

CHAPTER 7: LAND USE AND DEVELOPMENT CODE

SECTION 7.2.2 - GENERAL DEVELOPMENT PROVISIONS

7.2.201 GENERAL STANDARDS

7.2.201.01 Minimum Requirements

In interpreting and applying this Code, these provisions shall be considered the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

7.2.201.02 Building Permits

- A. **Building Permits Required.** No building shall be constructed or structure erected without receiving the appropriate building permit. Building permit shall include electrical, mechanical, structural, foundation and similar types of permits issued by the appropriate building codes agency.
- B. **Completion of a Structure.** Residential structures shall be completed within one year of beginning construction. Public, commercial or industrial structures shall receive a certificate of occupancy within two years of beginning construction. A structure not completed within the required time period of beginning construction shall constitute a violation of this Code and is subject to the violation provisions in Section 7.1.102.05.

7.2.201.03 Lots of Record

- A. **Legal Lot.** A parcel is a legal lot of record for purposes of this Code when the lot conforms to all zoning requirements, subdivision requirements, and Comprehensive Plan provisions in effect on the date when a recorded deed or contract creating the separate lot or parcel was signed by the parties to the deed or contract.
- B. **Separate Legal Lot.** A lot or parcel which is a separate legal lot or parcel prior to the adoption of this Code shall remain a separate legal lot regardless of ownership.
- C. **Development of a Lot of Record.** The use or development of any legal lot of record shall be subject to the regulations applied to the property when such development or use begins, irrespective of the lot width, street frontage, depth or area, but subject to all other regulations.

7.2.201.04 Access to a Public Street

Access Required. All uses shall be located on property having access to a public street. Access to a public street is defined as a minimum of 20 feet of frontage on one of the following:

- A. Public Street. A public street with a right-of-way not less than 20 feet wide that has been graveled or paved and is open for public use to the property.
- B. Private Street. A private street not less than 20 feet wide graveled or paved and open for use to the property prior to the date this Code is adopted and connecting with a public street qualifying under item 1., above.
- C. Private Access Easement. A private access easement of not less than 20 feet in width where the access easement connects the property to a public street and the easement is improved to the minimum standards of this Code.

7.2.201.05 Unsafe Building

Nothing in this Code shall prevent the strengthening or restoring to a safe condition any building or structure declared unsafe by a proper authority.

7.2.201.06 Structures to be on a Lot

All structures and uses shall be entirely situated on a single lot with the following provisions and exceptions:

- A. Condominiums. Structures allowed under the Unit Ownership law (ORS 91.400 et seq.) shall be exempt from this requirement.
- B. Zero Lot Line. Buildings which are attached at a common property line, but which meet all requirements of the Building Code as separate buildings, shall be considered separate.
- C. Placement on Two or More Lots or Parcels. Where a structure is placed on two or more separate lots or parcels under single ownership so that the structure overlaps a common boundary or encroaches on required yards along the common boundary, the separate lots shall be considered a single lot for the purpose of this Code. Nothing in this provision permits the placement of buildings on a easement.

7.2.201.07 Division or Alteration of Lots

In addition to any partitioning or subdivision requirements in the Code, no lot held under separate ownership shall be divided or altered so that it does not meet the requirements in this Code. If a lot does not meet requirements at the time this Code is adopted, it shall not be divided or altered in such a manner that the lot is less in conformity with these regulations in any respect.

7.2.202 GENERAL EXCEPTIONS

7.2.202.01 Building Height Limitations

Projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, flagpoles, and other similar features not used for human occupancy are not subject to the building height limitations of the underlying zone unless otherwise specified in supplemental standards for special uses. *Amended ORD 608 effective 10/06/11*

7.2.202.02 Additions to Existing Structures

Additions to the primary structure which do not comply with yard setback requirements of the underlying zone shall be allowed, provided the setback distance will not be decreased by the addition, and, the addition conforms to all other provisions of the zoning district.

7.2.202.03 Public Dedications

Setback restrictions of this Code shall not apply to existing structures whose setback is reduced by a public dedication. Additions to such structures shall be allowed subject to Subsection 7.2.202.02.

7.2.203 PERMITTED USES GENERALLY

7.2.203.01 Permitted Uses

The following uses and activities are permitted in all zones:

- A. Utility Facilities. Placement and maintenance of underground or above ground wires, cables, pipes, guys, support structures, pump stations, drains, and detention basins within rights-of-ways by public agencies and utility companies for telephone, TV cable, or electrical power transmission, or transmission of natural gas, petroleum products, geothermal water, water, wastewater, sewage and rainwater.
- B. Railroad Tracks. Railroad tracks and related structures and facilities located within rights-of-ways controlled by railroad companies.
- C. Street Improvements. Surfaced travel lanes, curbs, gutters, drainage ditches, sidewalks, transit stops, landscaping and related structures and facilities located within rights-of-ways controlled by a public agency.
- D. Public Right-of-Way Expansion. Expansion of public right-of-way and widening or adding improvements within the right-of-way, provided the right-of-way is not expanded to more width than prescribed for the street in the Public Facilities segment of the Comprehensive Plan.

7.2.203.02 Permitted Residential Accessory Structures and Uses

The following accessory uses shall be permitted in all residential zones subject to the following limitations and requirements:

- A. Accessory Structures and Uses. The following accessory structures and uses are permitted on a lot in any zone in conjunction with a permitted dwelling:
 - 1. Decks and patios, open, covered or enclosed (see setback provisions in Section 7.2.3).
 - 2. Storage building for fire wood, yard maintenance equipment or tools,; or, personal property not used in conjunction with any commercial or industrial business other than a home occupation.
 - 3. Green house or hobby shop.
 - 4. Swimming pools, hot tubs, and saunas.
 - 5. Pets, including and outdoor shelters or runs.
 - 6. Fall-out shelters.
 - 7. Garages and carports.
- B. Fences. Fences are a permitted accessory or secondary use in all zones subject to the requirements in Section 7.2.308.

- C. Residential Office. One manager's office of 500 square feet or less for rental of dwellings is a permitted accessory use in the R-2 and R-3 zones, provided the office is located in the building containing dwelling units.
- D. Agricultural Uses. Agricultural uses, consistent with ORS 215 and including the keeping of livestock, shall be permitted.

7.2.203.03 Permitted Non-Residential Accessory Structures and Uses

- A. Accessory buildings in conjunction with any commercial or industrial business.
- B. Fences. Fences are a permitted accessory or secondary use in all zones subject to the requirements in Section 2.308.
- C. Retail Space. Retail sales or offices in a building in conjunction with a use in an industrial zone provided:
 - 1. The sales or office area shall not occupy more than 40 percent of the area of the industrial use.
 - 2. The accessory use shall be located on the same lot as the primary use.
- D. Mobile Classrooms. Mobile classrooms are a permitted accessory use in conjunction with established elementary or secondary schools.

7.2.203.04 Permitted Temporary Uses

- A. Temporary Construction Facilities. Mobile offices, temporary power equipment and temporary structures to house personnel and store equipment during construction, provided the structures are not used as dwellings.
- B. Yard Sales and Auctions. Yard sales in any residential zone, and auctions in Commercial and Industrial zones, provided there are not more than 3 sales in a calendar year with each sale not to exceed three consecutive days. Merchandise and signs shall remain on private property.

7.2.204 NONCONFORMING USES

7.2.204.01 Continuation

A nonconforming use may be continued although not in conformity with the regulations for the zone in which the use is located.

7.2.204.02 Discontinuation

If a nonconforming use is discontinued for a period of more than 180 consecutive days, the use shall not be resumed unless the resumed use conforms with the requirements of the Code. This provisions does not apply to temporary seasonal uses as allowed under Section 7.2.412.

7.2.204.03 Restoration

If a nonconforming use is damaged or destroyed by fire, other casualty or natural disaster, such use may be restored or replaced provided physical restoration or replacement is lawfully commenced within one year of the damage or destruction. The City may administratively grant a one time, one year extension to this requirement.

7.2.204.04 Alteration and Change of Use

- A. The alteration of any nonconforming use when necessary to comply with any lawful requirement for alteration of the use or structure shall be permitted, subject to all other laws, codes and regulations.
- B. Alterations or changes of a nonconforming use or structure may be permitted to reasonably continue the use. Such alterations or changes are subject to a Type I Minor Variance procedure. In addition to the requirements for a Minor Variance, the proposal shall comply with the following criteria:
 - 1. The change in the use, structure or physical improvements will have no greater adverse impact to the neighborhood than the existing use, structure or physical improvements.
 - 2. Any alteration or change shall not substantially increase the nonconformance of the subject use or structure.

7.2.204.05 Exemptions

- A. Residences. Non-conforming single family homes may be replaced within one year of the date of destruction without the need to comply with the requirements and procedures in Section 7.2.204.04.
- B. Historical Structures. Identified historical structures or sites shall be exempt from all non-conforming provisions in this Section.