the neighbors adjoining on either side; or

4. The recreational vehicle is parked or stored in a manufactured dwelling park or recreational vehicle park.

5. The use of the recreational vehicle has been approved as part of a temporary use permit.

(b) No person shall use a recreational vehicle for emergency sleeping rooms for any period of time exceeding seven days, except in a manufactured dwelling park which has been issued a valid certificate of sanitation under the provisions of ORS Chapter 446.

(c) Citations may be issued to the property owner or the possessor or driver of such vehicle.

(17) Bicycle Parking. Shall apply to all developments that require a Site Plan Review or Site Plan Amendment for new development, changes of use, and building expansions or remodels. Bicycle parking spaces are intended to provide a safe, convenient and attractive place for the circulation and parking of bicycles as well as encouraging the use of alternative modes of transportation. Long term bicycle parking requirements are intended to accommodate employees, students, residents, commuters and other persons who expect to leave their bicycles parked for more than 2 hours. Short term bicycle parking spaces accommodate visitors, customers, messengers, and other persons expected to depart within two (2) hours.

(a) Bicycle Parking Space Requirements.

1. Multi-Family Residences. Every residential use of four or more multi-family dwelling units shall provide at least one sheltered bicycle parking space for each unit. A Residential Facility with more than fifteen (15) persons shall provide one sheltered bicycle parking space for every twenty (20) vehicle parking spaces, or two (2) spaces, whichever is greater. Sheltered bicycle parking areas may be in a conveniently located garage or storage unit, or under an eave, independent structure, or similar cover.

2. Non-Residential Parking. Required bicycle parking shall be provided by either short or long term parking, or both as outlined in Table 5.20(a) above for all commercial, mixed-use, and industrial zoned parcels. Short or long term parking requirements are as follows:

a. All required long term bicycle parking spaces shall be provided in a well-lit location within a convenient distance of a main entrance and shall be sheltered from weather elements such as rain and wind either within a building or bicycle locker, or under an eave, overhang, or similar structure. The minimum required width of long term bicycle parking may be reduced to 18” to accommodate parking in a more compact area.

b. All required short term bicycle parking shall consist of a securely fixed structure that supports the bicycle frame in a stable position without damage to wheels that may be locked to the rack by the bicyclist’s own locking device. Bicycle parking shall not be farther than the closest automobile parking space (except disabled parking).

c. Direct access from the bicycle parking area to the public right-of-way shall be provided with access ramps when the elevations in access change (e.g. elevation change between a sidewalk and driveway).

(b) Location & Design. All bike racks shall have the following design features:

1. Rounded or square style hoop racks or similar design as illustrated in figures 5.20(a) and 5.20(b) below.

Figure 5.20(a)

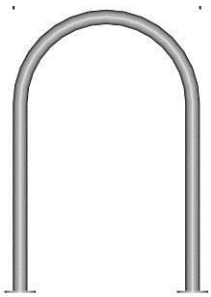
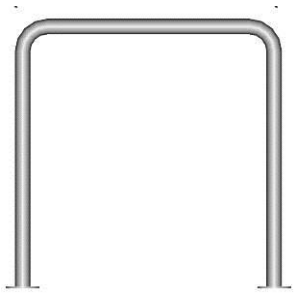


Figure 5.20(b)



2. Bicycle racks shall provide each bicycle parking space with at least two points of contact for a standard bicycle frame.

3. The bike rack shall have rounded surfaces and corners;

4. The bike rack shall be coated in a material that is weather resistant and will not damage the bicycle's painted surfaces.

5. Bicycle parking shall be provided at ground level.

6. A bicycle parking space required by this ordinance shall be at least six (6) feet long, two (2) feet wide, and provide seven (7) feet of overhead clearance.

7. Bicycles may be tipped vertically for storage, but not hung above the ground.

SECTION 5.21 RESERVED SECTION

SECTION 5.22 PEDESTRIAN ACCESS AND CIRCULATION

(1) Internal pedestrian circulation shall be provided within new commercial, office, and multi-family residential developments through the clustering of buildings, construction of hard surface walkways, landscaping or similar techniques.

(2) Pedestrian access to transit facilities shall be provided from new commercial, employment, and multi-family residential developments and new activity centers shall be provided while existing developments shall provide safe and accessible pedestrian access to transit facilities when a site changes uses or is retrofitted.

(3) Internal pedestrian and bicycle systems shall connect with external existing or planned systems. Pedestrian access from public sidewalks to the main entrances of public, semi-public, commercial, and multi-family buildings shall not cross driveways or parking lots.

(4) All streets shall have sidewalks except rural local streets and rural lanes unless there is compelling evidence that other pedestrian systems meet the needs of pedestrians.

(5) Compliance with the commercial design standards for and mixed-use, residential and commercial development, respectively, in Chapters 5.13 and 5.29, is required.

SECTION 5.23 TRANSIT FACILITIES

Table 5.23(a) below shows the transit amenities that may be required. Determination of specific requirements will be made on a case by case basis for each development by weighing the following factors in consultation with the Lane Transit District:

- Expected transit ridership generated by development
- Level of existing or planned service adjacent to development
  (Planned service is defined as service which will be established within five years after the completion of the development.)
- Location of existing transit facilities
- Proximity to other transit ridership generators

Table 5.23(a) Transit Facility Requirements

Number of Average Peak Hour Traffic Trips	Amenities Which May Be Required
Residential	
Developments with less than 9 dwelling units per gross acre that generate 25 to 49 trips	Concrete boarding pad for bus stop, lighting, bench
Developments with 9 or more dwelling units per gross acre that generate 25 to 49 trips	Shelter, concrete boarding pad, lighting
Developments that generate 50 to 99 trips	Shelter, concrete boarding pad, lighting
100 - 199 trips	Shelter, concrete boarding pad, lighting, bus turnout
200 or more trips	Shelter, concrete boarding pad, lighting, bus turnout, on-site circulation
Office Developments	
50 to 199 trips	Shelter, concrete boarding pad, lighting
200 or more trips	Shelter, concrete boarding pad, lighting, bus turnout

Retail/Industrial/Institutional/Public Facilities	
100 to 249 trips	Shelter, concrete boarding pad, lighting
250 to 499 trips	Shelter, concrete boarding pad, lighting, bus turnout
500 or more trips	Shelter, concrete boarding pad, lighting, bus turnout, on-site circulation

Amenities for phased developments shall be required to be built at the time the development will generate enough peak hour traffic trips to meet the requirements. Transit easements may be required for bus stops and shelters.

SECTION 5.24 ACCESS MANAGEMENT

(1) Residential driveways shall be located to optimize intersection operation and where possible, to access off the street with the lowest functional classification. For example, if a house is located on the corner of a local street and a minor collector, the driveway shall access from the local street as long as it can be located a sufficient distance from the intersection.

(2) Properties that only front on collector or arterial streets are encouraged to share an access with neighboring properties. The decision making body may require a combined access for two or more developments, and shared driveways between developments, including land divisions, where access spacing standards cannot otherwise be met.

(3) Access to state highways is regulated by the Oregon Department of Transportation (ODOT) as described in the Oregon Highway Plan.

SECTION 5.25 DEVELOPMENT ON SLOPES OF OR OVER FIFTEEN PERCENT

In addition to other review processes and standards required in other sections of this ordinance, the following process and standards shall apply to all land developments and land divisions on land where the slope meets or exceeds fifteen percent:

(1) A site shall be deemed to meet the 15% slope criteria if the average slope across the site in any direction meets or exceeds a 15 foot rise in every 100 feet. Isolated areas on the site may exceed the 15% limit and not require the additional review process itemized below providing the entire site is below the 15% threshold.

(2) All land developments and land divisions shall be subject to review by the City Building and Planning Official and the City Engineer. The applicant shall submit a geo-technical report prepared and stamped by a professional engineer with specialty background in geotechnical engineering or a professional geologist with specialty certification in engineering geology who is registered through the State Board of Examiners for Engineering or the State Board of Geologist Examiners. The report shall contain and analyze on-site and adjacent off-site data on buildable and non-

buildable areas and a statement of the expected impacts resulting from the proposed development. The required report shall demonstrate that the proposed developments are within the carrying capacity of the land based on the following on-site and adjacent off-site features and characteristics of the proposed development:

(a) Base Geology
(b) Slopes (steepness, orientation and aspect)
(c) Soils
(d) Stream and Drainage Patterns
(e) Housing Density Impact

(3) All proposed developments, except those within the Rural Residential (RR) zone, shall be served by city water and wastewater service (sanitary sewer).

(4) The requirements of this section shall apply and be considered during any site review process required by the Land Development or Land Divisions Ordinances. As part of the site review process, vegetation and animal patterns, including endangered and threatened plant and animal species known to be in the area, shall be considered.

(5) The minimum lot size is 8,000 square feet. Larger lot sizes may be required to address technical concerns raised in the geo-technical report.

SECTION 5.26 PARKLAND DEDICATION REQUIREMENTS

(1) INTENT

The availability of parkland and open space is a critical element in maintaining and improving the quality of life in Veneta. Land that features trees, grass and vegetation provides not only an aesthetically pleasing landscape but also buffers incompatible uses, and preserves sensitive environmental features and important resources. Parks and open space, together with support facilities, also help to meet the active and passive recreational needs of the population of Veneta. This chapter implements Goals and Policies of Chapter III(H) of the Comprehensive Plan and the Parks Master Plan by outlining requirements for dedication of parks and open space in the City of Veneta.

(2) MINIMUM PARKLAND DEDICATION REQUIREMENTS

Parkland Dedication. New residential subdivisions, planned developments (including plans implementing the Specific Development Plan (SDP) subzone), multi-family or manufactured home park developments shall be required to provide parkland to serve existing and future residents of those developments. Multi-family developments which provide some "congregate" services and/or facilities, such as group transportation, dining halls, emergency monitoring systems, etc., but which have individual dwelling units rather than sleeping quarters only, are considered to be multi-family developments for the purpose of parkland dedication. Licensed adult congregate living facilities, nursing homes, and all other similar facilities which provide their clients with individual beds and sleeping quarters, but in which all other

care and services are communal and provided by facility employees, are specifically exempt from parkland dedication requirements.

(a) The required parkland shall be dedicated as a condition of approval for the following:

1. Tentative plat for a subdivision or partition;

2. Planned developments including those in the Planned Development (PD) and Specific Development Plan (SDP) subzones. For Specific Development Plans that have dedicated park space equal to or in excess of that required by this ordinance, no additional dedication is required at the time of subdivision.

3. Site Plan Review for a multi-family development or manufactured home park; and

4. Replat or amendment of any site plan for multi-family development or manufactured home park where dedication has not previously been made or where the density of the development involved will be increased.

(b) Calculation of Required Dedication. The required parkland acreage to be dedicated is based on a calculation of the following formula rounded to the nearest 1/100 (0.01) of an acre:

Required parkland dedication (acres) = (proposed units) x (persons/unit) x 0.0084 (per person park land dedication factor)

1. Population Formula: The following table shall be used to determine the number of persons per unit to be used in calculating required parkland dedication:

Type of Unit	Total Persons Per Unit
Single family residential	3
Standard multi-family unit	2
Manufactured dwelling park	2
Congregate multi-family unit	1.5

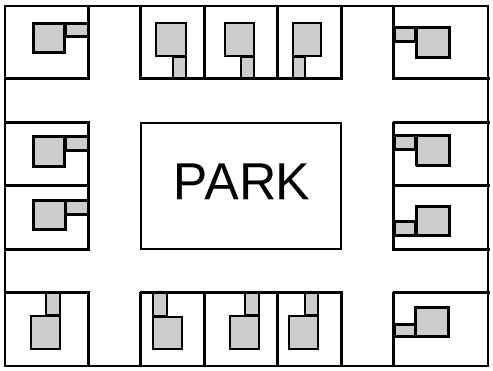
2. Persons per unit, age distribution, and local conditions change with time. The specific formula for the dedication of land will, therefore, be subject to periodic review and amendment.

3. Per Person Parkland Dedication Factor: The total parkland dedication requirement shall be 0.0084 of an acre per person based on the adopted standard of acres of land per one thousand of ultimate population according to the Veneta Parks, Recreation, and Open-Space Master Plan. This standard represents the citywide land-to-population ratio for city parks, and may be adjusted periodically through amendments to the Parks Master Plan.

(3) MINIMUM PARK LAND STANDARDS

Land required or proposed for parkland dedication shall be contained within a continuous unit and must be suitable for active use as a neighborhood or mini-park. Exceptions to any or all of the following standards may be allowed if the Planning Commission determines that the proposed dedication fulfills the purpose of this section. The location of any dedicated parkland shall be approved by the planning commission.

(a) Homes must front on the parkland as shown in the example below:



(b) The required dedication shall be contained as a contiguous unit and not separated into pieces or divided by roadways.

(c) The parkland must be able to accommodate play structures, play fields, picnic areas, or other active park use facilities. The average slope of the active use parkland shall not exceed 15%.

(d) Wetlands, and lands overlain by the Greenway Open-Space subzone may be included in dedicated tracts, but do not count towards the total lands required for dedication by this section.

(e) Any retaining wall constructed at the perimeter of the park adjacent to a public right-of-way or alley shall not exceed 4 feet in height.

(f) Once dedicated, the City will assume maintenance responsibility for the neighborhood or mini parkland.

(4) DEDICATION PROCEDURES

Lands required for dedication by this section shall be dedicated at the time of Final Plat. Dedication of land in conjunction with multi-family development shall be

required prior to issuance of permits and commencement of construction.

(a) Prior to acceptance of required parkland dedications, the applicant/developer shall complete the following items for all proposed dedication areas:

1. The developer shall clear, fill, and/or grade all land to the satisfaction of the City, install sidewalks on the park land adjacent to any street, and seed the park land; and

(b) Additional Requirements

1. In addition to a formal dedication on the plat to be recorded, the sub-divider shall convey the required lands to the city by general warranty deed. The developer of a multi-family development or manufactured home park shall deed the lands required to be dedicated by a general warranty deed. In any of the above situations, the land so dedicated and deeded shall not be subject to any reservations of record, encumbrances of any kind or easements which, in the opinion of the Planning Official, will interfere with the use of the land for park, open space or recreational purposes.

2. The sub-divider or developer shall be required to present to the City a title insurance policy on the subject property ensuring the marketable state of the title.

3. Where any reservations, encumbrances or easements exist, the City may require payment in lieu of the dedication of lands unless it chooses to accept the land subject to encumbrances.

4. Phased Developments. In a phased development, the required park land for the entire development shall be dedicated prior to approval of the final plat for the first phase. Improvements to the land as required by Veneta Land Division Ordinance Article 6 shall be made prior to approval of the final plat for the phase that includes the park land.

(5) CASH IN LIEU OF DEDICATION

At the city's discretion only, the city may accept payment of a fee in lieu of land dedication. The city may require payment in lieu of land when the park land to be dedicated does not meet the standards stated above, or when a fee is determined to be in the best interest of the City as determined by the Planning Commission. A payment in lieu of land dedication is separate from Park Systems Development Charges (SDC), and is eligible for a credit only for that portion of the SDC attributable to land acquisition. The amount of the fee in lieu of land dedication (in dollars per acre) shall be set by City Council Resolution, and it shall be based on the average market value of undeveloped city lots of between 1 and 10 acres in size. The required fee-in-lieu-of shall be calculated by multiplying the acres required for dedication by the dollar/acre amount set by resolution.

(a) The following factors shall be used in the choice of whether to accept land or cash in lieu:

1. The topography, geology, access, parcel size, and location of land in the development available for dedication;

2. Potential adverse/beneficial effects on environmentally sensitive areas;

3. Compatibility with the Parks Master Plan, Public Facilities element of the Comprehensive Plan, and the City of Veneta Capital Improvements Program in effect at the time of dedication;

4. The City's current park and open-space needs

5. The feasibility of dedication.

(b) Cash in lieu of parkland dedication shall be paid prior to approval of the final plat unless the developer provides a binding financial instrument acceptable to the City.

SECTION 5.27 TRAFFIC IMPACT ANALYSIS AND MITIGATION

(1) A Traffic Impact Analysis (TIA) and review is required when one of the following conditions exists:

(a) The development will generate more than 100 vehicle trips during the a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the peak hour trips shall be calculated based on the likely development that will occur on all lots resulting from the land division.

(b) The increased traffic resulting from the development will significantly contribute to documented traffic problems in the area based on current accident rates, traffic volumes, or speeds.

(c) The Traffic Impact Analysis is required by the State or County due to increased traffic on a State or County road within the City's Urban Growth Boundary.

(2) <u>Review Procedure</u>.

Any application for a planned development, subdivision, site plan, or specific development plan which shows that increased traffic meeting one of the applicability conditions a) through c) above shall be accompanied by a Traffic Impact Analysis. Traffic Impact Analysis shall be reviewed by the City Engineer, or a professional engineer chosen by the City, prior to approval of the site plan review, subdivision, PD, or SDP. This review is part of the "Technical Review" costs incurred by the developer.

(3) Mitigation Required.

Traffic impacts to facilities as identified in the TIA and supported by the City's Traffic Engineer shall be mitigated by the developer as part of the improvements for the Site Plan, Subdivision, Planned Development (PD), or Specific Development Plan (SDP).

SECTION 5.28 STREET TREES

When street trees are proposed, their selection and installation shall be according to the following requirements. Planting of street trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction.

(1) Species selection. Trees shall be selected from the City's adopted tree list and shall be appropriate for the planning location based on the criteria found therein.

(2) Caliper Size. All street trees shall be a minimum of 2 inch caliper at time of planting.

(3) Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be determined by the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced at 30-40 foot intervals, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements and clear vision areas.

(4) Growth Characteristics. Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection by developers and approval by the City:

(a) Provide a broad canopy where shade is desired, except where limited by available space.

(b) Use low-growing trees for spaces under low utility wires.

(c) Select trees which can be "limbed-up" to comply with vision clearance requirements.

(d) Use species with similar growth characteristics on the same block for design continuity.

(e) Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.

(5) Replacement. Replacement of street trees shall the responsibility of the developer for a period of 2 years from the time of planting, and shall be guaranteed through a warranty bond prior to final plat.

(6) Maintenance. Maintenance of street trees shall be the responsibility of the adjacent property owner.

(a) Standards. All trees located within the public right-of-way must be pruned to National Arborist Association Pruning Standards for Shade Trees.

(b) Adjacent Property Owners to Maintain Trees. Every adjacent property owner of any tree overhanging any street or right-of-way within the city, including trees within the right-of-way, shall prune the branches so that such branches shall not obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet, six inches (l3'6") over the street, and/or eight (8) feet above the sidewalk. Said owners shall remove all dead, diseased, or dangerous trees; or broken or decayed limbs which constitute a menace to public safety.

(c) Adjacent Property Owners Liable. The owner of property abutting trees on a right-of-way shall be liable for injury, damage, or loss to persons or property caused by the property owner's negligent failure to comply with subsection (b) of this section.

(d) Notification. The City may serve notice on the adjoining property owner to prune, remove, or otherwise treat any tree on a right-or-way as conditions may require. Any such notice shall be governed the standards below. Neither the duty of the adjoining property owner to maintain trees located on a right-of-way, nor the liability for the property owner's failure to do so, is dependent upon any notice from the city.

1. Notice to Prune or Remove. Should any property owner fail to maintain adjacent trees as per Section 7 of this ordinance, the City shall order such person or persons, within ten days of mailing of such notice, to so prune or remove such trees.

2. Notice Required. The notice required herein shall be served by mailing a copy of the order to the last known address of the property owner, by certified mail.

3. Failure to Comply. When a person to whom a notice is directed shall fail to comply within this specified time, it shall be lawful for the city to cause the trees in question to be pruned and/or removed; and the exact cost thereof shall be assessed to the property owner as provided by law in the case of public nuisance abatements.

(e) Debris Removal. The person working on trees on a street, highway, or public area shall be required to remove all debris from the right-of-way by sunset of

the same day, unless specifically authorized to do otherwise by the Community Development Director, or designee. The acceptable standard shall be a broom clean finish or better.

(f) City Tree Maintenance**.** The city shall have the right to plant, prune, maintain, and remove trees located within the public right-of-way as may be necessary to preserve or enhance the symmetry and beauty of such areas. The city may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, natural gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said tree is in accordance with this ordinance.

(g) City Held Harmless. The city of Veneta shall not be liable for injury, damage, or loss to person or property caused in whole or part by the defective or dangerous condition of any tree located in or upon a right-of-way. The property owner shall defend and hold harmless the city from all claims for loss and damage arising from the owner's negligent failure to comply with Section 7 of this ordinance.

SECTION 5.29 RESIDENTIAL DESIGN STANDARDS

(1) Purpose and Applicability. The following standards are minimum requirements for new residential developments (any zone). The standards apply to single-family dwellings, manufactured homes on individual lots, duplex dwellings, and multi-family projects, except mixed-use buildings with dwellings in upper stories are subject to the provisions of Section 5.13. The standards are intended to protect and enhance the appearance, safety, and livability of Veneta through appropriate building and site design regulations. The standards may be adjusted by the Planning Commission through the Track 2 Site Plan Review process (see Section 6.05(2)(b))

(2) Standards. Section 5.29 provides minimum standards for residential development site and building design in all zones where residential development is permitted. The standards are administered through building plan review (no land use permit required) where Site Plan Review is not required and through Site Plan Review (Building and Planning Official, or Planning Commission for Track 2 reviews) where such review is required in accordance with Article 6. The following graphics serve as examples of compliant development. The graphics are conceptual and do not prescribe a particular style.

(3) Building Orientation Standards. The following standards are intended to support residential development designs where walking and crime prevention is encouraged through natural surveillance (“eyes-on-the-street”).

(a) Primary building entrances (i.e., dwelling entrance, a lobby entrance, or breezeway/courtyard entrance serving a cluster of units) shall be oriented to

abutting streets; this provision is met where entrances are visible from the street right-of-way. The standard does not apply where primary entrances for a multiple-unit building are oriented to an interior courtyard or common areas, or where buildings abut Highway 126 or a non-residential zone. See Figure 5.29(a).

(b) Off-street parking, driveways, and other vehicle areas.

1. Parking for multi-family (except duplexes) developments shall not be placed between buildings and the street(s) to which building entrances are oriented, except vehicle drop-off and loading areas may be permitted through Site Plan Review, provided the vehicle circulation area is minimized and the building's primary entrance is connected to an improved street sidewalk by a pedestrian walkway and the driveway/parking area is crossed by a raised concrete walkway of not less than six (6) feet in width. See Figure 5.29(a).

2. Parking for attached single family dwellings (townhomes) must meet the following criteria, as generally shown in Figure 5.29(b):

a. Except for allowed front driveway parking for single family and duplex dwellings, off-street parking areas shall be oriented to alleys, or rear or side yards, and not front or street-facing yards. Where parking in a front or street-facing yard is unavoidable, curb openings shall be minimized. This standard is intended to protect the pedestrian environment and maximize the potential for on-street parking. It is met when two street-facing garages share one driveway access that does not exceed sixteen (16) feet in width where it opens onto the street; such driveways may be wider (e.g., flare out) behind the sidewalk, between the sidewalk and garage opening(s). Where shared driveways are not feasible, the decision making body may require a landscape strip or island be provided between adjacent driveways to break up large areas of paving and capture and slow the rate of storm water runoff; alternatively, the decision making body may approve driveways with landscape strips between paved treads to capture and slow the rate of storm water runoff.

b. Primary dwelling entrances shall be connected to adjacent streets by walkways; walkways serving individual townhome dwellings may be combined with driveways serving the same dwellings.

c. The maximum number consecutively attached townhome units with garages facing the same street is four (4) (two driveways). Buildings on corner lots may contain more than four (4) dwelling units with garages facing streets provided that not

more than four (4) townhome units face the same street.

d. Where a garage opening faces a street it must be setback at least twenty (20) feet from the street or otherwise oriented away from the street (e.g., side-loaded garage entry); where a building is placed less than twenty (20) feet from the street, the 20-foot garage setback may be accomplished by recessing the garage behind the front building elevation or turning the garage so that it is side-loaded. Side loaded garages within 50 feet of the front lot line shall have a minimum of 24 square feet of window area on the street facing side. These standards apply to both public street and private street or shared driveway frontages.

3. Where a lot contains multiple buildings or townhome units and there is insufficient street frontage to which all entrances can be oriented, primary building entrances may be oriented to common green, open space, plaza, or interior courtyard that is connected to the street sidewalk by a five (5) foot minimum width walkway. See Figures 5.29(a) and (c).

Figure 5.29(a) – Building Orientation Example

Acceptable

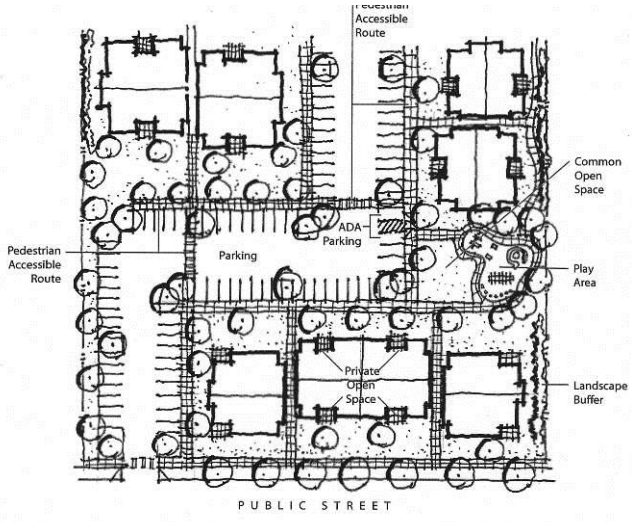
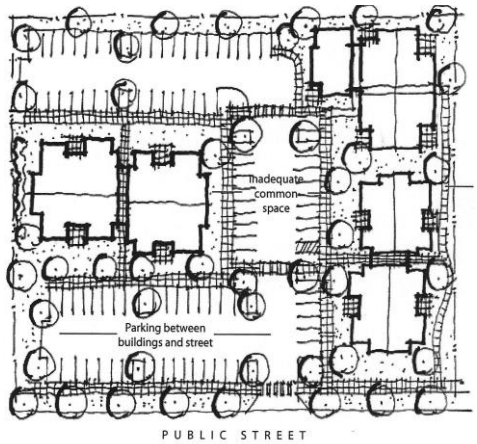


Figure 5.29(b) – Townhome Building Orientation

Not Acceptable



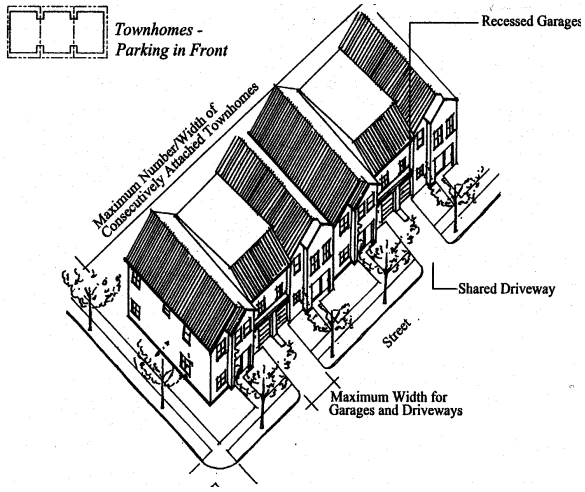
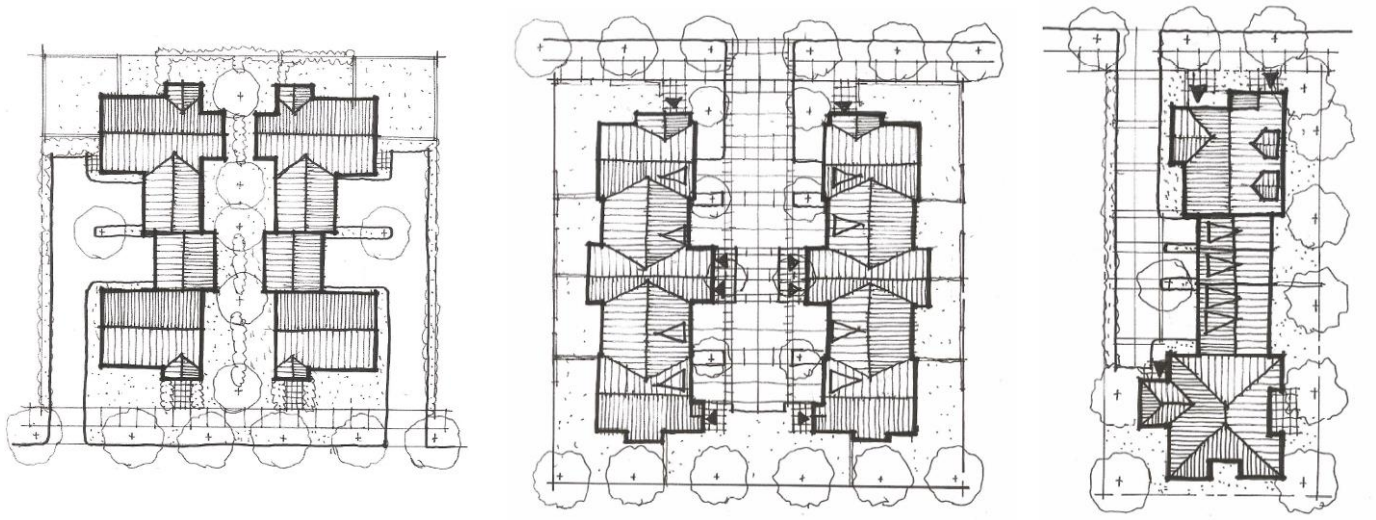


Figure 5.29(c) – Building Orientation Options



(4) Building Design. The following standards are intended to promote neighborhood livability and compatibility between new and existing developments through architectural detailing, pedestrian-scale design, and street visibility.

(a) Building Length. The continuous horizontal distance, as measured from end-wall to end-wall, of individual buildings shall not exceed 120 feet.

(b) Articulation. All primary buildings shall incorporate architectural elements that break up large expanses of uninterrupted building surfaces or blank walls. This standard is met by providing at least two (2) or more of the following elements on all building elevations, and on each building, as generally shown in Figure 5.29(d), and subject to the following criteria:

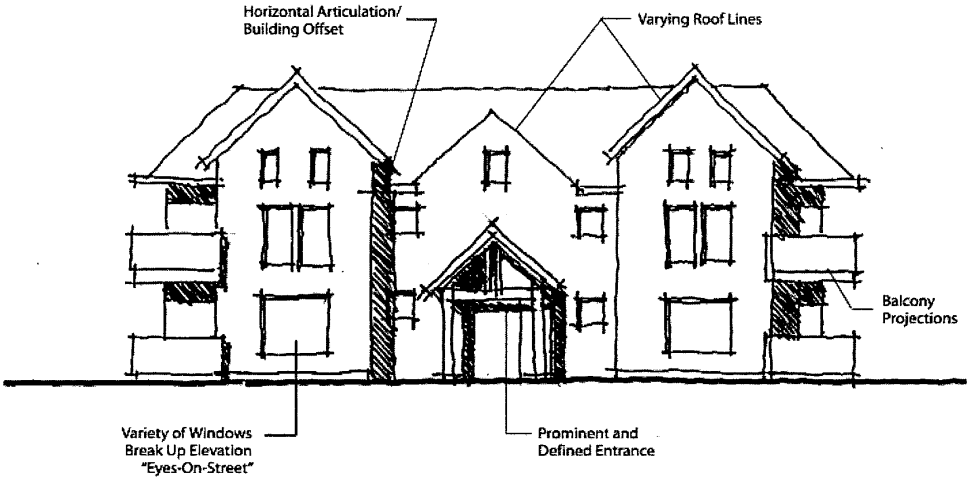
1. Recess (e.g., entrance, porch, balcony or similar feature) with a minimum depth of 6 feet.

2. Extension (e.g., living area, porch, patio, entrance, overhang, or similar feature) that projects a minimum of 2 feet from the building

plane and runs horizontally for a minimum length of 4 feet.

3. Offsets or breaks in roof elevation: (gable, dormer, secondary roof, covered entrance, or similar feature) 2 feet or greater elevation change.

Figure 5.29(d) – Building Length and Articulation (Multi-family Housing Example)



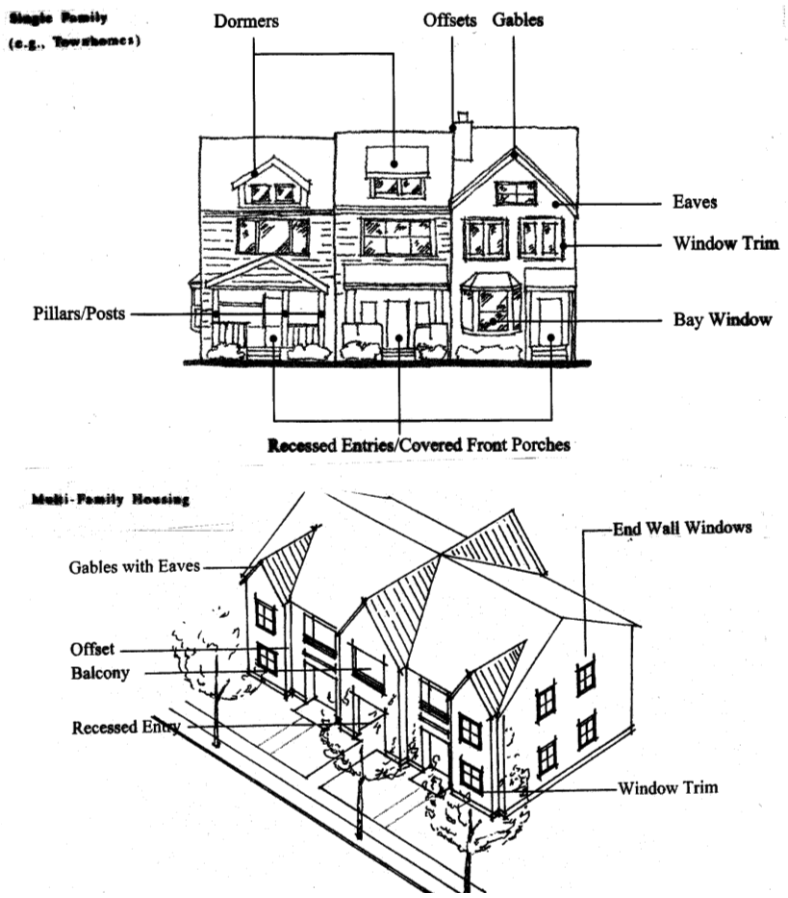
(c) Eyes on the Street. All dwellings (including duplexes) shall provide entrances facing a street or an approved flag lot drive. Multi-family buildings and attached single-family units shall also provide windows, porches, entrances and/or balconies covering minimum of forty (40) percent of the front (*i.e.,* street-facing) elevation, including elevations facing a flag lot drive, and covering a minimum of twenty (20) percent of the side and rear building elevations. "Percent of elevation" is measured as a percentage of surface area containing the above features. The standard applies to each full and partial building story.

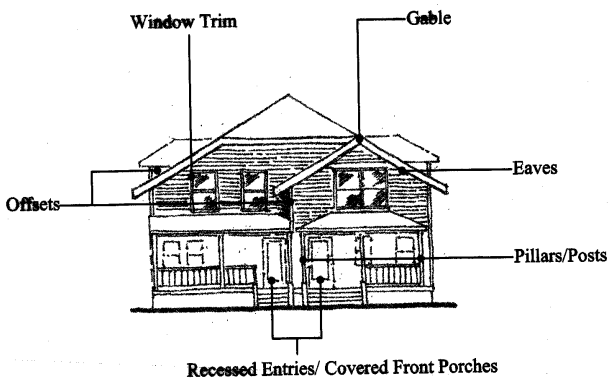
(d) Detailed Design. All dwellings shall provide the following detailing on all street-facing elevations (i.e., where the axis of the structure oriented within 45 degrees from street lot line). This standard is met by using at least six (6) of the architectural features in items "a" through "n," below, consistent with the overall composition and design integrity of building. The applicant may select the elements, except that the decision making body may specify elements or detailing when a project is subject to a Track 2 Site Plan Review, Planned Unit Development review, or Conditional Use Permit review; in such cases, the decision making body may require specific design elements or changes, consistent with the purposes of Section 5.29. See Figure 5.29(e).

1. Dormers (actual living space and not an applied element)
2. Gables (actual living space and not an applied element)
3. Recessed entries (recess by 4 feet or more)
4. Covered porch entries or portico (covered to at least a 4 feet depth)

5. Cupolas or towers
6. Pillars or posts (not less than 4”x4” post)
7. Eaves (minimum 6-inch projection)
8. Off-sets in building face or roof (minimum 16 inches)
9. Window trim (minimum 3 inches wide)
10. Bay window(s)
11. Balcony(ies)
12. Change in siding materials / decorative patterns: shingles, lap, tongue-in-groove, V-groove, paneling, board and batten, log construction, stone, brick, or split-face concrete block. Where different types of material are used (e.g., wood and stone), heavier materials shall be used on the base of the building
13. Decorative cornice, parapet, or pediment (*e.g.,* for flat roofs)
14. An alternative feature providing visual contrast and aesthetic interest, similar to options 1-14, as approved through Track 2 Site Plan Review.

Figure 5.29(e) – Examples of Architectural Elements (illustrative only)





(5) Multifamily Housing – Open Space. Multi-family (except duplexes) housing developments shall provide open space to serve the active and passive recreational needs of occupants, to reduce crowding of occupants, to reduce the apparent scale and density of development and to provide visual relief in higher density projects. The standards may be adjusted by the Planning Commission through a public hearing (Track 2 Site Plan Review) where innovative techniques such as rooftop gardens, historic preservation, natural features protection, or other low-impact or green building practices are used to meet the above intent. Figure 5.29(f) provides a conceptual illustration of the following standards.

(a) Common open space. A minimum of ten percent (10%) of the site area shall be designated and permanently reserved as common open space, in accordance with all of the following criteria:

1. The site area is defined as the lot or parcel on which the development to be located, after subtracting any required dedication of street right-of-way and other land for public purposes (*e.g.,* public park or school grounds, etc.);

2. One or more of the following shall be provided in meeting the common open space requirement: outdoor recreation area for all residents of the development, including play fields, outdoor playgrounds, outdoor sports courts, swim pools, walking fitness courses, pedestrian amenities, or similar open space amenities, or protection of sensitive lands (*e.g.,* trees, wetlands, riparian areas preserved).

3. Historic buildings or landmarks that are open to the public may count toward meeting the open space requirements when approved by the Planning Commission*;*

4. Where common open space is designated for active recreational use (e.g., playfields, sports courts, etc.) it must be suitable for the intended use in terms of slope, accessibility, area, and dimensions;

5. Designated open space areas shall have a minimum width that is not less than twenty (20) feet and a minimum length that is not less than twenty (20) feet;

6. Where a public space with pedestrian amenities is provided between primary building entrance(s) and adjoining street(s) (e.g., plaza, extended sidewalk area with seating, or similar area), the requirement to provide common open space as described above may be reduced proportionately but in total shall not be less than five percent (5%) of the site;

7. The Building and Planning Official or Planning Commission waive the common open space requirement for a multiple family project of not more than twenty (20) dwelling units that is located within 1,200 feet (measured walking distance) of a public park, where there is a direct, accessible (*i.e.,* Americans With Disabilities Act-compliant), lighted pedestrian walkway or multi-use pathway connecting the site to the

park. If the park is not developed, or only partially developed, the multiple family housing developer may improve parkland in an amount comparable to the common open space area that is waived or reduced (i.e., the area that would otherwise be required of the development) in meeting this provision.

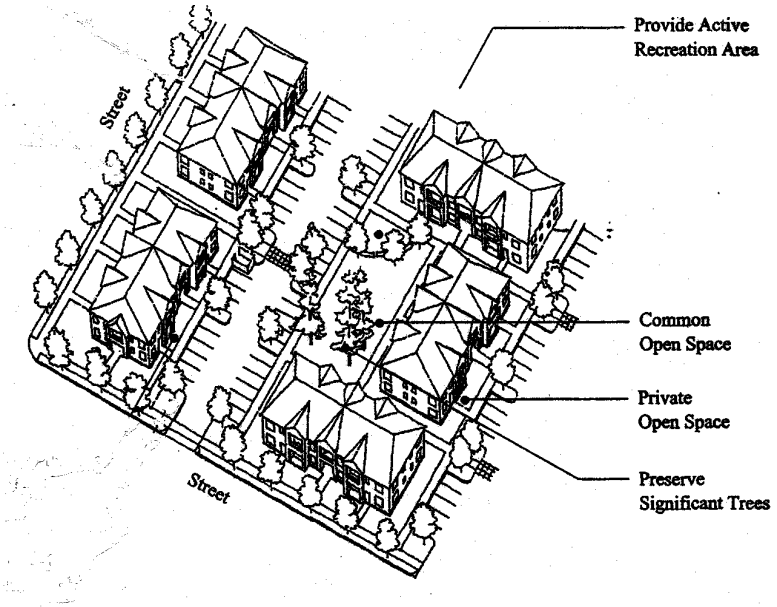
(b) Private open space. Private open space shall be provided for housing units based on all of the following criteria:

1. A minimum of fifty percent (50%) of all ground-floor housing units shall have private patios or decks containing at least forty-eight (48) square feet of usable surface. Ground-floor housing means the housing unit entrance (front or rear) is within five (5) feet of the finished ground elevation (i.e., after grading and landscaping);

2. A minimum of fifty percent (50%) of all upper-floor housing units shall have private patios or decks containing at least forty-eight (48) square feet of usable surface. Upper-floor housing means housing units that are more than five (5) feet above the finished grade.

3. Where it is not practical to provide private open space as provided in subsections (1) and (2), above, due to the existence of natural features or other physical site constraints, the private open space standard may be adjusted through Track 2 Site Plan Review, provided the development shall contain additional common open space to offset the reduction in private open space. At least forty-eight (48) square feet of additional common open space shall be provided for each housing unit lacking private open space. Open space required to offset the reduction of private open spaces shall not be counted towards the park dedication requirements in Section 5.26.

Figure 5.29(f) – Examples of Multiple Family Open Space



SECTION 5.30 BACKYARD CHICKENS

(1) The keeping of chickens on lots less than one (1) acre in size within the Single Family Residential, General Residential, and Residential – Commercial Zoning Districts is subject to all of the following conditions:

(a) No person shall keep chickens until a backyard chicken permit application has been approved by City Building and Planning Official. See Section 5.30(5) below.
(b) One (1) chicken is allowed for each one thousand five hundred (1,500) square feet of lot area, up to a maximum of ten (10) chickens.
(c) No chickens are allowed on properties occupied by multi-family housing, including duplexes.
(d) Roosters are not allowed.

(2) Chickens kept under this section shall be secured at all times:

(a) During non-daylight hours, chickens must be confined within a secure chicken coop sufficient to protect chickens from predators;
(b) During daylight hours, chickens shall be confined within a chicken coop or run meeting the requirements of Subsection 5.30(3), below, or within a securely fenced backyard.

(3) Chicken coops and runs:

(a) Shall be built in compliance with all applicable building and zoning codes;
(b) Shall not be located in a required front yard;
(c) Shall be set back at least 20 feet from dwellings on abutting property;
(d) Shall be set back a minimum of 5 feet from abutting property;
(e) Shall not exceed eight (8) feet in height;
(f) Square footage combined shall not exceed one hundred (100) square feet in area, or ten (10) square feet per animal, whichever is greater.

(4) To protect public health, the areas in which chickens are kept must be maintained in compliance with the following requirements:

(a) All animal or poultry food shall be stored in metal or other rodent proof receptacles;
(b) Chicken manure must be collected, stored, composted and/or removed from the property on a regular basis so as not to create a public health hazard or nuisance. All manure not used for composting or fertilizing shall be removed from the property;
(c) Noise resulting from the keeping or maintaining of chickens must not exceed the limitations set forth in Veneta Municipal Code, Chapter 9.20.

(5) Backyard Chicken Permit.

(a) An application for a permit to keep chickens is required in the following instances:

1. To keep chickens on a lot less than one acre in size, in the Single Family Residential, General Residential, and Residential–Commercial Zoning Districts.

(b) Information required for a permit to keep chickens shall include the following information:

1. The name and mailing address of the person to whom the permit will be issued;
2. The physical address where the chickens will be kept, if different from above;
3. A sketch plan and affidavit that the chicken facility will meet the standards in this section.
4. When the applicant is not the owner of the property where chickens will be located, the applicant will obtain signed consent from the property owner for the keeping of chickens on the property.

(c) A permit fee may be established by Council resolution and, if so established, shall accompany a permit application.

(d) The granting of a permit under this chapter shall be treated as an Administrative decision, and shall be administered by the Building and Planning Official. Applications will be processed in the following manner:

1. The application will be reviewed for completeness and will not be acted upon until all required information is received.
2. Within 10 days the application will be reviewed and a decision rendered.
3. Written notice of the decision will be mailed to the applicant.
4. A decision may be appealed to the Planning Commission. The appeal must be filed within 5 days of date of notice and be accompanied by a fee to be established by Council resolution.

(e) A backyard chicken permit will be revoked in the event the permit holder violates any provision of this Section or condition imposed within a permit issued.

ARTICLE 6 - SITE PLAN REVIEW

SECTION 6.01 SITE PLAN REVIEW PURPOSE AND APPLICABILITY

(1) Purpose. The purpose of the site plan review procedures is to correlate the general ordinance requirements with the specific site conditions and proposed uses and changes of use through a comprehensive review process to assure that developments are in conformance with the applicable land use regulations of the Land Development Ordinance.

(2) Applicability. Site Plan Review is required for all new construction or expansion of existing uses or structures exceeding 10% or 1,000 square feet, whichever is greater, of the original structure(s) on the site. Site Plan Review is not required for detached single-family dwellings on individual lots. Site Plan Review may be required where site or development characteristics, as determined by the Building and Planning Official, warrant a site plan review, including but are not limited to:

(a) Site is traversed by a natural drainageway or has demonstrated drainage limitations as shown on the utility plans required in Section 6.03(1)(b)(4) of this ordinance. Demonstrated drainage limitations are site or development conditions that prevent the unrestricted flow from areas draining through the site or that do not allow the extension of the system to serve such area as per the City's Drainage Master Plan, or that prevent stormwater from being directed to storm sewers or to natural drainageways in accordance with the Land Division and Land Development Ordinances.

(b) Site includes or is adjacent to Open Space and/or Greenway Areas designated on the Veneta Zoning Map as a Greenway subzone.

(c) Site is located in a Flood Hazard subzone.

(d) Site includes significant wetland resources, or is located within 50 feet of a wetland resource identified as locally significant in the Veneta Local Wetlands Inventory.

(e) Site has slopes of (15) fifteen percent (or greater) (see Section 5.25 of this Ordinance).

(f) Site is an undersized lot.

(g) Expansion of parking lots, relocation of parking spaces on a site, or other changes which affect circulation, landscaping or drainage.

The Building and Planning Official or Planning Commission may waive any component of the Site Plan Review for a development if it finds the required information does not apply to the development, the information is already available to the City or the change of use does not increase traffic volume, water or sewer use or drainage.

SECTION 6.02 FILING COPIES OF SITE PLAN

(1) Applications for site plan review or amendment shall include:

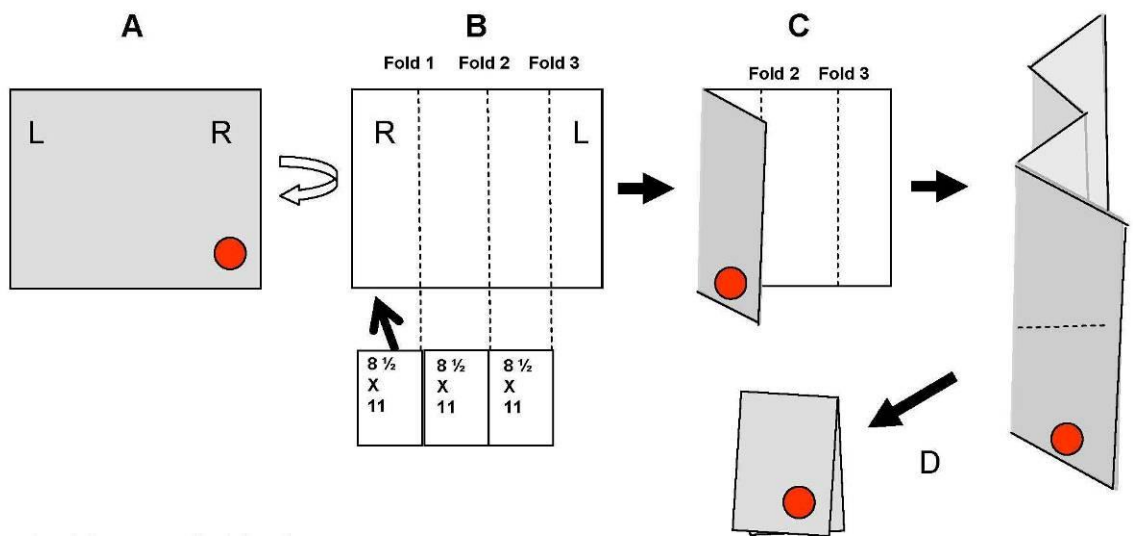
(a) Fifteen (15) copies of the site plan, narrative, improvement plans and other supplementary data for review and action.

(b) A reproducible 11" x 17" black and white copy of the proposed site plan map.

(c) Electronic copies of all materials including maps in PDF format.

(d) All maps shall be 18" x 24" folded to 8 ½ x 11 in size as shown in Figure 6.02(a). The Building and Planning Official may allow submittal of 11x17 maps when the larger format is not necessary for clarity.

Figure 6.02(a) – Folding Requirements



SECTION 6.03 REQUIRED INFORMATION ON SITE PLAN

An application for a Site Plan Review, Site Plan Review with adjustments (Track 2), or Amendment, as applicable, shall include the following information based on the size, scale and complexity of the development. The Building and Planning Official, at his or her discretion, may waive certain application submittal items where such items are not relevant to the review or the information is already available.

(1) Site Plan. All maps must be drawn to scale and indicate clearly and with full dimensions, the following information:

(a) Vicinity Map. A scaled vicinity map clearly showing the relationship of the proposed site to surrounding developments, tax lots, streets, storm drainage(s), sewer, water and other required public facilities.

(b) Development Plans. A development plan shall include the following items in accordance with Article 5:

1. Building and Land Use Plans.

   a. Location of all proposed buildings and existing buildings which will remain on the site.

   b. Floor elevations.

   c. Preliminary architectural plans showing one or all of the following for new buildings and major remodels in conformance with Section 5.13 or 5.29 of this ordinance:

      i. Building elevations with building height and widths dimensioned, and materials labeled;

      ii. Building materials, colors and type; a materials sample board may be required;

      iii. The name of the architect or designer.

   d. Existing land uses adjacent to the property.

   e. The phases, if any, of development construction. Such phases shall be clearly marked on the plan.

2. Parking and Traffic Flow Plans.

   a. Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays and angle of parking.

   b. Location, arrangement and dimensions of truck loading and unloading spaces, if any.

   c. Location of bikeways, pedestrian walkways, malls and trails.

   d. Traffic flow pattern showing the circulation of vehicles within and adjacent to the site, including fire equipment access and turnarounds.

   e. Stacking and queuing areas that involve queuing of vehicles, loading and unloading of goods, materials, or people shall provide an area for vehicle stacking in accordance with Section 5.20 (15) of this ordinance.

f. Location of all existing and proposed streets, public ways, railroad and utility rights-of-way within and immediately adjacent to the development.

g. A Traffic Impact Analysis if required under Section 5.27 of this ordinance.

3. Landscaping and Site Improvements.

a. Location and type of all landscaping proposed for the development, including irrigation systems in conformance with Section 5.12 of this ordinance.

b. Location, height and materials of all walls, fences and screen plantings. Elevation drawings of typical walls and fences shall be included.

c. Location, size, height and means of illumination of all proposed signs and lighting.

d. Open space to be maintained and controlled by the owners of the property but not included in the development.

e. Areas proposed to be dedicated or reserved for public parks, playgrounds, school sites, public buildings and others to be reserved or dedicated to the public.

4. Utility Plans.

a. Existing and proposed contour map of the site.

b. Location, flow elevations and capacities of all existing and proposed storm drainage facilities designed and constructed in accordance with Section 5.16 of this ordinance

c. Location of all existing and proposed water mains.

d. Location, flow elevations and certified capacities of all existing and proposed sewer lines.

e. Location of all other underground facilities, including phone, electricity, and cable television.

5. Emissions or Potential Hazards.
Specifications of the extent of emissions and potential hazard or nuisance characteristics caused by the proposed use including approvals of all regulatory agencies having jurisdiction.

The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use including, but not limited to surface or groundwater pollution, noise, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference. Misrepresentations or omissions of required data shall be grounds for termination of a Certificate of Occupancy.

All uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality and any other public agency having appropriate regulatory jurisdiction. Prior to construction, evidence shall be submitted to the City indicating that the proposed activity has been approved by all appropriate regulatory agencies.

Any such other data as may be necessary to permit the Planning Commission to make the required findings.

6. Tree Removal Plans.
If development of the proposed plan will require removal of trees as defined by Veneta Municipal Code 8.10, detailed tree removal plans are required. Plans shall be in conformance with VMC 8.10.

(2) Additional Information. Prior to the end of the completeness review period, the Building and Planning Official may require an applicant to submit studies, reports or exhibits prepared by qualified professionals to show compliance with applicable criteria addressing specific site features or impacts including but not limited to:

(a) Stormwater
(b) Steep Slopes
(c) Wetlands
(d) Flood Plains

(3) Deed Restrictions and easements. The applicant shall submit copies of all existing and proposed restrictions or covenants and any proposed easements.

(4) Building Orientation and Design. All new or remodeled commercial, mixed-use or residential buildings that require a site plan review or site plan amendment shall comply with the commercial or residential design standards in Article 5 of this ordinance.

(5) Program Elements.

(a) Narrative statement documenting how each required criteria in the land development ordinance have been met, including those criteria that are required in accordance with Section 6.03(1) above.

(b) A completed environmental assessment may be required by the Planning Commission or Building and Planning Official if it finds that a potential hazard,

nuisance or emissions exists, existed or will be created by the development and has not been adequately addressed in the development plans and program.

(c) A timetable indicating when utility and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the timetable shall reflect this.

(d) If the site plan calls for tree removal which would require a tree removal permit pursuant to Veneta Municipal Code Chapter 8.10.030, a tree removal permit, together with the required filing fee, must be submitted.

SECTION 6.04 IMPROVEMENT REQUIREMENTS

This section promotes upgrades to features of nonconforming development that affect a site's appearance and functionality. Nonconforming developments may continue unless specifically limited by Section 6.04(1) below or by other provisions in this ordinance.

(1) Development that does not comply with the following standards must be brought into compliance with current standards to an extent commensurate with the proposed changes.

(a) Landscaped setbacks for surface parking and exterior development areas;
(b) Interior parking lot landscaping;
(c) Landscaping in existing building setbacks;
(d) Minimum landscaped area (where land is not used for structures, parking, or exterior improvements);
(e) Screening;
(f) Paving of surface parking and exterior storage and display areas;
(g) Commercial and residential design standards; and
(h) Installation of public facilities.

SECTION 6.05 APPROVAL CRITERIA

(1) After an examination of the site and prior to approval of plans, the Planning Commission or Building and Planning Official must make the following findings:

(a) That all provisions of city ordinances are complied with.

(b) That traffic congestion is avoided; pedestrian, bicycle and vehicular safety are protected; and future street right-of-way is protected.

(c) That proposed signs or lighting will not, by size, location or color, interfere with traffic or limit visibility.

(d) That adequate water, sewer, and other required facilities, for the proposed

use are available.

(e) That drainageways are protected, existing drainage patterns are maintained and drainage facilities are provided in accordance with Section 5.16 of this ordinance.

(f) That the extent of emissions and potential nuisance characteristics are reasonably compatible with the land use district, adjacent land uses and the standards of all applicable regulatory agencies having jurisdiction.

(g) Where the applicant has requested an adjustment to Site Plan Review criteria (Track 2 Site Plan Review) pursuant to the Veneta Land Development Ordinance, the applicant shall identify all applicable criteria in this ordinance and specifically address each adjustment.

(2) Alternatives to the Commercial and Mixed Use Design Standards of Section 5.13 or Residential Design Standards of Section 5.29 may be granted by the Planning Commission following a public hearing where the Commission finds that the alternative design:

(a) Meets the purpose and intent of the applicable design standard being adjusted

(b) Conforms with the design guidelines provided in Section 5.13 or 5.29 as applicable

(c) Promotes pedestrian safety, convenience and comfort

(d) Contains architectural features substituting for code required features which are consistent with the overall design intent and composition of the building.

(e) Maintains or enhances compatibility between new development and existing uses, including aesthetics and privacy for residential uses.

SECTION 6.06 PROCEDURE FOR APPROVING SITE PLANS

(1) Prior to taking action on a site plan the City must provide notice of limited land use action in compliance with Section 2.13. Track 2 Site Plan Reviews shall be noticed in compliance with Section 2.11, Notice of Public Hearing.

(2) The Planning Commission may approve, disapprove or approve with conditions new site plans and major site plan amendments. Minor site plan amendments may be approved by the Building and Planning Official. Approval of any Site Plan will be subject to compliance with the standards set forth in this ordinance and standards as established elsewhere by City ordinance or resolution.

(3) Where the applicant has requested an adjustment to the Residential or

Commercial/Mixed Use Design Standards through the Track 2 process, the Planning Commission shall be the decision making body and the application shall be reviewed in a public hearing ("Track 2" Site Plan Review).

(4) The Planning Commission may call for a public hearing to receive testimony if it determines that the proposed development may produce adverse impacts on surrounding properties, the neighborhood or the City.

(5) As a result of an approved site plan, a final map shall be prepared and filed with the Building and Planning Official, including all required modifications and conditions. Once approved, the site plan submitted shall become the official plan. The applicant may be required to sign and record a Development Agreement in a form approved by the City Attorney against the property to assure compliance with ongoing conditions of approval. Building permits shall be issued only for plans which substantially conform to the official plan and all construction shall substantially conform to the official plan or a Certificate of Occupancy may be withheld until compliance.

SECTION 6.07 AMENDMENTS

Amendments are only permitted for developments for which the City has record of an approved Site Plan. A change to an existing development for which a previous site plan has never been approved requires a full site plan review

If the proposed use is more intensive than the existing use, additional Systems Development Charges shall be assessed at the time a building permit is issued.

Major amendments to an approved site plan shall follow the same procedure as for an approval of a site plan review. A new application and filing fee is required and the proposal must be approved by the Planning Commission. Major site plan amendments involve a change that does not meet the criteria listed under minor site plan amendments. Minor site plan amendments that may be approved as an Administrative Decision by the Building and Planning Official are those that meet the following criteria:

(1) The site plan amendment does not involve any interpretation of submission requirements or required findings that would set a precedent for other site plans or site plan amendments.

(2) The site plan amendment will not change the impacts (such as traffic generation, emissions or drainage) on surrounding properties.

(3) The site plan amendment fully complies with City ordinances and does not require a variance.

(4) There are no unusual circumstances relative to the site plan amendment.

(5) There are no questions of adequacy of services raised by The Public Works Superintendent, City Engineer, or any affected public or private agency.

A minor amendment requires Planning Commission approval if it involves commercial or industrial development adjacent to Hwy 126 and involves a change in use that is more intensive than the current or previous use as determined by the Building and Planning Official.

A new application, including a narrative statement and filing fee is required. The Planning Commission shall be advised of all administrative approvals of site plan amendments at the following regular Planning Commission meeting. Appeals of an administrative decision will go before the Planning Commission.

SECTION 6.08 COMPLIANCE WITH SITE PLAN REVIEW

All development must substantially comply with the approved site plan. Minor shifts in location of buildings, parking lots, or landscaping are allowed by the Building and Planning Official as long as the site plan continues to comply with city requirements. Continual compliance with the approved site plan and any conditions of approval is required. Any departure from the approved site plan or conditions of approval constitutes a violation of this Ordinance and may be grounds for revocation of the site plan permit.

SECTION 6.09 TIME LIMIT ON AN APPROVED SITE PLAN

Site plan or site plan amendments approvals shall be effective three (3) years from the date of final decision, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Within one (1) year from the final decision, a final map shall be prepared and filed with the Building and Planning Official, including all required modifications and conditions. Approved site plans or site plan amendments that do not have a final map submitted within one (1) year shall be void.

ARTICLE 7 - TEMPORARY USE PERMIT REGULATIONS

SECTION 7.01 PURPOSE OF TEMPORARY USE PERMIT

To allow the establishment of specified uses on a short-term basis in certain, specified land use zoning districts. No temporary use permit can be granted which would have the effect of permanently rezoning or granting privilege not shared by other property in the same zone.

SECTION 7.02 APPLICATION

All temporary uses must comply with the provisions of this ordinance. Only temporary uses lasting more than two (2) days require a temporary use permit. Applications for the temporary use permit shall be filed with the Building and Planning Official and shall include:

(1) Form prescribed by the City and signed by the property owner.

(2) A statement explaining the request.

(3) Site plan showing location of any proposed structures, activity areas, and parking with respect to property lines and existing buildings, parking areas, and landscaping.

(4) Drawings or photos showing proposed structures.

(5) Any other information needed to describe the proposed use in sufficient detail for the Building and Planning Official to determine how the proposed use meets the approval criteria.

SECTION 7.03 APPROVAL CRITERIA

A temporary use may be granted only if:

(1) The temporary use is not inconsistent with the purpose of the zoning district in which it is placed.

(2) The temporary use will not have a significant adverse impact on the surrounding uses.

(3) The temporary use shall comply with the applicable criteria listed in Section 7.04.

SECTION 7.04 ALLOWABLE TEMPORARY USES

(1) Temporary displays, sales, and events. Temporary displays, sales and events may be permitted in all industrial, commercial and public facilities and parks zones. They are also allowed in the rural residential zone for horticultural-related activities. All activities must meet the following criteria:

(a) The temporary activity is located on the same lot for no more than ninety (90) cumulative days in any calendar year.

(b) The proposed temporary activity does not result in vehicular traffic congestion and adequate pedestrian and bicycle access is provided.

(c) Adequate parking facilities are available. The temporary activity does not eliminate parking spaces required by Section 5.20 of this ordinance.

(d) The temporary activity does not encroach on the required setbacks of the lot.

(e) Food vendors shall comply with all state and county health regulations and shall furnish written evidence of compliance prior to opening for business.

(f) Annual events require a renewal permit each year.

(g) Temporary activities involving tents, tarps, or sales out of vehicles will last no more than two (2) consecutive days.

(2) Temporary stationary food vending, coffee stands or other kiosks. Temporary stationary food vending, coffee stands or other kiosks may be permitted in all commercial zones for a period not to exceed one (1) year.

(a) The use must comply with Section 7.04(1)(b), (c), (d), (e), and all other applicable standards in this section.

(b) No extension cords shall be used to provide electricity.

(c) After one (1) year, the use shall either be converted to a permanent use through Site Plan Review in compliance with the Site Plan Review standards of Article 6, or be discontinued. Application for Site Plan review must be made prior to expiration to allow continued operation during the review period.

(d) The use must not connect to City water or sewer and must identify the method of grey water disposal.

(e) No food vendor may locate within 200 feet of a restaurant or fruit and vegetable market without written consent from the proprietor of the restaurant or market, and no flower vendor may locate within 200 feet of a flower shop without the written consent of the proprietor of the flower shop.

(f) Food vendors shall comply with all state and county health regulations and shall furnish written evidence of compliance at the time of application for a temporary stationary food vending permit.

(g) Prior to the issuance of any permit or a business registration, the Fire Marshal shall inspect and approve any mobile device to determine compliance with all applicable Building and Fire Codes.

(3) Second Dwelling on Property During Construction or Demolition of Dwelling
A manufactured home or RV may be used temporarily during construction of a permanent residence. Or, a building permit may be issued for a new residence while an existing home remains occupied to allow for the residents to remain on their lot until the new dwelling is ready to occupy. The temporary use, including demolition of building, shall be limited to a maximum of one year (including the 60 day time limit on a temporary certificate of occupancy) unless an extension is approved by the Building and Planning Official. The following standards must be met for either of these temporary uses:

(a) The applicant shall provide evidence of an approved water supply and sewage disposal system.

(b) The certificate of occupancy for the new residence shall not be issued until the original dwelling has been demolished and the site cleaned up, or until the manufactured home being used temporarily is removed from the site. The time limit for a temporary certificate of occupancy shall be 60 days.

(c) If a manufactured home is to be used as a temporary residence, a building permit for the siting and anchoring of the manufactured home shall be submitted and approved by the building inspector prior to occupancy. Upon expiration of the temporary use, the manufactured home shall not be converted to an accessory use.

(d) RV use shall be limited to not more than 90 days.

(4) Outdoor Storage (not involving sales). Temporary outdoor storage not exceeding 180 days may be permitted in all industrial and commercial zones. All outdoor storage areas must meet the following criteria:

(a) The storage does not encroach on the required setbacks of the lot.

(b) Adequate parking facilities are available. The temporary outdoor storage does not eliminate parking spaces required by Section 5.20 of this ordinance.

(c) The materials being stored will not cause any contamination of stormwater runoff.

(d) The materials being stored shall be screened from view with sight-obscuring fence or landscaping in compliance with Section 5.12 (9) of the Veneta Land Development Ordinance.

(e) The materials do not create an attractive nuisance as defined in the Veneta Municipal Code.

(f) After one (1) year, the temporary use permit period expires. The use shall then either be converted to a permanent use through Conditional Use Permit review in compliance with the standards of Article 8, or be discontinued.

(5) Standards for a manufactured dwelling as a temporary office in the commercial or industrial zone during construction of a permanent structure.

(a) Approval by the Planning Commission shall be subject to a finding that such a use will be reasonably compatible with and have minimal impact on abutting property and surrounding neighborhoods.

(b) Within six (6) months from the date the approval is granted, an application for a building permit for a permanent structure or modification of an existing structure on the premises must be filed. Failure to submit the application within the specified time will terminate the approval.

(c) The temporary permit shall be for a period not to exceed eighteen (18) months.

(d) All owners of the lot agree in writing to remove the manufactured dwelling from the lot not later than eighteen (18) months from the date on which the building permit is issued or not later than two (2) months following the completion of the office, whichever shall occur first.

(e) All owners of the lot agree in writing to remove all evidence that the manufactured dwelling has been on the lot within 30 days after the removal of the manufactured dwelling and that the manufactured dwelling shall not be converted to an accessory building.

(f) Any electric, water and sewer connections which are necessary must be made according to City specification.

(g) A building permit for the siting and anchoring of the manufactured dwelling shall be submitted and approved by the building inspector prior to occupancy.

SECTION 7.05 PROCEDURE FOR APPROVING TEMPORARY USE PERMITS

(1) Prior to taking action on a temporary use permit, the City must provide notice of a Limited Land Use Decision.

(2) The Building and Planning Official may approve, disapprove, or conditionally approve the Temporary Use Permit. If the application is for a highly visible location or

potentially controversial use, the Building and Planning Official may forward the application to the Planning Commission for decision. Approval of the Temporary Use Permit will be subject to compliance with the standards as set forth in this ordinance and standards as established elsewhere by City ordinance or resolution.

(3) The Building and Planning Official or the Planning Commission may attach appropriate and reasonable conditions to the permit that are necessary to secure the public health, safety, and welfare and to maintain compliance with city codes and ordinances. Such clear and objective standards may include but are not limited to:

(a) Setback requirements
(b) Screening
(c) Control of points of ingress and egress
(d) Special provisions for signs
(e) Landscaping and maintenance of landscaping
(f) Maintenance of grounds
(g) Control of noise, vibration, and odors
(h) Limitation of hours for certain activities
(i) Limitation of duration of temporary use

(4) Once approved, the site plan for the temporary use as modified with conditions shall become the official plan.

(5) If written Notice of Appeal is not filed within fifteen (15) days of the date the Final Order is signed and mailed, the decision becomes final.

(6) Compliance with conditions imposed in the temporary use permit and adherence to the approved plans is required. The Building and Planning Official may revoke the temporary use permit with any departure from the approved plans or conditions or approval.

(7) All temporary uses involving a business must comply with Veneta Municipal Code Chapter 5.05, Business Registration.

SECTION 7.06 PROCEDURE FOR RENEWING TEMPORARY USE PERMITS

(1) Temporary Use Permit shall be subject to review and approval by the Building and Planning Official on an annual basis.

(2) Public Notice requirements may be waived for renewal of Temporary Use Permits at the discretion of the Building and Planning Official provided that:

(a) No formal complaints have been filed regarding the temporary use.

(b) There have been no changes made to the site plan or activities from the time of initial approval as verified by the Building and Planning Official

ARTICLE 8 - CONDITIONAL USES

SECTION 8.01 PURPOSE OF CONDITIONAL USE PROCEDURE

A conditional use is a use, which, due to the nature of potential impacts on surrounding land uses and public facilities, requires a case-by-case review and analysis. It is the intent of this article to provide standards and procedures so that uses which are classified as conditional may be permitted, enlarged or altered if the site is appropriate and if conditions of approval intended to protect the best interests of the property, the neighborhood and the City can be met.

SECTION 8.02 AUTHORIZATION TO GRANT OR DENY A CONDITIONAL USE PERMIT

Conditional uses listed in this ordinance may be permitted, altered or enlarged upon authorization of the Planning Commission in accordance with the standards and procedures set forth in this article and may be subject to Site Plan Review. Relaxation of any of these standards requires a variance in accordance with Article 10.

(1) In taking action on a conditional use permit application, the Planning Commission may either approve or deny the application.

(2) If an application is denied, the action must be based on reasons related to noncompliance with the Comprehensive Plan, incompatibility of the proposed use within the zone or to adjacent land uses, or inappropriate site location or failure to meet all applicable standards listed in Sections 8.10 and 8.20 for the proposed use.

(3) In approving a conditional use permit application, the Planning Commission shall impose any conditions which are necessary to insure compliance with the standards of the Veneta Land Development Ordinance or other appropriate State, County and City standards, rules, regulations and laws and standards established by any other City resolution.

(4) In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in use or in lot area or an alteration or enlargement of a structure shall conform to the requirements for conditional use.

(5) The Planning Commission may require that the applicant for a conditional use furnish the City with a performance bond or similar contractual arrangement of up to the value of the cost of the improvements to be guaranteed by such bond, in order to assure that the conditional use is completed according to the plans as approved by the Planning Commission.

(6) The Planning Commission may require that an applicant for a conditional use enter into a contractual agreement with the City to assure that the applicant will provide his or her share of the development costs for streets; curbs; gutters; sidewalks and water, sewer and drainage facilities to City standards.

(7) The applicant shall sign and record a Development Agreement in a form approved by the City Attorney against the property to assure that all conditions of approval are met by the applicant and future property owners.

SECTION 8.03 TAKING ACTION ON A CONDITIONAL USE APPLICATION

The procedure for taking action on an application for a conditional use shall be as follows:

(1) A property owner may initiate a request for a conditional use by filing an application, a narrative statement explaining how the proposed use complies with the Comprehensive Plan and the standards of this ordinance, plans, and other supplementary data with the Building and Planning Official, using forms prescribed pursuant to Section 2.06. A filing fee in accordance with the provisions of Section 2.08 shall accompany an application for a conditional use and shall be submitted at least 45 days prior to the date of the public hearing.

(2) Lane County shall be notified of any conditional use permits that will have a potential impact or effect on lands, services or facilities outside the city limits.

(3) Before the Planning Commission may act on a conditional use application, it shall hold a public hearing thereon in accordance with the provisions of Section 2.11.

(4) Within seven (7) days after a decision has been rendered with reference to a conditional use application, the Building and Planning Official shall provide the applicant with written notice of the decision of the Planning Commission.

SECTION 8.04 BUILDING PERMITS FOR AN APPROVED CONDITIONAL USE.

Building permits for all or any portion of a conditional use shall be issued only on the basis of the plan for the conditional use as approved by the Planning Commission. Any proposed change in the approved plan shall be submitted to the Planning Commission as a new application for a conditional use. Building permits involving an approved conditional use shall not be issued until the appeal period as specified under Section 2.07 has passed.

SECTION 8.05 TIME LIMIT ON AN APPROVED CONDITIONAL USE APPLICATION

Conditional Use permit approvals shall be effective three (3) years from the date of final decision, unless a building permit has been issued, substantial construction pursuant thereto has taken place or the authorized use has commenced. Within one (1) year from

the final decision, a final map shall be prepared and filed with the Building and Planning Official, including all required modifications and conditions. Approved conditional use permits that do not have a final map submitted within one (1) year shall be void.

SECTION 8.06 TERMINATION OF A CONDITIONAL USE

A conditional use may be revoked or modified by the Planning Commission, after public hearing, on any one or more of the following grounds:

(1) Approval of the conditional use was obtained by fraud or misrepresentation.

(2) The use for which approval was granted has ceased to exist.

(3) The use does not meet the conditions specifically established for it at the time of the approval of the application.

(4) The use is in violation of any provision of this ordinance or of any other applicable statute, ordinance or regulation.

SECTION 8.07 LIMITATION

No request for a conditional use shall be considered by the Planning Commission within the one year period immediately following a denial of such request, except the Planning Commission may consent to a new hearing, if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrants it.

SECTION 8.08 TRANSFERRING A CONDITIONAL USE PERMIT

A Conditional Use Permit may not be transferred from one parcel to another parcel.

A Conditional Use Permit may be transferred from one owner to a new owner for the same parcel and the same use when the new owner submits an affidavit to the City of Veneta certifying that the new owner understands the conditions of the Conditional Use Permit and that the continued use shall comply wholly with the conditions stated in the permit as well as all applicable laws, rules and regulations.

SECTION 8.09 RESERVED SECTION

SECTION 8.10 GENERAL STANDARDS OF APPROVAL

A conditional use may be granted only if:

(1) The proposed use is consistent with the Veneta Comprehensive Plan.

(2) The proposed use is consistent with the purpose of the zoning district.

(3) The potential negative impacts of the proposed use on adjacent properties and on the public will be mitigated through the application of existing requirements and conditions of approval.

(4) All required public facilities have adequate capacity to serve the proposal. Systems Development Charges will be assessed at the time a building permit is issued. Additional SDC's will be assessed for changes in use that are more intense than a pre-existing use.

(5) The site size, dimensions, location, topography, and access are adequate considering such items as the bulk, coverage or density of the proposed development; the generation of traffic; environmental quality impacts; and health, safety or general welfare concerns.

SECTION 8.11 SPECIAL STANDARDS GOVERNING CONDITIONAL USES

Certain conditional uses shall meet the following standards:

(1) Requirements for front, back or side yards for conditional uses may be increased by one (1) foot for each foot by which the building height exceeds that specified for the district.

(2) Standards for public structures or uses of land for public utility facilities such as electric substation or transformer, public or community sewage disposal plant or pumping station, municipal well or water storage, radio or television tower or transmitter, telephone exchange, shop and storage yard or similar governmental or utility structure or use of land;

(a) Public utility facilities and storage areas shall be screened and provided with landscaping.

(b) The minimum lot size requirement may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent or nearby property.

(3) <u>Standards for a manufactured dwelling park</u>. A manufactured dwelling park may be permitted as a conditional use subject to site plan approval. In addition, a manufactured dwelling park must meet current state requirements and the following minimum standards:

(a) Screening shall be provided on each side of a manufactured dwelling park which is adjacent to a property line or an alley. The screening shall consist of a continuous fence or wall, supplemented with landscape planting, evergreen hedge or combination thereof so as to effectively screen the manufactured dwelling park from view. All screening shall be maintained in

good condition.

(b) The applicant must provide sufficient information to show that the proposed manufactured dwelling park shall not have an adverse impact upon the over-all future program for the development and improvement of the City as related to but not limited to the following areas of public service.

1. Domestic water supply.
2. Sewage disposal system.
3. Adequacy of drainage facilities.
4. Traffic problems and proposed streets in the Veneta Transportation System Plan
5. Fire protection and police protection.
6. Preservation of property values of surrounding areas.

(4) <u>Caretaker or watch person dwelling on the premises of a non-residential use.</u>

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(a) Only one (1) dwelling may be situated upon a particular piece of property unless approved by the Planning Commission.

(b) The dwelling shall be separated by at least ten (10) feet from all other buildings on the property.

(c) Setbacks of the dwelling from all property lines shall be the same as for the zone in which the dwelling is located or ten (10) feet whichever is greater.

(d) If the home is a manufactured dwelling, it shall be constructed to the State of Oregon Manufactured Dwelling Standards enacted on June 15, 1976 or any subsequent amendments thereto and have the Oregon Insignia of Compliance. It shall be a minimum of twelve (12) feet in width and 40 feet in length. It shall be provided with a kitchen having a sink with hot and cold running water and at least one bathroom equipped with a water closet, lavatory and bathtub and/or shower. A building permit must be submitted and approved by the building inspector to ensure that the manufactured dwelling has been properly placed on and securely anchored to state approved foundation and stabilizing devices.

(e) All plumbing fixtures shall be connected to a public water supply system and to a public sewerage disposal system and be equipped with running water. All water and sewer lines connecting the dwelling with public water and sewer lines shall comply with the standards of the City.

(f) If a manufactured dwelling is used, the wheels and tongue or hitch shall be removed within 60 days unless a temporary use permit provides for an extended date.

(g) Unless placed upon a continuous permanent foundation, the manufactured dwelling shall be completely enclosed with a continuous concrete wall or skirting which shall consist of non-decaying, non-corroding material

extending to the ground or to an impervious surface.

(h) Skirting and foundation enclosing walls shall have provisions for ventilation and access to the space under the units as follows:

1. The walls or skirting shall have a net ventilation area of not less than 1-1/2 square feet for each 25 linear feet of exterior wall.

2. Openings shall be arranged to provide cross ventilation on opposing sides and shall be protected with corrosion-resistant wire mesh.

3. All foundation areas shall be provided with a 16x24 inch access way and shall be secured against entry.

(i) No additional or accessory buildings shall be permitted in conjunction with a dwelling except as follows:

1. One carport or garage not to exceed 500 square feet in area.

2. One covered or uncovered patio not to exceed 300 square feet in area.

3. One storage building not to exceed 100 square feet in area and which shall be attached to and made a part of a carport or garage and which shall be included as a part of the maximum area provided for the carport or garage.

(j) A caretaker residence may be accessory to an existing commercial or industrial use that is in need of protection. The duration of the conditional use may be for the life of the commercial or industrial use and temporary vacancy periods for up to two (2) years. If at the end of the conditional use, the manufactured dwelling is removed from its permanent foundation, the owner of the property shall sign and record a development agreement approved by the City Attorney to remove the foundation and all additions to the manufactured dwelling and permanently disconnect and secure all utilities. The development agreement authorizes the City to perform the work and place a lien against the property for the cost within 30 days from the date on which the manufactured dwelling is moved from its foundation. This condition shall not apply in the event that another approved manufactured dwelling is placed within 30 days of the original unit's removal.

(k) Two (2) off-street parking spaces for the dwelling shall be provided.

(5) Accessory dwelling to relieve a temporary medical hardship. A manufactured dwelling used as an accessory dwelling to a permanent residence for a designated member of the immediate family may be granted by the Planning Commission when a medical hardship exists in the family.

(a) The minimum lot size shall be 20,000 square feet.

(b) The medical hardship is verified by a licensed physician.

(c) There is insufficient space in the permanent residence to accommodate the additional family member(s).

(d) The family lacks the resources for alternative off-site care.

(e) The temporary use shall be limited to a maximum of one year unless re-submitted for an extension and approved by the Planning Commission.

(f) The manufactured dwelling shall be provided with an approved water supply and sewage disposal system.

(g) A building permit for the siting and anchoring of the manufactured dwelling shall be submitted and approved by the building inspector prior to occupancy. The building permit must be accompanied by a plot plan showing that the temporary home complies with the minimum required yard setbacks for the zone in which it is located.

(h) The manufactured dwelling and all accessory elements shall be removed within 60 days of vacation by the family member(s) and may not be converted to an accessory use.

(6) Standards for neighborhood commercial.

(a) Permitted Uses. Uses shall be limited to small-scale establishments that serve the neighborhood or the community that do not exceed 2,000 square feet of floor area and are located at the intersection of a designated arterial and/or collector street. Allowable uses include those allowed in the Community and Broadway Commercial Zoning Districts.

(b) Outdoor Activities Prohibited. All business operations except off-street parking and temporary activities associated with an established business shall be conducted entirely within an enclosed building.

(c) Automobile-Oriented Uses Prohibited. Prohibited automobile-oriented uses include:

1. Businesses that repair, sell, rent, store, or service automobiles, trucks, motorcycles, buses, recreational vehicles, boats, construction equipment, and similar vehicles and equipment.
2. Drive-up, drive-in, and drive-through facilities.

(d) Maximum Size. The maximum commercial floor area shall not exceed 2,000 square feet per neighborhood commercial site. There may be up to four

neighborhood commercial sites at one intersection (one on each corner).

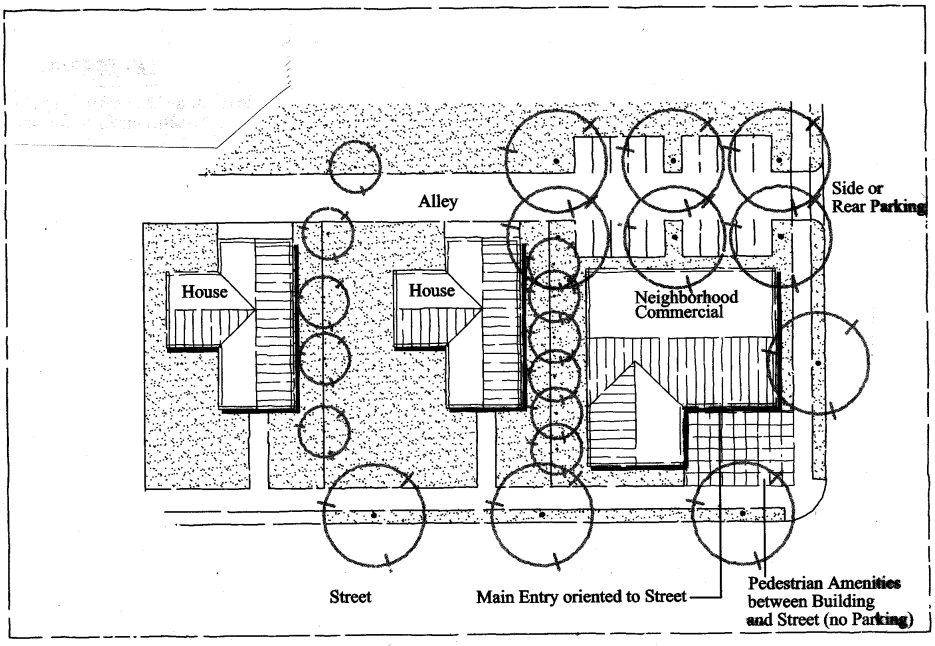
(e) Minimum Yard Requirements.

1. Front yards abutting residential zone shall be twenty (20) feet.
2. Back and side yards abutting residential zone shall be ten (10) feet.
3. Yards shall be landscaped as provided in Section 5.120.
4. See Section 5.090 for additional setbacks on designated streets.

(f) Maximum Building Height. No building shall exceed 35 feet.

(g) Building Orientation. All new or remodeled commercial buildings shall have their main entrance facing the street, pursuant to Section 5.13. Off-street parking shall be located behind or to the side of the primary building entrance and shall be screened from abutting residential lots, as generally shown in Figure 8.20(6).

Figure 8.20(a) – Neighborhood Commercial Building Orientation



(h) Pedestrian Access. A sidewalk shall provide safe, convenient pedestrian access from the street to the building entrance. If the sidewalk crosses the driveway, it shall be raised or marked in a manner that calls attention to the sidewalk.

(i) Signs. One sign for each facing street per business or use conducted within the building, not to exceed twenty (20) square feet in area. Signs attached flat against the building shall not project more than twelve (12) inches from the wall nor project above the roof or parapet wall. Freestanding signs shall be located on the property and shall not project beyond the property line.

(j) Additional Standards. The Planning Commission may limit the type, extent, and hours of operation of a proposed use and may require additional standards to protect adjacent property owners based upon evidence submitted at the public hearing.

(7) Commercial Dog Kennels.

(a) Minimum size of lots upon which commercial dog kennels are located is one acre.

(b) Commercial dog kennels shall be located behind the residence if one exists, not less than 100 feet from any residence, nor closer than twenty (20) feet to any property lines.

(c) Dogs shall be properly caged or housed and proper sanitation shall be maintained at all times. All food shall be stored in metal or other rodent-proof receptacles.

(d) When a property with a commercial dog kennel is rezoned to a zoning district that does not allow commercial dog kennels, the commercial kennel use on that property shall be completely discontinued within a period of six (6) months from the date of reclassification.

(e) Kennels must be operated in accordance with Veneta Municipal Code Regulations.

(8) Accessory Structures Larger than 2,500 Square Feet in SFR, GR, RC, and RR Zone.

(a) Shall require a building permit.

(b) Shall not interfere with preservation of significant natural resources.

(c) Shall be located so that grading and filling are kept to a minimum and natural feature such as drainage swales, rock outcroppings, and slopes are retained.

(d) Shall minimize detrimental impacts on neighboring properties (such as obstruction of views, limiting solar access, and intrusion on privacy). Planning Commission may impose conditions such as maximum height of structure, minimum setbacks, and required buffering in order to limit detrimental impacts.

(9) Commercial animal husbandry.

(a) The farm or parcel shall be located in the Rural Residential zone and shall have a minimum area of five (5) acres, with the exception of goat or cattle dairies which require a minimum area of twenty (20) acres.

(b) The keeping of no more than five (5) swine over the age of three (3) months.

(c) No killing or dressing of fowl or animals for public use.

(d) Animal runs, kennels, or farm buildings for housing livestock or animals, chicken or other fowl pens and colonies of bees shall be located on the rear half of the property, not less than 100 feet from any residence, nor closer than twenty (20) feet to the interior property line of an abutting property.

(e) Animals, chickens and/or other fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent proof receptacles.

(f) When an RR zone is reclassified to another zone, all those land uses granted under item (b) above shall be completely discontinued within a period of six (6) months from the date of reclassification.

(10) Day care facilities.

(a) At least 75 square feet of outdoor play and socializing area per child or adult shall be provided, but in no case shall the total area be less than 500 square feet.

(b) If planned for children, the outdoor plan shall be adequately fenced in order to provide for their safety.

(c) If the day care facility is not a residential use as provided in ORS 657A.440, the day care facility shall not be located in a single-family residence.

(d) The facility shall be readily accessible for fire and other emergency vehicles.

(e) The facility shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.

(f) Adequate space must be provided on-site to allow for drop-off of the children or adults, preferably a circular drive. L-shaped drives and alley drop-offs may also be approved.

(g) Parking areas and ingress-egress points are designed so as to facilitate traffic, bicycle, and pedestrian safety; to avoid congestion; and to minimize curb cuts on arterial and collector streets.

(11) Standards for multi-family in Single-Family Residential Zone. The Planning Commission may allow more than one dwelling on a legal lot if the proposed use meets the following standards.

(a) Minimum legal lot size is 18,000 square feet.

(b) Existing lot is incapable of division to City standards.

(c) Shall minimize detrimental impacts on neighboring properties, such as obstruction of views, limiting solar access, and intrusion on privacy. Planning Commission may impose conditions such as maximum height of structure, minimum setbacks, and required buffering in order to limit detrimental impacts.

(12) Standards for commercial and industrial uses with open display or storage outside the building. These standards also apply to open display or storage outside exceeding 180 days, material recycling operations and outdoor sales of commercial merchandise. Open display or storage may be allowed by the Planning Commission if it meets the following standards:

(a) Storage areas shall be located behind buildings to minimize the visibility of approved storage.

(b) Except for the sales of commercial merchandise, any outdoor storage shall be surrounded by a sight-obscuring fence, wall, or landscaping.

(c) Display of commercial merchandise must not encroach on any required yards, parking spaces or vehicular circulation areas. Additional setbacks may be required by the Planning Commission.

(13) Standards for high impact transportation and recreation facilities such as sports complexes, stadiums, equestrian arenas, golf courses, swimming pools, heli-ports, heli-stops, and bus or train terminals.

(a) Major noise generators shall be located a minimum of 30 feet from residential property lines and shall be screened by a noise attenuating barrier.

(b) Transportation facilities must be consistent with or incorporated into the Transportation System Plan (TSP).

(c) Major public recreation facilities must be consistent with or incorporated into the Parks, Recreation, and Open Space Plan.

(d) A traffic impact and parking study may be required by the Building and Planning Official or the City Engineer in accordance with Section 5.27 of the Veneta Land Development Ordinance. The development project must include mitigation for any decrease in level of service or operational safety of the transportation system.

(14) Standards for an RV park. The Planning Commission may allow parks for recreation vehicles if the following standards are met:

(a) The park shall consist of a minimum of one acre.

(b) There shall be a minimum of a twenty (20) foot landscaped buffer on all sides.

(c) The public transportation system must be able to support large trucks and trailers.

(15) Standards for outdoor commercial amusement and recreation establishments.

(a) These uses may not abut any residential uses or districts.

(b) Screening and setbacks in addition to those normally associated with the district must be increased to minimize the auditory and visual impacts of the proposed establishment on adjacent uses.

(16) Standards for drive-thru eating and drinking establishments, banks, and similar drive-thru establishments. Drive-thru includes “drive-up”, “drive-in”, and “drive-through” facilities. These are permitted only when they conform to the following standards which are intended to calm traffic and protect pedestrian safety:

(a) The drive-thru portion is accessory to the primary commercial “walk-in” use.

(b) The drive-thru window or kiosk, as applicable, is located at least twenty (20) feet from any front or street property line. The setback area shall be landscaped as required under Section 5.12. Walk-up only teller machines and kiosks may be oriented to a street sidewalk or walkway.

(c) The drive-thru facility is not oriented to a street corner.

(d) No more than one drive-thru facility shall be permitted on one block, or for a distance of 400 linear feet along the same street frontage, whichever is less.

(e) All vehicle queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.

(f) Comply with access management provisions under Section 5.24, and other applicable requirements of Articles 5, 6, and 8.

(g) Adjustments to the standards in a-f may be approved by the Planning Commission through a Track 2 Site Plan Review where the commission finds that potential adverse impacts on traffic circulation, pedestrian safety, and aesthetics are mitigated by alternative design features that are equal or superior to those that are required by the base code.

(17) Standards for automobile service and repair stations, truck stops, car and truck washes, and heavy equipment/truck rentals, sales and repair. Automobile service stations, including maintenance and repair; truck fuel sales, servicing stations, and overnight trucking facilities; car or truck washes; and heavy equipment and truck

rental sales/ and repair may be allowed by the Planning Commission if the following standards are met:

(a) All activities associated with automotive, truck and heavy equipment repair and service, with the exception of maintenance activities such as pumping gas or changing tires, shall take place within a building constructed to ensure that noise or odor do not disturb the normal operation or tranquility of neighboring uses.

(b) Storage of vehicles to be repaired shall be screened by a sight-obscuring fence, wall, or hedge.

(c) There shall be a minimum of a five foot front yard setback that is landscaped.

(d) There shall be a physical barrier between the driving surfaces and pedestrian areas.

(e) All areas of the site where vehicles or equipment will be stored, repaired, or displayed must be paved.

(f) The areas around fuel pumps and over underground storage tanks must be paved with concrete.

(g) Public restroom facilities must be available within the building.

(h) All stormwater runoff must be pretreated with pollution control devices before entering into the public stormwater system.

(18) Stables. Interim uses of stables are allowed provided:

(a) Buildings used for the overnight accommodation of animals, and structures that enclose animals outside of the buildings, shall be constructed to ensure that noise or odor do not disturb the normal operation or tranquility of neighboring land uses.

(b) The dust and other side effects of the use do not interfere with the successful operations of adjacent land uses.

(c) Bulk storage or sales of fertilizer, feed, or plant materials is prohibited.

(19) Standards for development in the GW subzone. The development must comply with all standards listed below. If the proposed development cannot comply with all the standards, the Planning Commission must determine what balance is needed between the public benefits provided by standards (a) through (e) and the private benefits provided by standards (f) and (g).

(a) Fish and wildlife habitats and wildlife movement corridors will be protected.

(b) Scenic qualities and viewpoints will be preserved.

(c) Natural drainageways are protected and the stormwater plans comply with an approved stormwater drainage management plan. Erosion will be prevented or controlled.

(d) Significant trees and other site vegetation will be preserved.

(e) Stream corridors and wetland will be protected and provided with buffers.

(f) The practical needs of construction activity are provided for in terms of ingress and egress.

(g) Exceptional and undue hardship upon property owner or developer is avoided. For purposes of this subsection, hardship means the subject property will have no economically viable use without the Conditional Use Permit. The hardship must arise from conditions inherent in the land which distinguish it from other land in the neighborhood.

(20) Standards for residential facilities

(a) Parking shall be in accordance with Sections 5.20 and 5.21. Bicycle parking may be reduced to provide for only employee bicycle parking where it is demonstrated that residents' disabilities preclude bicycle transportation.

(b) Landscaping shall be in accordance with multi-family developments as outlined in Section 5.12 and.

(c) Where such facilities have more than fifteen (15) residents, density shall not exceed 30 beds per acre and the facility must be served by City water and sewer.

(21) Standards for rebuilding or continuation of a non-conforming use that is totally or substantially destroyed. Rebuilding of a non-conforming structure shall meet the following minimum standards:

(a) The building may be placed on the original foundation.

(b) If a new foundation or location is proposed, the building shall meet the setback requirements for the zone.

(c) The use of the building shall not be more intensive than the original non-conforming use.

(d) The building shall meet all current building and fire codes.

(e) No additional dwelling units may be added.

(22) Bed and breakfast inns. Bed and breakfast inns are subject to the following standards:

(a) Accessory Use. The use must be accessory to a household already occupying the structure as a residence.

(b) Maximum Size. A maximum of four (4) bedrooms for guests, and a maximum of eight (8) guests are permitted per night. No separate structures are permitted, except for residential accessory structure.

(c) Length of Stay. Maximum length of stay is 28 days per guest; anything longer is classified as a boarding house or residential facility.

(d) Employees. Up to two (2) non-resident employees. There is no limit on residential employees.

(e) Food Service. May be provided only to overnight guests of the business.

(f) Owner-Occupied. Shall be owner-occupied.

(g) Signs. Signs shall be in accordance with Section 5.15 of the Veneta Land Development Ordinance.

(h) Business Registration. The owner must maintain a current City of Veneta business registration.

(i) Monitoring. All Bed and Breakfast Inns shall register with the City of Veneta for any applicable Transient Room Tax and maintain a guest logbook. It must include the names and home addresses of guests, guests' license plate numbers if traveling by car, dates of stays and the room number of each guest. The log must be available for inspection by City staff upon request.

SECTION 8.12 CONDITIONS OF APPROVAL

The Planning Commission may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

(1) Limiting the hours, days, place and/or manner of operation;

(2) Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;

(3) Designing the project to compliment the visual context. Utilizing techniques such as architectural design, site design, use of native landscaping, and choice of colors and building materials in such manner that facilities are screened from off-site observers

and blend with the natural visual character of the area;

(4) Requiring larger setback areas, lot area, and/or lot depth or width;

(5) Limiting the building height, size or lot coverage and/or location on the site;

(6) Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;

(7) Designating the size, number, location and/or design of vehicle access points or parking areas;

(8) Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;

(9) Limiting the number, size, location, height and/or lighting of signs;

(10) Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;

(11) Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;

(12) Requiring and designating the size, height, location, and/or materials for fences;

(13) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, and cultural resources;

(14) Protecting public safety, especially from vandalism and trespass;

(15) Timing construction to minimize disturbances;

(16) Limiting land disturbance and grading

(17) Minimizing impervious surfaces;

(18) Designating special areas of concern such as the GW subzone, wetlands, or other significant features on final development plans; and

(19) Marking with fencing or other methods special areas of concern such as the GW subzone, wetlands, or other significant features on the site prior to commencement of excavation, grading, or construction.

ARTICLE 9 - NONCONFORMING USES

SECTION 9.01 INTENT

It is the intent of the nonconforming uses sections of this ordinance to permit pre-existing uses and structures which do not conform to the use or standards of this ordinance to continue under conditions specified herein. However, alteration or expansion of these nonconforming uses and structures, thereby creating potentially adverse effects in the immediate neighborhood or in the City as a whole, are subject to Sections 9.01 to 9.08 of this ordinance.

SECTION 9.02 CONTINUATION OF A NONCONFORMING USE

(1) Subject to the provisions of Sections 9.01 to 9.08, a nonconforming use of a structure or a nonconforming use, may be continued and maintained, but shall not be altered or extended except as provided herein.

(2) The extension of a nonconforming use which was approved prior to passage of this ordinance is not an extension of a nonconforming use.

(3) Except as stated in Section 9.04(1), in any industrial or commercial zone, a pre-existing dwelling may be altered or extended, provided that such alteration or extension shall not exceed the yard, lot coverage and building height requirements of the GR zone.

SECTION 9.03 NONCONFORMING STRUCTURE

A structure conforming as to use but nonconforming as to height, setback, lot coverage or similar dimensional standard, may be altered or extended if the alteration or extension does not cause the structure to otherwise deviate from the standards of this ordinance.

SECTION 9.04 DISCONTINUANCE OF A NONCONFORMING USE

(1) If a nonconforming use involving a structure is discontinued from active use for a period of one (1) year, further use of the property shall be for a conforming use.

(2) If a nonconforming use not involving a structure is discontinued from active use for a period of six (6) months, further use of the property shall be for a conforming use.

SECTION 9.05 CHANGE OF A NONCONFORMING USE

If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the zone in which it is located.

SECTION 9.06 DESTRUCTION OF A NONCONFORMING USE OR STRUCTURE

If a nonconforming structure or a structure containing a nonconforming use is totally or substantially destroyed, a future structure or use on the site shall be replaced within 6 (six) months, in accordance with the provisions of the zone in which the property is located or the property owner may apply for a conditional use permit to continue with the existing use or to replace the structure in its present location. This provision does not apply to voluntary destruction. If the nonconforming structure is voluntarily destroyed, then future use shall be in accordance with the provisions of the zone in which the property is located.

SECTION 9.07 REPAIRS AND MAINTENANCE

Any building housing a nonconforming use may be maintained or restored to conform with the standards of the building code, including repair or replacement of fixtures, wiring or plumbing, provided the building is not increased in cubic content or floor area.

SECTION 9.08 COMPLETION OF STRUCTURE

Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which a building permit has been lawfully issued and construction has commenced prior to adoption of this ordinance, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within one (1) year from the time the permit is issued

ARTICLE 10 – VARIANCES

SECTION 10.01 PURPOSE

Because of the impossibility of foreseeing and providing for all circumstances and conditions which may affect individual properties or uses, the variance provision is created, thus making it possible to adjust the provisions of this ordinance to special and unusual cases without defeating the general purposes and intent of the ordinance.

SECTION 10.02 AUTHORIZATION TO GRANT OR DENY VARIANCES

The Planning Commission may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific property or use, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be created to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

SECTION 10.03 CIRCUMSTANCES FOR GRANTING A VARIANCE

A variance may be granted only in the event that all of the following circumstances exist:

(1) Special or unusual circumstances or conditions apply to the property or use which do not apply generally to other properties or uses in the same zone or vicinity.

(2) The granting of the variance shall not constitute a grant of special privilege not enjoyed by owners of other similarly zoned properties.

(3) The granting of the variance will not be materially detrimental to the public health, safety, and welfare or materially injurious to other property in the same zone or vicinity in which the property is located.

(4) The granting of the variance is in accordance with the purposes and objectives of the Comprehensive Plan, an adopted Specific Development Plan, and or other related Veneta Ordinances and will not otherwise conflict with the objectives of any City ordinance, plan, or policy.

(5) The unusual circumstance or condition described in Subsection (1) of this Section shall not be self-created, arise from a previous Code violation, or rely on loss of profit or financial need.

(6) The Variance requested is the minimum necessary to alleviate the unusual condition.

SECTION 10.04 PROCEDURE FOR TAKING ACTION ON A VARIANCE APPLICATION

The procedure for taking action on an application for a variance shall be as follows:

(1) A property owner may initiate a request for a variance by filing an application with the Building and Planning Official, using forms prescribed pursuant to Section 2.06. A filing fee in accordance with the provisions of Section 2.08 shall accompany an application for a variance. The applicant shall submit evidence that the circumstance for granting a variance as outlined in Section 10.03 applies to the variance request.

(2) Before the Planning Commission may act on a variance application, a public hearing shall be held thereon in accordance with the provisions of Section 2.11.

(3) The Planning Commission may prescribe the terms and conditions upon which a variance may be granted and set a time limit for the duration of such variance and may require guarantees in such form as deemed proper under the circumstances to ensure that the purpose for which said variance is granted will be fulfilled and that the conditions of the variance will be met.

(4) Within seven (7) days after a decision has been rendered with reference to a variance application, the Building and Planning Official shall provide the applicant with written notice of the decision.

SECTION 10.05 BUILDING PERMITS FOR AN APPROVED VARIANCE

Building permits for all or any portion of an application involving an approved variance shall be issued only on the basis of the plan for the variance as approved by the Building and Planning Official. Any proposed change in the approved plan shall be submitted to the Building and Planning Official as a new application for a variance. Building permits involving an approved variance shall not be issued until the appeal period as specified under Section 2.07 has passed.

SECTION 10.06 TIME LIMIT OF AN APPROVED VARIANCE APPLICATION

Variance approvals shall be effective three (3) years from the date of final decision, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Within one (1) year from the final decision, a final map shall be prepared and filed with the Building and Planning Official, including all required modifications and conditions. Approved variances that do not have a final map submitted within one (1) year shall be void.

SECTION 10.07 TERMINATION OF A VARIANCE

A variance may be revoked or modified by the Planning Commission, after public hearing, on any one or more of the following grounds:

(1) Approval of the variance was obtained by fraud or misrepresentation.

(2) The use for which approval was granted has ceased to exist.

(3) The variance is in violation of any other applicable statute, ordinance or regulation.

A variance may be revoked by the Planning Commission without public hearing when the use does not meet the conditions specifically established for it at the time of approval of the application.

SECTION 10.08 LIMITATION

No request for a variance shall be considered within the one year period immediately following a denial of such request, except the Planning Commission may consent to a new hearing if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrants it.

ARTICLE 11 - AMENDMENTS

SECTION 11.01 AUTHORIZATION TO INITIATE AMENDMENTS

An amendment to the text of this ordinance may be initiated by the City Council, the City Planning Commission or by application of a property owner or city resident. An amendment to the zoning map may be initiated by the City Council, the City Planning Commission or by application of a property owner. The request by an application for an amendment shall be accomplished by filing an application with the Building and Planning Official using forms prescribed pursuant to Section 2.06. A filing fee in accordance with the provisions of Section 2.08 and a narrative statement explaining the reasons for the amendment shall accompany an application by a property owner.

SECTION 11.02 PUBLIC HEARINGS ON AMENDMENTS

All requests for amendment to the text or zoning map of this ordinance shall comply with the following public hearing procedures:

(1) Notice of public hearing shall be as specified in Section 2.11.

(2) The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed. Lane County shall be notified about proposed amendments and large area rezoning proposals before the date of the hearing.

(3) The Planning Commission shall, within 40 days after the initial hearing date, recommend to the City Council approval, disapproval or modification of the proposed amendment.

(4) After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment in conformity with the notice provisions of Section 2.11.

(5) All public hearings shall be in accordance with procedures for the conduct of hearings before the Planning Commission and City Council.

(6) Within seven (7) days after a decision has been rendered with reference to an amendment, the Building and Planning Official shall provide the applicant with written notice of the decision. This procedure shall apply to recommendations made by the Planning Commission and to final action made by the City Council.

SECTION 11.03 RECORD OF AMENDMENTS

The City Recorder shall maintain records of amendments to the text and zoning map of this ordinance.

SECTION 11.04 LIMITATIONS

No application of a property owner for an amendment to the text of this ordinance or to the zoning map shall be considered by the Planning Commission within the (1) one year period immediately following a previous denial of such request, except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrants it.

ARTICLE 12 - HOME OCCUPATIONS

SECTION 12.01 PURPOSE OF HOME OCCUPATION PERMITS

To allow for home occupations that are compatible with the neighborhood in which they are located. Home occupation permits are designed for those who are engaged in small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters and which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Some home occupations are permitted by right and only require a business license. Other home occupations which may have some impact on the neighborhood require a conditional use permit in addition to the business license.

SECTION 12.02 STANDARDS FOR ALL HOME OCCUPATIONS

(1) The home occupation shall be secondary to the use of the dwelling as a residence.

(2) There shall be no external structural alterations or construction that causes the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or design.

(3) No storage or display of goods shall be visible from the public street.

(4) Mechanical equipment, except that which is compatible with residential purposes, shall be prohibited.

(5) The use or storage of heavy equipment or heavy vehicles shall not be permitted. Heavy equipment and heavy vehicles shall include, but not be limited to the use of: semi-trucks, trucks and tractors, back hoes, bob cats, refrigerator trucks, livestock trucks, commercial buses, farm tractors, garbage trucks and log trucks.

(6) No home occupation shall cause an increase in the use of water or sewer, so that the combined total use for dwelling and home occupation purposes exceeds the average water use for one ERU (equivalent residential unit) or (9,142 gallons/month). Additional SDC's may be assessed for home kitchens or other uses requiring more water and sewer use than one ERU.

SECTION 12.03 MINOR HOME OCCUPATIONS

Home occupations in compliance with the standards for all home occupations and the standards listed below are permitted as accessory uses. No special land use permit shall be required to establish and maintain such uses. An annual business registration is required as well as a signed agreement acknowledging compliance with the relevant home occupations standards.

(1) All aspects of the home occupation, including storage of materials and equipment, shall be contained and conducted within a completely enclosed, lawfully-built structure and be conducted in such a manner as not to give an outward appearance of a business.

(2) The home occupation shall use no more than 25 percent of the floor area used for human occupancy, or no more than 500 square feet in an accessory structure or attached garage.

(3) On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable) is prohibited.

(4) The use shall involve no more than an average of five customers/clients per week.

(5) No one from outside the resident household shall work at the home occupation site. The home occupation site shall not be used as a gathering or meeting place for people employed by or associated with the home occupation. A “home occupation site” means the property on which the home occupation is conducted.

(6) There shall be no more than an average of one commercial delivery or pickup per week to or from the home occupation site.

(7) No additional on-site parking will be needed. Residential off-street parking requirements as specified in 417 5.20(11) still apply.

(8) No written complaints have been received regarding the home occupation. If a written complaint is submitted to city staff, the city shall not renew the business license until the Planning Commission has approved the home occupation as a conditional use.

SECTION 12.04 MAJOR HOME OCCUPATIONS

Home occupations which do not comply with the standards set forth for Minor Home Occupations but do comply with the standards below may be permitted subject to Planning Commission approval of a conditional use permit. A property owner may initiate a request for a conditional use permit by filing an application, plans, and supplementary data with the City, using forms prescribed pursuant to Section 2.06. A filing fee in accordance with the provisions of Section 2.08 shall accompany the application for a conditional use permit. The Planning Commission will take action on the conditional use application after holding a public hearing in accordance with the provisions of Section 2.11. If approved, the resident may then apply for an annual business license.

(1) All outdoor storage of materials or equipment is not visible from any public right-of-way or adjacent property. The Planning Commission may require additional plantings or screening. The only external evidence of an occupation shall be one name plate as allowed by the Veneta Sign Code.

(2) The home occupation shall use no more than 25 percent of the floor area used for human occupancy and or no more than 1000 square feet in an accessory structure.

(3) Only hazardous materials (including toxic, explosive, noxious, combustible, or flammable) normally incidental to residential use are allowed.

(4) Other than the household members residing within the dwelling, there shall be no more than two (2) people engaged in on-site aspects of the home occupation. The Planning Commission may further restrict the number of people involved in the business and set hours of allowable operation.

(5) There shall be a maximum of three vehicle deliveries to or from the home occupation site each week. Deliveries shall not be made by trucks with six (6) wheels or more. Deliveries shall not restrict traffic circulation. The Planning Commission may further restrict the number and times of the allowed deliveries.

(6) There shall be a maximum of two (2) business-related vehicles parked on-site or on the street at any one time.

(7) There shall be no more than an average of ten (10) customers/client per day. The Planning Commission may restrict the number and times of the allowed visits to prevent inconvenience to nearby residents based on timing of visits, available parking, and types of vehicles used. Any additional parking created for the purpose of the home occupation shall be screened from view by any adjacent residences or public streets.

SECTION 12.05 PROHIBITED HOME OCCUPATION USES

(1) Any activities which are detrimental to the residential use of nearby dwellings, such as radio or TV interference, noise, dust, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line. Activities which involve hazardous materials are also prohibited. Such prohibited uses include:

(a) Ambulance service;

(b) Animal hospital, veterinary services, kennels or animal boarding;

(c) Auto or other vehicle repair, including but not limited to painting, tune-ups, alignments, body-fender work, detailing, and upholstering;

(d) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site;

(e) Restaurant;

(f) Medical and dental offices;

(g) Mortician, hearse services;

(h) Tow truck services;

(i) Gun dealerships involving any storage of guns.

(2) Any activity involving on-site retail sales except the sale of items that are incidental to the permitted home occupation. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home businesses are allowed subject to relevant requirements for minor or major home occupations.

SECTION 12.06 TERMINATION OF HOME OCCUPATION

The Building and Planning Official or his/her designee may visit and inspect the site of home occupations to insure compliance with all applicable regulations, during normal business hours, and with reasonable notice.

(1) A home occupation which has been approved by staff may be revoked by staff if the home occupation is found to be in violation of the provisions of this ordinance. Enforcement procedures and penalties shall comply with Section 2.10. The revocation decision may be appealed to the Planning Commission.

(2) A home occupation which has been approved as a conditional use by the Planning Commission may be revoked by the Planning Commission if the home occupation is found to be in violation of this ordinance or the conditions under which the permit was approved. Enforcement procedures and penalties shall comply with Section 2.10. The revocation decision may be appealed to the City Council.

ARTICLE 13 - DEFINITIONS

SECTION 13.01 RULES OF CONSTRUCTION

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this ordinance:

TENSE	Words used in the present tense include the future tense.
NUMBER	Words used in the singular include the plural and words used in the plural include the singular.
SHALL AND MAY	The word "shall" is mandatory; the word "may" is permissive.
GENDER	The masculine shall include the feminine and neuter.
HEADINGS	If there is any conflict or inconsistence between the headings of an article, section or paragraph of this ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

SECTION 13.02 DEFINITIONS

As used in the ordinance the following words and phrases shall mean:

Definitions	
ABUT	Contiguous to or immediately join. For example, two (2) lots with a common property line are considered to be abutting.
ACCESS	The way or means by which pedestrians and vehicles enter and leave property.
ACCESSORY STRUCTURES OR ACCESSORY USE	A structure or use incidental, appropriate and subordinate to the main use of property and located on the same lot as the main use. Accessory structures are not permitted on vacant parcels of land. Accessory structures (including those originally designed for human habitation such as mobile homes) shall not be used for human habitation.
ALLEY	A street that is more than ten (10) feet and less than sixteen (16) feet in width which affords primarily a secondary means of access to property.
ALTER	Any change, addition or modification in construction or occupancy.
APPLICANT	The person making application to the City for any action as the owner or representative of the owner of the property that is subject of the action. The applicant shall provide proof of permission for the requested action from all owners or other persons having an interest in the property subject to the action.
BARN	A farm building for housing livestock or animals
BASEMENT	A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half of its height is above the average level of the adjoining ground.
BLOCK	An area bounded on 4 sides by streets not including cul-de sacs. In residential zones, block lengths do not exceed 600 feet and block perimeters do not exceed 1800 feet except where topography, natural features, or existing development creates conditions requiring longer blocks.
BUILDING	Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT	The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof. The average maximum vertical height of a building or structure measured at a minimum of three points from finished grade along each building elevation. Architectural elements that do not add floor area to a building or structure, such as chimneys, vents, antennae and towers are not considered part of the height of a building or structure.
BUILDING INSPECTOR	The Division Director of the Lane County Department of Environmental Management, Construction Permits Division, his authorized representative or any other authorized building inspector appointed by the Veneta City Council.
BUILDING LINE	A line on a plat or map indicating the limit beyond which buildings or structures may not be erected. Buildings shall not overhang over an easement or dedicated right-of-way.
BUILDING & PLANNING OFFICIAL	An employee of the City appointed by the City Council with duties and authority as designated by the Council, including the duties and authority as designated by the Council, including the enforcement of the provisions
CHICKEN RUN	An enclosed area in which chickens are allowed to walk and run about and that is attached to a chicken coop
CITY	The City of Veneta, Oregon.
CITY COUNCIL	The Council of the City of Veneta, Oregon, which is the governing body of said City.
CO-HOUSING	Co-housing includes private dwelling units and shared spaces such as community dining, cooking, and recreation rooms for adults and children. It can be rented or owner-occupied housing. Due to the shared facilities, the lot configuration may deviate from standard requirements such as street frontage and parking spaces.
COMMERCIAL DOG KENNEL	A place of business for the care of dogs, including but not limited to the boarding, grooming, breeding, training, or selling of dogs, but not including an animal hospital.
COMPREHENSIVE PLAN	A city plan for the guidance of growth and improvement of the City, including modifications or refinements which may be made from time to time.

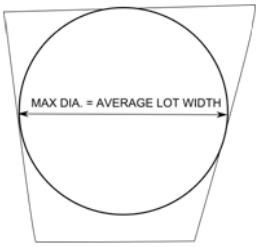
CONGREGATE HOUSING	A structure containing two or more dwelling units or rooming units limited in occupancy to persons 55 years or older or handicapped persons, their spouses, except for rooms or units occupied by resident staff personnel, providing indoor, conveniently located, shared food preparation service, dining areas, and common recreation, social and service facilities for the exclusive use of all residents.
COOP	A cage or small enclosure for housing chickens.
CLINIC	Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths and other members of the healing arts, including a dispensary in each such building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.
DAY CARE FACILITY	Any facility that provides child care to children, including a day nursery, nursery school, child care center, certified or registered family child care home or similar unit operating under any name serving sixteen (16) or more children.
DAY CARE, FAMILY, REGISTERED OR CERTIFIED	A day care that is a certified under ORS 657A.280, serving sixteen (16) or fewer children or registered under ORS 657A.330 serving ten (10) or fewer children.
DECLARANT	A person who files a declaration under ORS 92.075.
DECLARATION	The instrument described in ORS 92.075 by which the subdivision or partition plat was created.
DENSITY, GROSS	The number of dwelling units per acre of land, including areas devoted to dedicated streets, sidewalks, other public rights-of-way, parks, and non-residential uses allowed in residential areas.
DENSITY, NET	The number of dwelling units per acre of land in planned or actual use -- excluding from the acreage dedicated streets, sidewalks, other public rights-of-way, parks, and non-residential uses allowed in residential areas.
DESIGNATED ARTERIALS AND COLLECTORS	Streets identified in the Veneta Comprehensive Plan Functional Class map as Principal or Minor Arterials or Major or Minor Collectors.
DEVELOPMENT	A building or mining operation, making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, including partitions and subdivisions as provided in ORS 92.010 to 92.285, and creating or terminating a right of access.

DRIVEWAY	An area on private property where automobiles and other vehicles are operated or allowed to stand.
DRIVEWAY APPROACH	An area within the Right-of-Way, between the roadway of a public street and private property line, intended to provide access for vehicles from the roadway to a definite area of the private property, such as a driveway or parking area intended and used for the ingress and egress of vehicles. The component parts of the driveway approach are termed the apron, the end slopes or curb return, and the sidewalk section.
DWELLING, ACCESSORY	A second subordinate dwelling unit on the same lot and under the same ownership as the primary residence, with independent cooking, living, sanitation, and sleeping facilities.
DWELLING, MULTI-FAMILY	Attached housing where each dwelling unit is not located on a separate lot
DWELLING, SINGLE-FAMILY DETACHED	A housing unit that is free standing and separate from other housing units

DWELLING, SINGLE FAMILY	A single-family dwelling is a building (detached or attached) used exclusively as a unit and built to the specifications of the State Building Code (CABO) as adopted by the City of Veneta or a manufactured home as defined within the statutes of the State of Oregon, on a permanent foundation. (1) Shall meet current energy standards as adopted by the State of Oregon. (2) Shall be occupied only for residential purposes. (3) Shall conform to all residential use development standards for one-family dwellings. (4) Shall be constructed or installed in accordance with the State Building Code (CABO), as adopted by the City or as defined within the statutes of the State of Oregon. (5) Foundations: (a) Stick-built homes shall have foundation systems in accordance with the State Building Code (CABO); (b) Manufactured dwellings shall be placed on an excavated and back-filled foundation, enclosed at the perimeter with no more than sixteen (16) inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than sixteen (16) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the sixteen (16) inch limitation will not apply. (6) Shall have a minimum width of eighteen (18) feet as measured by the narrowest elevation. (7) Shall have an exterior finish and roof materials commonly found on residential structures in the area and City of Veneta. (8) Shall have a roof with eaves and gable overhangs of not less than six (6) inches measured from the vertical side of the structure and shall include gutters. (9) Shall have an enclosed garage or carport whichever is commonly found in the surrounding area and its exterior covering and roof materials shall be the same as the main structure. The maximum size of the garage shall be three stalls, with a maximum floor area of 900 square feet. Garage may be attached to house or detached. (10) Shall have electrical meter base attached either to the garage or dwelling unit. (11) Shall have a roof with a nominal pitch of 3 feet in height for each twelve (12) feet in width.
DWELLING, SINGLE-FAMILY ATTACHED	Common-wall dwellings (townhomes and rowhouses) where each dwelling unit occupies a separate lot
	(1) Shall be occupied only for residential purposes
	(2) Shall have an enclosed garage or carport, whichever is commonly found in the surrounding area and its exterior covering and roof materials shall be the same as the main structure.

DWELLING UNIT	A single unit providing complete independent living facilities, designed for occupancy by one (1) family and including permanent provisions for living, sleeping, eating, cooking and sanitation.
FACILITIES	For the purposes of this Code, facilities are water, sewer, stormwater, telephone, cable, natural gas, electric, telecommunication facilities and broadband fiber conduit
FAMILY	An individual or two (2) or more persons related by blood, marriage, legal adoption or legal guardianship living together in one dwelling unit using one kitchen and providing meals or lodging to not more than two (2) additional persons excluding servants; or a group of not more than five (5) unrelated persons living together in one dwelling unit using one kitchen.
FENCE, SIGHT OBSCURING	A continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to provide a specified percentage of view-obscuring screens.
FINAL ACTION, FINAL DECISION, OR FINAL APPROVAL, (DATE OF)	Means any legislative, administrative, or quasi-judicial action that establishes the final determination of the City on any land use action by reducing said decision in writing.
FLOOR AREA	The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building or portion thereof, not provided with surrounding exterior walls, shall be the usable area under the vertical projection of the roof or floor above.
GRADE (GROUND) LEVEL	The average elevation of the finished ground level at the exterior of all walls of a building, except that if a wall is parallel to and within five (5) feet of a sidewalk, the sidewalk elevation nearest the wall shall constitute ground level.
HARDSCAPE	Permanent improvements to a site other than a building, including but not limited to, plazas, concrete planters, decks, sitting areas and other similar architectural features that include small unit pavers or concrete.
HIGH IMPACT RECREATION FACILITIES	Facilities which have the potential for creating significant impacts through traffic generation, noise, dust, chemical use, lighting, or other nuisance characteristics. High impact recreation facilities include, but are not limited to, sport complexes, stadiums, equestrian arenas, golf course and driving ranges, and swimming pools.
HOME OCCUPATION	A lawful business carried on by a resident of a dwelling where the business is secondary to the residential use of the property. See Veneta Municipal Code 5.05 for definitions and licensing requirements for businesses.

HORTICULTURE	The cultivation of crops, orchards, or gardens. Domestic horticulture involves plants grown for the people living on the property. Commercial horticulture involves plants that will be sold; either on-site or delivered to a buyer off-site. Farm stands and u-pick sales are temporary uses that may require a permit.
JUNKYARD	Any property used by a business that deals in buying, selling, trading, and storing, old motor vehicles, old motor vehicle parts, abandoned autos, or machinery or parts thereof, or appliances or parts thereof.
KENNELS	Any lot or premises on which three (3) or more adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care, whether or not for compensation. An adult dog is one that has reached the age of six (6) months.
LEGAL LOT	A lot or parcel created pursuant to ORS 92.010 to 92.190, a unit of land created in compliance with all applicable city land division regulations, or a unit of land created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinance or regulations in effect at the time of the deed or land sales contract.
LIMITED LAND USE DECISION	Means a final decision or determination made by the City of Veneta pertaining to a site within an urban growth boundary that concerns: (A) The approval or denial of a tentative subdivision or partition plan, as described in ORS 92.040; (B) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review. A Limited Land Use Decision does not mean a final decision made by the City of Veneta pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.
LOADING SPACE	An off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access
LOT	A single unit of land that is created by a subdivision of land
LOT AREA	The total land area, commonly measured in square feet, within the boundaries of a legal lot, exclusive of any street or alley rights-of-way.
LOT, CORNER	A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.

LOT, THROUGH	A lot having frontage on two parallel or approximately parallel streets other than alleys.
LINE, PROPERTY	The division line between two units of land
LOT LINE, FRONT	The lot line separating the lot from a street other than an alley and, in the case of a corner lot, the shortest lot line along a street other than an alley. For flag lots, the lot line abutting the pole portion of the lot. See also YARD, Front
LOT LINE, REAR	The lot line which is opposite and most distant from the front lot line.
LOT LINE, SIDE	Any lot line not a front or rear lot line. See also YARD, Side
LOT, FLAG	A lot or parcel that has the bulk of its area set back some distance from a road or street and that is connected to the road or street via a thin strip of land (i.e., the flagpole).
LOT WIDTH	The horizontal distance between the side lot lines, ordinarily measured parall to the front lot line. For irregular shaped lot, lot width shall be determined by measuring the maximum diameter of a circle that fits entirely within the property lines as shown below: 
MANUFACTURED DWELLING	Residential trailers constructed before January 1, 1962; mobile homes constructed between January 1, 1962 and June 15, 1976, which met Oregon construction standards then in effect; and manufactured homes constructed to federal standards. (Refer to definition of “dwelling, single-family” for siting and construction requirements.)

MANUFACTURED DWELLING PARK	Any place where two (2) or more manufactured dwellings are parked within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. A manufactured dwelling park has the same definition as a mobile home park. Manufactured dwelling parks within Veneta are required to register as a business each year.
MAP	A final diagram, drawing or other writing concerning a partition.
MEDICAL MARIJUANA FACILITY	A facility registered with the Oregon Health Authority under ORS 475.314 and OAR 333-008-1050 to: i. Accept the transfer of usable marijuana and immature marijuana plants from a registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility; or ii. Transfer usable marijuana and immature marijuana plants to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.
MOBILE FOOD VENDOR	A stand, van, cart, or other mobile unit intended for retail sale of food.
NONCONFORMING STRUCTURE, LOT OR USE	A lawful existing structure, lot or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the dimensional or similar standards of the zone in which it is located.
OPEN SPACE	Land area to be used for scenic or open recreational purposes within the development. Open space does not include street right-of-way, driveways, parking areas, required setbacks or public service easements unless these areas have some special recreational design or purpose.
OWNER	An individual, association, partnership, or corporation having legal or equitable title to land, other than legal title held for purpose of security only.
PARCEL	A unit of land that is created by a partitioning of land.

PARKING SPACE	An off-street enclosed or unenclosed surfaced area with minimum dimensions of eighteen (18) feet by nine (9) feet, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile and connected with a street by a surfaced driveway which affords ingress and egress for automobiles.
PARTITION	Either an act of partitioning land or an area or tract of land partitioned as defined in this section.
PARTITION LAND	To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the zoning ordinance.
PERSON	A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.
PLANNING COMMISSION	The Planning Commission of the City of Veneta, Oregon.
PROFESSIONAL OFFICE	An office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers or surveyors or persons engaged in similar occupations.
PROPERTY LINE ADJUSTMENT	The relocations of a common property line between two abutting properties. An adjusted property line created by the relocation of a common boundary shall be surveyed and monumented in accordance with ORS 92.065(3); a survey, complying with ORS 209.250, shall be filed with the county surveyor; and the property line adjustment shall be recorded with the Lane County Department of Deeds and Records.
PUBLIC AND SEMI-PUBLIC BUILDINGS OR USES	A building or use owned or operated by a religious, charitable or other non-profit organization; a public utility or any social agency such as a church, school, auditorium, meeting hall, hospital, club, nursing or care home, stadium, library, art gallery, museum, fire station, utility substation, cemetery, park, playground, sports field, bicycle or pedestrian way or community center.
QUASI-JUDICIAL	Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code. Quasi-judicial

	land use decisions involve a public hearing.
RECREATIONAL VEHICLE	A vacation trailer or other unit, with or without motive power, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes. It shall also include a camper placed on a pickup truck.
REDUCTION	A lessening in value, quantity, size, or the like.
REMODEL	The addition to, removal of or from, or physical modification or repair of an exterior part or portion of a building.
REPLAT	The act of plating the lots, parcels and easements in a recorded subdivision or partition plat to achieve a re-configuration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.
RESIDENTIAL FACILITY	Residential Facility with six (6) or more persons as defined by ORS 197.660.
RESIDENTIAL HOME	A residential treatment or training or adult foster home that provides residential care alone or in conjunction with treatment or training or a combination thereof as defined by ORS 197.660 for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.
RIGHT-OF-WAY	The right of passage or of way, which is a servitude imposed by law or convention, and by virtue of which one has the right to pass over or through the property of another as is set forth by its terms.
SERVICE STATION, AUTOMOBILE	A place or station designed and used primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles but excluding major repair and overhauling.
SHADOW PLAT	A future subdivision or partition concept plan approved by the city in conjunction with a request for interim development (often a single-family residence or partition). The shadow plat is not binding on either the property owner of the city; that is, the property owner would have to apply for tentative plat approval for future development proposals. Shadow plats are designed to ensure that an urban level of development will be possible when urban services become available.
SIGN	Any medium including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes.
SIGHT OBSCURING	To impede the visibility of an area by more than 75 percent through the use of fences, vegetation or other means.

STREET	A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land and including the term, "road," "highway," "lane," "avenue," "alley" or similar designations. (a) Alley A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street. (b) Arterial (Principal) Roadways in urbanized areas which serve the major centers of activity, the highest traffic volume corridors, the longest trip desires, and a high proportion of the total urban area travel (even though it may only constitute a relatively small percentage of the total roadway network). • Provides significant intra-area travel • Because of the nature of the travel served by the major arterial system, almost all are fully and partially controlled access facilities. • For major arterials, service to abutting land is subordinate to travel service to major traffic movements. (c) Arterial (Minor) Interconnects with and augments the principal arterial system. • Accommodates trips of moderate length at a somewhat lower level of travel mobility than major arterials. • Distributes travel to geographic areas smaller than the higher system does and offers lower traffic mobility. • May carry local bus routes and provide intracommunity continuity. Ideally, does not penetrate identifiable neighborhoods. (d) Collector provides both land access service and traffic circulation within residential neighborhoods and commercial and industrial areas. • Differs from Arterial system in that facilities on the collector system may penetrate residential neighborhoods, distributing trips from the arterials through the area to their ultimate destination. • Conversely, they collect traffic from the local streets in neighborhoods and channel it into the arterial system. (e) Cul-de-Sac (dead end Street) A local street, usually only a few hundred feet in length and closed at one end, designed to serve the interior of a subdivision or large tract of land. (f) Half Street A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision. (g) Limited Access Street A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic. (h) Local Street Streets that serve primarily to provide direct access to abutting land and access to the higher order systems. It offers the lowest level of mobility and usually contains no bus routes.

STRUCTURAL ALTERATION	Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or structural change in the roof or in the exterior walls.
STRUCTURE USE	That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner. The purpose for which land or a structure is designed, arranged or intended or for which it is occupied and maintained.
SUBDIVISION	Either an act of subdividing land or an area or tract of land subdivided as defined in this section.
SUBDIVIDE LAND	To divide land to create four or more lots within a calendar year.
TENTATIVE PLAN	A tentative plan is the plan of a subdivision or partition submitted to the City for approval under the provision of ORS 92 and Article 3 and Article 5 of the Land Division Ordinance.
VETERINARY HOSPITAL	A building, together with animal runs, in which veterinary services, clipping, bathing, boarding and other services are rendered to dogs, cats and other small animals and domestic pets.
WETLAND	Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.
YARD, BACK	A yard adjacent to a property line. See also LOT LINE, REAR
YARD, FRONT	A yard adjacent to a street and to the front entrance of a building. See also LOT LINE, FRONT.
YARD, SIDE	A yard adjacent to a property line. For a corner lot, the Side Yard (located at the side of a residence or structure) can also be adjacent to a street. See also LOT LINE, SIDE.